

## CHAPTER II. ANIMAL CONTROL AND REGULATION

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### 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, 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 - mean 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 canis familiaris, regardless of sex.

(i) Fowl - means all animals that are included in the zoological class aves.

(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) Kennel - means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, three or more dogs.

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

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

(q) Own - means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal, including but not limited to cats, dogs, exotic animals, fowl and livestock. 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.

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

(s) 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.

(t) Veterinarian - means a doctor of veterinary medicine licensed by the State of Kansas.

(Code 1985)

2-102. ANIMAL CONTROL OFFICER. There is hereby created the position of animal control officer for the city and such officer shall be charged with the enforcement of this chapter. Any person employed by the city as an animal control officer and commissioned by the governing body shall have such powers and authority as allowed by law in the enforcement of this chapter. All animal control officers shall be subject to the supervision and direction of the governing body of the city.  
(Code 1985)

2-103. SAME: LIVE TRAPS, TRANQUILIZER GUN, KILLING AUTHORIZED.  
(a) 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 place a humane trap on the property if the resident requests such a trap for the purpose of capturing any animal defined in this chapter creating a nuisance in the city.  
(b) The animal control officer shall be authorized to use a tranquilizer gun in the enforcement of this chapter.  
(Code 2006)

2-104. SAME: RIGHT OF ENTRY. The animal control 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 code. (Code 2006)

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. 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 all unwanted and wanted animals. (C.O. 1971, 2-102; Code 1985)

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 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 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.

Breaking pound is a violation of this code.  
(Code 2006)

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 of this code.

(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; provided, however, that 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;

A violation of this section is a violation of this code.

(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.

Any person failing to comply with the requirements of the animal control officer shall be guilty of a Class C violation.

(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 2006)

2-108. SAME: EXCEPTIONS. The provisions of section 2-107 shall not apply to:

(a) Normal or accepted veterinary practices;

(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 a public health 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.

Any person failing to comply with the requirements of the animal control officer or law enforcement officer shall be guilty of a violation of this code.

(Code 2006)

2-109. KEEPING LIVESTOCK; UNLAWFUL ACTS. It shall be unlawful for any person to keep, harbor or maintain any domestic animal or livestock in the city on any lot or tract of ground, or in any enclosure or building, located within 300 feet of any house or residence of any person other than the owner, harbinger or keeper of such animal. Nothing in this section shall be construed to prevent the transportation of animals into or through the city and the keeping of animals within any stockyards lawfully operating within the corporate limits. (C.O. 1971, 2-107)

2-110. SWINE; REARING, KEEPING. It shall be unlawful for any person to rear or keep any swine in the city. (C.O. 1971, 2-108)

2-111. 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 1985)

- 2-112.            NUISANCE; ANIMAL ACTIVITIES PROHIBITED. It shall be unlawful for the owner of any animal to fail to take all reasonable measures to keep such animal from becoming 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 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. A violation of this section is a violation of this code.  
(Code 2006)
- 2-113.            NOISY ANIMALS. The keeping, or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewing, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited and declared to be a public nuisance and unlawful under this chapter. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the nuisance, and if he or she fails to do so, the city may abate the nuisance, by taking up, impounding and/or disposing of the animal at the expense of the owner.  
(Code 1985)
- 2-114.            ANIMAL CONFINES. (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 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.
  - (c) All animal pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.
  - (d) All premises on which animals are kept shall be subject to inspection by the animal control officer, duly authorized police 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 1985)
- 2-115.            DEATH OF ANIMALS. All dead animals shall be disposed of by their owner or keeper within 24 hours, 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 1985)

- 2-116. VIOIOUS ANIMALS. (a) Prohibited: It shall be unlawful for any person to keep, possess or harbor a vicious animal within the city. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the animal control officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the animal control officer or his or her agent to impound such animal.
- (b) Defined: For purposes of this chapter a vicious animal shall include:
- (1) 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; or
- (2) Any animal which attacks a human being or domestic animal without provocation;
- (3) 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 law enforcement officer while such officer is engaged in the performance of official duty.
- (c) Vicious Dogs to be Muzzled: It shall be the duty of every owner, keeper or harborer of any dog in the city, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the city, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping or harboring any dog within the city limits contrary to this section shall be guilty of a violation of this code.
- (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 animal shall not be released except on the order of the municipal judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. When any animal remains unclaimed for 72 hours after its release has been authorized by the municipal judge, the judge may, upon making a finding that such 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.
- Keeping or harboring a vicious dog is a Class C violation.  
(Ord. 757, Sec. 4; Ord. 1011, Sec. 1; Code 2006)

- 2-117. 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 sections 2-118:119 or 2-205 of this chapter. (Ord. 1011, Sec. 1; Code 2006)

- 2-118. SAME: IMPOUNDMENT. The animal control officer or police officer shall impound any animal or fowl found at large in the city or otherwise creating a nuisance 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. Any impounded dog or pup which has not been claimed within the three day limit as hereinafter provided may be sold to any person or be given to the Douglas County Humane Society and that person shall be required to have the dog duly registered and inoculated as provided for in this article. The city shall be entitled to receive from such owner the actual cost of feeding and maintaining the animal while impounded. In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the animal shall be considered a stray.

(a) If the dog so impounded has no current registration tag, it shall be kept for three days and if within that same time the owner does not appear to claim such dog, it may be sold, euthanized or otherwise disposed of. If within three days of the impoundment date, the owner, shall appear and claim such dog, the dog shall be turned over to the person claiming it upon payment of an impounding fee of \$25.00, if picked up within 24 hours, and \$8.00 for each additional day or portion thereof the dog remains impounded, and upon compliance with the requirements of this article.

(b) If the dog so impounded has a current registration tag attached to it, the owner of such dog, as shown by the records of the city clerk or agent, shall be notified as soon as possible within a three day impoundment period. If at the end of three days, the animal control officer has been unable to locate the owner or the owner refuses to claim or redeem the dog, then the dog may be solid, euthanized, or given to the Douglas County Humane Society.

(c) If the dog so impounded does not have a current registration tag and a rabies vaccination certificate, and the same is reclaimed by the owner, then the city clerk or agent shall give the owner a registration form and a duplicate of which shall be presented to the animal control officer and such owner shall pay all impounding fees and register and have the dog vaccinated. If the owner has not complied within five days, the dog shall be subject to disposal or given to the Douglas County Humane Society.

(Ord. 1011, Sec. 1; Code 2006)

2-119. IMPOUNDMENT OF RABIES SUSPECTS. Any law enforcement officer or local health 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 health officer 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 1985)

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 local health officer and/or 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 local health officer, 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 1985)

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. (Code 1985)

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 muzzle or 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 duly authorized animal officer of the city. The owner of such animal shall be prosecuted for such violation thereof.

(Code 1985)

## ARTICLE 2. DOGS AND CATS

2-201.

REGISTRATION; VACCINATION; TAX. (a) Every owner of any dog over three months of age shall register his or her name with the name, sex and description of each dog, provided that all dogs belonging to the same household shall be registered in the name of the head of such household, and provided further, that if such household contains more than two dogs, then the city clerk shall collect a registration of \$10.00 for each additional dog. Replacement tags shall be issued for ½ price of current tags.

(b) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document.

(c) The owner or harbinger of any dog shall, at the time of applying for a license, present to the city clerk a certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed. Failure to register and inoculate a dog(s) is in violation of this section and a Class C violation.

(d) The city clerk shall collect an annual tax of \$5.00 for each spayed/neutered dog, and \$10.00 for each non-spayed/neutered dog.

(e) The license year shall be from January 1st through December 31st of each year. The fee shall be payable before January 1st and January 31st of each year. The dog owner shall register all dogs owned by him or her at the office of the city clerk or agent during this time without penalty.

(f) Late registration fees of \$2.00 shall be collected by the city clerk or agent for each month in which the owner fails, neglects, or refuses to pay the registration fee. Any person owning a dog shall have 30 days to register such dogs; and provided further, that new residents of the city or persons acquiring a dog or owning a dog that attains age of registration after January 1st of any year, shall have 30 days in which to register such dog at the regular fee as set out in this section. If registered after July 1st, then the fee shall be ½ the regular fee as set forth in this section. Failure to register is a Class C violation.

(Code 2006)

2-202.

DOG TAGS. It shall be the duty of the city clerk or designated agent, upon receipt of the license tax herein before 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 licensed year thereon, which shall be by the owner or keeper attached to the collar to be used on the dog so registered. When it shall be made to appear to the city clerk that any tag has become lost, he or she shall, upon presentation of the certificate, issue a duplicate of such tag upon the payment of ½ in which they paid for the current dog tag. It shall be unlawful for any person to counterfeit city dog tags, take off or remove the city license tag from any dog belonging to another, or remove the strap or collar on which the same is fastened. Failure to exhibit a tag on the dog is a Class C violation. (Code 2006)

- 2-203. 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. (Code 1985)
- 2-204. REDEEMING DOG; FEES. Any person desiring to redeem a dog impounded as provided by this article shall do so upon payment as follows:
- (a) The owner or owners of any dog with the license is to be fined for the following offenses for permitting his or her dog to run at-large, to wit: First offense - \$20.00, Second offense - \$20.00, third and subsequent offenses - \$50.00, and that the fines are to be based upon a calendar year. The owner or owners of any dogs running at-large that have no license are to be fined in the following amounts, to-wit: First offense or first time - \$30.00, second offense -\$30.00, third offense and subsequent offenses - \$60.00 per calendar year. The owner or owners shall be responsible for payment of the fines and penalties.
  - (b) In all cases, any person redeeming an impounded dog shall pay to the city clerk the sum set by the impound facility for each day or any portion thereof that the dog is impounded to defray the cost of maintenance.
  - (c) Before any dog shall be released from impoundment, it will be necessary that the owner, harbinger or keeper purchase a dog tag, if not previously done, to pay the impounding fee and to furnish a receipt from a veterinarian showing that the dog has been vaccinated for rabies.
  - (d) Upon the owner, keeper, or harbinger furnishing information as previously mentioned herein and paying the cost of the dog tag, the receipt showing the shots and the impounding charges, the city clerk shall then issue a release which will be furnished to the person in charge of impounding the dog, authorizing that the dog may then be released. No dog is to be released until a release slip has been obtained from the office of the city clerk authorizing the release of the dog so impounded. (Code 2006)
- 2-205. IMPOUNDMENT. Any dog found in violation of the provisions of this article shall be subject to impoundment by the city. 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 and place of impoundment, public notice of such posted in the city hall within 24 hours of taking such dog into custody.
- (a) If the dog impounded has a current registration tag attached to its collar, the owner of such dog, as shown by the records of the city clerk shall be notified in writing as soon as possible. If, at the end of five days the city clerk has been unable to locate the owner, or the owner, upon having been located, refuses to claim or redeem said dog, then the dog may be sold, euthanized or given to the Douglas County Humane Society.
  - (b) If the dog impounded has no current registration tag, it shall be kept for three full business days. If within that time the owner does not appear to claim the dog it may be sold, euthanized or given to the Douglas County Humane Society.
  - (c) If within the impounding period, 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 the actual costs of impoundment, and upon compliance with the registration provisions of this article.
  - (d) Any dog impounded may not be released without a current rabies vaccination.

(e) 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.

(C.O. 1971, 2-206,2-209; Ord. 1011, Sec. 1; Code 2006)

2-206.

**KENNEL LICENSES.** (a) No person or household shall own or harbor more than four dogs of six months of age or older or more than one litter of pups, or more than four cats of more than six months of age or more than one litter of kittens, or more than a total of four dogs and four cats more than six months of age or engage in the commercial business of breeding, buying selling, trading, training, or boarding cats or dogs or both cats and dogs, without having obtained a kennel license from the city clerk.

(b) Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been by the animal control officer certifying approval of the kennel and compliance with the applicable laws of the city and the 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 kennel license at the same location without any report from the animal control officer and zoning code enforcement officer. If the animal control officer or 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 of 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 shall report such fact to the city clerk, and the license shall not be renewed except after a public hearing before the city council.

(c) The animal control officer, the zoning enforcement officer, or any law enforcement officer shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall constitute consent to such entry and inspection.

(d) The city council 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, or of the city.

(2) The kennel is maintained so as to be a public nuisance.

(3) The kennel is maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee shall be \$25.00. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this article.

(f) 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.

(C.O. 1971, 2-215:218; Code 1985)

2-207.

**CONFINEMENT OF DOGS IN HEAT.** Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other dog or dogs may gain voluntary access to the confined animal except for purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not

properly confined, or any such animal that is creating a neighborhood nuisances, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals removed to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement. Failure to comply with the order of the animal control officer shall be a violation of this article, and the animal will then be impounded by this chapter. A violation of this section is a Class C misdemeanor. (Ord. 1011, Sec. 1; Code 2006)

2-208.

DISPOSITION OF UNCLAIMED DOGS. (a) If any dog is not redeemed by its owner or harborer within the time allowed for redemption as specified in section 2-204 thereof, the animal control officer, any authorized law enforcement officer, any authorized veterinarian or any duly authorized pound personnel may destroy such dog or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year.

(b) No dog may be transferred to the permanent custody of a prospective owner unless:

(1) Such dog has been surgically spayed or neutered before the physical transfer of the dog occurs; or

(2) the prospective owner signs an agreement to have the dog spayed or neutered and deposits with the city not less than the lowest nor more than the highest cost of spaying or neutering in the community as determined by the city. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the dog, the city shall keep the deposit and may reclaim the unspayed or un-neutered dog.

(c) Nothing in this section shall be construed to require sterilization of a dog which is being held by the city and which may be claimed by its rightful owner within the holding period established in section 2-207.

(Code 2006)

### 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) Crocodylians, 30 inches in length or more.
- (10) Constrictor snakes, six feet in length or more.
- (11) Coyotes.
- (12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- (13) Elephants.
- (14) Hippopotami.
- (15) Hyenas.
- (16) Jaguars.
- (17) Leopards.
- (18) Lions.
- (19) Lynxes.
- (20) Monkeys.
- (21) Ostriches.
- (22) Pumas; also known as cougars, mountain lions and panthers.
- (23) Raccoons.
- (24) Rhinoceroses.
- (25) Skunks.
- (26) Tigers.
- (27) 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 1985)

### ARTICLE 4. PIT BULL DOGS

2-401. ANIMALS; KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the city;

(a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets, and small rodents of varieties used for laboratory purposes).

(b) Any animal having poisonous bites.

(c) Any pit bull dog; except as provided in section 2-402; Pit bull dog is defined to mean:

(1) The bull terrier breed of dog;

(2) Staffordshire bull terrier breed of dog;

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

(4) The American Staffordshire terrier breed of dog;

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

(6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(Ord. 757, Sec. 2)

2-402. KEEPING OF REGISTERED PIT BULLS. The provisions of section 2-401 are not applicable to owners, keepers or harborers of pit bull dogs licensed and registered with the city as of March 26, 1986. The keeping of such dogs, however, shall be subject to the following standards:

(a) Leash and Muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals

(b) Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows are the only obstacle preventing the dog from exiting the structure.

(d) Signs. All owners, keepers or harborers of registered pit bull dogs within the city shall within 10 days of March 26, 1986 display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(e) Insurance. All owners, keepers or harborers of registered pit bull dogs must within 10 days of March 26, 1986 provide proof to the city clerk of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or persons or for damage to property owned by any person which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is first given to the city clerk.

(f) Identification Photographs. All owners, keepers or harborers of registered pit bull dogs must within 10 days of March 26, 1986 provide to the city clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(g) Reporting Requirements. All owners, keepers or harborers of registered pit bull dogs must within 10 days of the incident, report the following information in writing to the city clerk as required herein:

- (1) The removal from the city or death of a registered pit bull dog;
- (2) The birth of offspring of a registered pit bull dog;
- (3) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(h) Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of a pit bull dog registered within the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.

(i) Animals Born of Registered Dogs. All offspring of pit bull dogs registered within the city must be removed within six weeks of the birth of such animal.

(j) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog registered within the city as a pit bull dog or any of those breeds prohibited by this article is in fact a dog subject to the requirements of this section.

(k) Failure to Comply. It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered within the city to fail to comply with the requirements and conditions set forth in this article. Any dog found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

(Ord. 757, Sec. 3)

2-403.

**VIOLATIONS AND PENALTIES.** Any person violating or permitting the violation of any provision of this article or section 2-115 shall upon conviction in municipal court be fined a sum not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. In addition, the court shall order the registration, if registered, of the subject pit bull revoked and the dog removed from the city. Should the defendant refuse to remove the dog from the city the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and

impoundment of the animal. Each day that a violation of this article or section 2-115 continues shall be deemed a separate offense. In addition, to the foregoing penalties, any person who violates this article or section 2-115 shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article or section 2-115.  
(Ord. 757, Sec. 6)

2-404.           BOND FORFEITURE. The bond that is provided in section 2-116 of this article shall be for a period of one year and shall be held by the city clerk or agent and no interest shall incur to the benefit of any person posting such bond during the period of the bond. Upon the failure of any person to reclaim the cash bond within 60 days following its expiration shall be deemed a forfeiture and the bond shall be paid to the city treasurer and paid to the general operating fund of the city.  
(Ord. 1011, Sec. 1; Code 2006)