

## 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, 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 canis familiaris, 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) Kennel - means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than three (3) dogs.

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

(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 2010)

2-102. ANIMAL CONTROL OFFICER; DUTY TO IMPOUND; CITATION ALTERNATIVE. (a) 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 chief of police of the city 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 chief of police of the city.

(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, within 10 days, appear in the municipal court of the city to answer the charged violation of this chapter. (Code 2010)

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 firearms 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 2010)

- 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 2010)

- 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 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 2010)

- 2-106. BREAKING POUND. It shall be unlawful for any person other than a duly authorized officer of the city to break or attempt to break open the pound, or any enclosure used for impounding dogs or to take or let out any dog placed therein by any officer of the city or to take or attempt to take from any officer of the city any dog taken up by him or her under the provisions of this article, or in any manner to interfere with or hinder any such officer in chasing, taking up or impounding any dog.  
(Ord. 1213, Sec. 14; Code 1999, 2-213)

- 2-107. CRUELTY TO ANIMALS. It shall be unlawful for any person to:  
(a) Intentionally abandon or leave any animal in any place without making provisions for its proper care;  
(b) Have physical custody of any animal and intentionally fail to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;  
(c) Intentionally use a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; or  
(d) Intentionally cause any physical injury other than acts constituting a felony as defined in K.S.A. 21-4310, and amendments thereto  
(e) 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 2013)

- 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, or by any officer or agent of an incorporated humane society, operator of an animal shelter or pound, a local or state health officer or a veterinarian three business days following the receipt of any such animal at such society, shelter or pound;
  - (f) With respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;
  - (g) The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;
  - (h) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;
  - (i) Laying an equine down for medical or identification purposes;
  - (j) Normal or accepted practices of pest control, as defined in K.S.A. 2-2438a and amendments thereto.
- (Code 2013)
- 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 2010)
- 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 2010)

- 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 harborer 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 2010)

- 2-112. 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. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition, and if he or she fails to do so, the city may abate it by taking up, impounding and/or disposing of the animal at the expense of the owner.  
(Code 2010)

- 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) Barbed wire fences and electrically charged fences 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 charged 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 2010)

- 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 the provisions of chapter 8 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 2010)

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 2010)

2-115. VICIOUS 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 owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting;

(4) 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) 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.

The municipal judge shall order the impoundment, the muzzling in accordance with subsection (d) and/or the confinement of the animal accused of being in violation of this section in a manner and location that will insure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling or otherwise safe confinement is not possible or if prior court orders to restrain such animal have gone unheeded, the municipal judge may order the animal immediately destroyed.

(d) Vicious Dogs to be Muzzled: It shall be the duty of every owner, keeper or harbinger 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.

(e) 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.

(f) 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. 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.

(Code 2010)

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 2-208 (dogs). (Code 2010)

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, as set by policy of the governing body, 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 city clerk showing the number of animals impounded and disposed of, and the fees collected pursuant to this article and shall pay those fees to the city clerk for credit to the general operating fund.

(Code 2010)

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 animal control officer or any person in charge, the impounding fee and all costs incurred as a result of such impoundment. (Code 2010)

2-119.           **CONFINEMENT OF RABIES SUSPECTS.** (a) Any dog or cat which is suspected of having rabies or any dog or cat which has bitten a human being and has thereby caused a laceration of the skin of such human being, shall be seized and confined in the city pound or in a veterinary hospital for a period of 10 days. In lieu of such confinement, the owner of any dog or cat which has been properly immunized and licensed may be permitted to confine such dog or cat away from the public for a like term.

          (b) Any dog or cat bitten by a known rabid animal shall be seized and confined as provided in subsection (a).

          (c) All expenses incurred during the period of confinement of any dog or cat in a veterinary hospital as required by this section, including any pathological studies required for proper diagnosis, shall be paid by the owner of the dog or cat.

          (d) No dog or cat suspected of having rabies shall be removed from the city until released from confinement by the city health office after veterinary examination. (Ord. 1213, Sec. 10; Code 1999, 2-209)

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 2010)

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 2010)

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 2010)

2-123.

**KENNEL LICENSES.** (a) No person or household shall own or harbor more than three (3) dogs of six months of age or older or more than one litter of pups, or more than three (3) cats of more than six months of age or more than one litter of kittens, or more than a total of five (5) dogs and cats more than six months of age in any combination, 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 issued by a designated employee certifying approval of the kennel and compliance with the applicable laws of the city and the State of Kansas, and a certificate 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 additional inspection report. If the individual completing the inspection 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 governing body.

(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 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, 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 set by policy of the governing body. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this chapter.

(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.

(Code 2010)

## ARTICLE 2. DOGS

- 2-201. DEFINITION; HARBORER. Any person who shall allow any dog, dogs, cat or cats to habitually remain or to lodge or be fed within his or her home, store, yard, enclosure or place of business or any other premises in which he or she resides or controls shall be considered as harboring such dog, dogs, cat or cats within the meaning of this article. Also, any person owning, keeping or harboring a dog or cat within the limits of the city for three consecutive days shall be deemed the owner thereof. (Ord. 1213, Sec. 2)
- 2-202. REGISTRATION REQUIRED; FEES. The owner, keeper or harborer of any dog or cat over six months of age shall cause the name, sex and description of such dog or cat to be registered by the city clerk, and shall each year pay to the city clerk a registration fee in the amount of and at the times following: Registration fees shall become due and payable on and after the first day of January and until January 31st of each year. The fee shall be \$2.00 for each neutered male or female dog or cat and \$5.00 for each male or female dog and cat who are not neutered. If the registration fee is not paid by February 1st of the year involved, a penalty of \$0.50 shall be added for each calendar month or fraction thereof during which the same remains unpaid and delinquent. (Ord. 1213, Sec. 3)
- 2-203. ISSUANCE OF DOG AND CAT LICENSES. It shall be the duty of the city clerk to procure at the expense of the city, such number of suitable tags, numbered serially, with the license year thereon, for the purpose designated in section 2-202 of this article, as may be necessary. It shall also be the duty of the city clerk to procure and maintain a suitable register in which the clerk shall keep a record of the names and addresses of all persons to whom licenses are issued together with the names and description of the dogs or cats licensed, and the number of the checks or tags given. (Ord. 1213, Sec. 4)
- 2-204. VACCINATION REQUIRED. The rules and regulations governing the vaccination of dogs and cats as follows:
- (a) Every dog or cat of the age of six months or over, within the corporate limits of the city, shall be immunized against rabies and shall remain so effectively immunized. The owner or harborer of each such dog or cat shall, upon request by proper authority, including the animal control officer of the city, a police officer or an officer of the Phillips County Sheriff's Department, produce a certificate from a licensed, accredited veterinarian, attesting to the dog or cat's current immunity against rabies.
  - (b) Before any such dog, dogs, cat or cats shall be registered, as aforesaid, the owner, keeper or harborer thereof shall produce and exhibit to the city clerk, a certificate of some registered veterinarian showing that such dog, dogs, cat or cats has or have been vaccinated against rabies.
  - (c) The chief of police and/or animal control officer, upon evidence or rabies in the city or vicinity thereof, shall have the authority to require the vaccination of all dogs, cats, other pets and animals within the city. One publication in the official city paper or a written notice to the owners or harborers thereof shall be considered sufficient notice.
- (Ord. 1213, Sec. 5; Code 1999, 2-204)

- 2-205. TAGS. Each person so registering a dog or cat as above required shall at all times cause such dog or cat to wear a suitable metallic check or tag furnished by the dog or cat's assigned number and year of registration. In case of the loss of any tag, the city clerk shall, upon presentation of the receipt originally issued and the payment of \$1.00, issue a duplicate tag. No person shall place upon any dog or cat a tag other than the one given for the particular dog or cat for which it is issued under the registration certificate. (Ord. 1213, Sec. 6)
- 2-206. RULES AND REQUIREMENTS. The owner, keeper or harbinger of any dog, dogs, cat or cats shall conform to the following rules and requirements:
- (a) No dog, dogs, cat or cats shall be permitted to run at large at any time in the city.
  - (b) All dogs and cats shall be confined on the premises of the owners except that such dogs or cats may be taken out on a chain or leash.
  - (c) Each and every dog, dogs, cat or cats which trespass upon public property or private property of any person other than the owner, keeper or harbinger of such dog, dogs, cat or cats, are hereby declared a nuisance and each such dog, dogs, cat or cats shall be subject to be impounded.
  - (d) Neither a dangerous or vicious dog or cat nor a dog or cat which by loud, frequent barking, caterwaul, howling or yelping, disturbs any person or neighborhood shall be kept or harbored within the corporate limits of the city.
  - (e) The owner or those persons in control of any dog or cat which becomes afflicted with any type of disease or illness shall be responsible for the immediate and proper care and treatment or disposal of such dog or cat. If any dog or cat has any contagious disease, including ringworm, such dog or cat shall be properly confined and/or quarantined in such a manner so as to not allow the disease to spread to other persons and animals.  
(Ord. 1213, Sec. 7)
- 2-207. 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 2010)
- 2-208. 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, 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 set by policy of the governing body.

(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 2010)

2-209. OWNER TO BE CITED. In the case of any dog running at large which cannot be captured or taken up by the animal control officer appointed for that purpose, and where ownership can be established, the owner of the dog shall be given a summons for allowing the dog to run loose and the owner shall be subject to the penalty as provided in section 2-117. (Ord. 1213, Sec. 8; Code 2009)

2-210. ABANDONING DOGS OR CATS UNLAWFUL. It shall be unlawful for any person or persons to bring within the city limits, any dog or dogs, cat or cats, or other animals and abandon the same and allow them to run at large in the streets, alleys and public places in the city. (Ord. 1213, Sec. 9; Code 1999, 2-208)

2-211 VICIOUS DOGS AND CATS. (a) Definition of Terms. As used in this section:

(1) Owner means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog and/or cats.

(2) Vicious dog or cat means:

(A) Any dog or cat with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(B) Any dog or cat which because of its physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this article; or

(C) Any dog or cat which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal.

(b) Penalties. Whoever violates any provision of this section shall be guilty of a misdemeanor and may be punished by a fine and/or the court may order humane destruction of the vicious dog, if the court finds, based upon frequency or severity of any injuries to a human being or domestic animal caused by the vicious dog, that

confinement pursuant to this section is not likely to prevent future harm to human beings or domestic animals.

(Ord. 1213, Sec. 11; Code 1999, 2-210)

2-212. DANGEROUS DOGS AND CATS. The police officers and/or animal control officer of the city, at any time in an emergency situation where there exists the possibility of personal injury to any person(s) and where the animal(s) involved cannot be reasonably and safely taken into custody, may kill, without notice, any dog and/or cat. (Ord. 1213, Sec. 12; Code 1999, 2-211)

2-213. IMPOUNDING DOGS AT LARGE; NOTICE; FEES; REDEMPTION; DISPOSITION. (a) It shall be the duty of the police officers of the city or other persons duly appointed by the city governing body, to immediately take into custody and impound any dog found running at large in the city contrary to this article.

If taken into custody and impounded, the dog shall be kept for 72 hours and if claimed by any person, shall be delivered to such claimant upon satisfactory proof that he or she is the owner or is entitled to possession thereof and upon payment of the following fees and charges:

(1) The impounding fee for feeding and caring for such dog shall be set by resolution or ordinance of the governing body.

Provided further, that if any dog so impounded does not have a current registration tag and a rabies vaccination certificate, and the same is reclaimed by the owner, such owner shall have three days in which to comply with sections 2-202:204 of this article. If the owner redeeming the dog fails to comply with sections 2-202:204 of this article, within three days, then such dog shall be seized and re-impounded, and the owner shall have three days to comply with sections 2-202:204 of this article. If the owner has not complied within the additional three days, the dog shall be subject to disposal under subsection (b) hereof.

(b) If any dog shall not be claimed within 72 hours after the impoundment of such animal, such dog may be killed in a humane manner, or may be sold by the chief of police and/or animal control officer for any reasonable sum and the proceeds paid into the city's general fund. Provided, that any dog found at large and taken into custody which is carrying a metal tag for the current tax year may be returned to the registered owner of the dog if claimed, and, if not, the dog may be disposed of as in other cases. Provided further, that any dog taken into custody which does not have a current registration tag and a rabies vaccination certificate, and the same is reclaimed by the owner, such owner shall have three days to comply with sections 2-202:204 of this article. If the owner redeeming the dog fails to comply with sections 2-202:204 of this article within three days, then such dog shall be seized and re-impounded, and the owner shall have three days to comply with sections 2-202:204 of this article. If the owner has not complied within the three additional days, the dog shall be killed in a humane manner, or may be sold by the chief of police and/or animal control officer for any reasonable sum and the proceeds paid into the city's general fund.

(Ord. 1213, Sec. 13; Code 2009)

2-214. SPECIAL CONFINEMENT. Whenever the mayor shall deem it necessary, either from danger of hydrophobia or other cause, he or she may by proclamation require all persons to confine their dogs or cats or securely muzzle them whether such dogs or cats be registered or not for such time as may be designated in the proclamation. (Ord. 1213, Sec. 15; Code 1999, 2-214)

- 2-215. OTHER PETS. The health officer upon evidence of rabies in the city or vicinity thereof, shall have authority to require the vaccination of all pets or animals within the city. One publication in the official city paper or a written notice to the owners or harborers thereof shall be considered sufficient notice. (Ord. 1213, Sec. 16; Code 1999, 2-215)
- 2-216. 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 this article 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 veterinarian 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 unneutered 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 2-208.  
(Code 2010)
- 2-217. 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.  
(Code 2010)
- 2-218. MUZZLING. Whenever the mayor shall deem it necessary for the protection and welfare of the inhabitants of the city, he or she shall issue an order requiring all dogs kept within the city to be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall be published in the official newspaper of the city for such period of time as the mayor may deem necessary. (Code 2010)

2-219. PENALTY. For each and every calendar year in which any person violates any of the provisions of this article, upon conviction thereof, he or she shall be fined in any sum not less than \$25.00 nor more than \$100.00 on the first offense and not less than \$50.00 nor more than \$100.00 on the second and third offenses, and \$100.00 per conviction thereafter which occurs in that same calendar year.  
(Ord. 1213, Sec. 17; Code 1999, 2-216)

### ARTICLE 3. PIT BULL DOGS

- 2-301. LEGISLATIVE FINDINGS. The governing body of the city finds and determines:
- (a) As a breed of dogs, all pit bulls are inherently dangerous.
  - (b) The possession of pit bulls within the city poses a significant threat to the public's health, safety and welfare.
  - (c) Numerous instances of attacks by pit bulls have resulted in serious injuries.
  - (d) Protective measures by pit bull owners are inadequate to protect the public from attacks by these animals.
- (Ord. 1170, Sec. 1)
- 2-302. ANIMALS; KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the city:
- Any pit bull dog. Pit bull dog is defined to mean:
- (a) The bull terrier breed of dogs;
  - (b) The Staffordshire bull terrier breed of dogs;
  - (c) The American pit bull terrier breed of dogs;
  - (d) The American Staffordshire terrier breed of dogs;
  - (e) Dogs of 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;
  - (f) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit 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. 1170, Sec. 2)
- 2-303. VIOLATIONS AND PENALTIES. Any person violating or permitting the violation of any provision of this article 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. 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 separate offense, in addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article. (Ord. 1170, Sec. 3)

#### ARTICLE 4. OTHER ANIMALS

2-401.

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, 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) Foxes
- (15) Game cocks and other fighting birds.
- (16) Hippopotami.
- (17) Hyenas.
- (18) Jaguars.
- (19) Leopards.
- (20) Lions.
- (21) Lynxes.
- (22) Monkeys.
- (23) Ostriches.
- (24) Pumas; also known as cougars, mountain lions and panthers.
- (25) Raccoons.
- (26) Rhinoceroses.
- (27) Skunks.
- (28) Tigers.
- (29) Wild and exotic cats
- (30) 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. (Ord. 1170; Code 2013)