

## CHAPTER II. ANIMAL CONTROL AND REGULATION

Article 1. General Provisions

Article 2. Dogs

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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.

## ORDINANCE # 2022-05

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS IN THE CITY OF VALLEY FALLS, KANSAS; PROVIDING FOR THE INOCULATION AGAINST RABIES; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; AND ANY OTHER ORDINANCE IN CONFLICT THEREWITH AND REPEALING ORDINANCE 2-109.1 AND AMENDING CHAPTER II OF THE CITY CODE: BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS THAT:

### SECTION (1) DEFINITIONS

- a. **Animal** shall mean 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.
- b. **At large** shall mean to be outside of a fence or other enclosure which restrains the animals to a particular premise or without being under immediate adult supervision within 10 feet, 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."
- c. **Cat** shall mean any member of the species felis catus, regardless of sex
- d. **Dog** shall mean all members of the species canis familiaris, regardless of sex.
- e. **Feral Animal** shall mean an undomesticated or stray animal. Animal that are not owned or controlled by anyone.
- f. **Harboring or Keeper** shall mean any person who allows or permits any animal to be fed or lodged within or upon the premises of such person.
- g. **Nuisance** shall mean any person who maintains any animal in any building, enclosure, runway, pen on his or her premises which is not kept clean, sanitary, and free from filth, garbage, and offensive odors at all times, or which is or becomes offensive to those residing in the vicinity, upon written complaint to the City and an investigation completed, the city may deem said person(s) to maintain a nuisance. The keeping of any animal which by loud, frequent, and habitual barking, howling, yelping, meowing, or screeching shall disturb the peace of any neighborhood or area, upon written complaint to the city and an investigation completed, the City may deem said person(s) to maintain a nuisance animal. It shall be the duty of any person(s) found to be in violation of this section to abate said nuisance. If he or she fails to do so after receiving notification from the City, the City may abate the nuisance by taking up, impounding or disposing of said animal(s) at the expense of the owner.
- h. **Own** shall mean and include own, keep, shelter, manage, possess, or have part interest in any animal.
- i. **Owner** shall mean the one who owns, his or her employee, agent, or other competent person into whose charge the owner has placed the animal.
- j. **Police Officer** shall mean any officer designated by the governing body of the City of Valley Falls, to perform or enforce the provisions of this ordinance.
- k. **Severe Injury** shall mean any of the following:
  1. Any physical harm that carries a risk of death or threatening a risk of severe reaction;
  2. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, incapacity;
  3. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
  4. Any physical harm that involves acute pain of a duration that results in suffering or any degree of intractable pain.
- l. **Vicious Animal** shall mean any animal which,
  1. Kills a human being; or
  2. Inflicts severe injury to a human being through a sustained and vicious attack; or
  3. Has been trained to fight and possess physical attributes such as size, build, or bite strength to inflict Serious Injury to a human being; for this purpose, the following shall be presumed to have been trained to fight: (i) any Animal involved in a staged fight, (ii) any Animal exhibiting wounds or bodily disfigurements commonly associated with Animal fighting, (iii) any Animal found or kept on premises at which equipment is located that is commonly associated with training Animals to fight, and (iv) any Animal found or kept with other Animals that (a) have

- been trained to fight or (b) are presumed to have been trained to fight; or
- 4. Because of its disposition and physical attributes, such as but not limited to size, build, or bite strength, poses a substantial threat to the life and safety; or
- 5. Has the propensity, tendency or disposition to attack a human being without provocation and possesses physical attributes such as size, build, or bite strength to inflict Severe Injury to a human being;
- 6. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes);
- 7. Any animal having poisonous bites;
- m. **Exceptions.** Provided, however, that no Animal shall be deemed or declared a vicious Animal:
  - 1. Solely because it inflicted Severe Injury on a human being if the human being was, at the time the Severe Injury was sustained, (i) assaulting the Owner or Possessor of the Animal, provided the Owner or Possessor of the Animal was not the aggressor, (ii) committing a willful trespass upon the premises of the Owner or Possessor of the Animal, or (iii) provoking, tormenting abusing, or assaulting the Animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the Animal at other times;
  - 2. Solely because it inflicted Severe Injury on a human being if the Animal was, at the time the Substantial Injury was sustained, (i) responding to pain or injury, (ii) protecting itself, its kennel, its offspring, or its Owner or Possessor's property, or (iii) protecting or defending another human being within the immediate vicinity of the Animal from an unjustified attack or assault; or
  - 3. Is Owned or Possessed by a federal, state, or local law enforcement agency.(g) Severe Injury means serious bodily injury, such as muscle tears, broken bones, serious disfigurement requiring corrective or cosmetic surgery, or serious impairment of any bodily function.
- n. **Dangerous Animal** shall mean any animal which,
  - 1. Any animal with a known propensity tendency or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic animals; or
  - 2. Any animal which in a vicious or threatening manner, approaches any person in apparent attack upon the person while on the streets, sidewalks, or any public grounds or places; or on private property other than that of the owner; or
  - 3. Any animal which attacks or bites, OR has attacked or bitten a human being or domestic animal on private property other than that of the owner; or
  - 4. Any animal which has killed or injured another domestic animal
  - 5. Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for fighting. (1) Caused injury, other than killing or serious physical harm, to any person;
  - 6. Been the subject of a second or subsequent violation of the following:
    - i. Without provocation, molests, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles;
    - ii. Damages public or private property other than that of its owner or harborer by its activities;
    - iii. Scatters refuse that is bagged or otherwise contained;
    - iv. Threatens or endangers the health or well-being of persons or other animals, or injures other animals;

## **SECTION (2) EMERGENCY MEASURES**

In the event of rabies or other domestic animal epidemic, this ordinance may be temporarily suspended by order of the Mayor and such emergency measures as are necessary may be substituted by proclamation of the Mayor dependent on each individual event.

## **SECTION (3) CAPTURE/DESTRUCTION**

When deemed necessary by Law Enforcement Officers or the City police officer for the health, safety and welfare of the residents, law enforcement, or City police officers 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 City police officer, in his or her discretion, to be of a danger to itself or to the public health and safety
- c. The police, or humane officer of the city may kill, without notice, any animals that are dangerous, vicious, cause destruction to property while at large and unable to be taken up by means of cage trapping and or become a public Nuisance, or suspected of being infected with rabies, or injured with no apparent chance of survival, or in such pain as to warrant humane destruction.

#### **SECTION (4) RIGHT OF ENTRY**

The City police 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. The City police officer or any Law Enforcement Officer shall have the right of entry upon any private unenclosed lots or lands to investigate cruelty to animals.

#### **SECTION (5) LICENSE**

It shall be unlawful for any person to own, keep, or harbor any animal over six (6) months of age within the city limits, without registering such animal and paying a yearly license tax thereon. It shall be unlawful for any person to own, keep, or harbor any animal that has been declared vicious. An annual license tax of \$3.00 will be assessed for each animal. Designated officer(s) may conduct an Animal Census whenever deemed necessary in any and all areas of the city as needed to insure that all animals over six (6) months old harbored in the City are vaccinated and licensed. Failure to comply with the requirements of this ordinance, owners who fail to have animals licensed and vaccinated, violate this ordinance. Their animals will be impounded at a local veterinarian facility at the owner's expense. All vaccination and city license requirements must be met before being allowed back into the City. The above provisions (in section #5) shall not be intended to apply to "seeing eye" dogs or medically certified therapy dogs with proper paperwork. The city police officer, the code 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

#### **SECTION (6) KENNEL LICENSE**

- a. No person or household shall own or keep more than five animals of age six months or older, or engage in the commercial business of breeding, buying, selling, trading, training, or boarding of animals without obtaining a kennel license from the city clerk. Kennel licenses holders shall not exceed 10 animals per license.
- b. Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by city police officer certifying approval of the kennel and compliance with applicable laws of the City and State of Kansas. A certificate by the zoning code enforcement officer shall be 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 city police officer and zoning code enforcement officer. If the city police officer or the zoning code enforcement officer find 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 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. It shall be unlawful for any person to feed, harbor, or possess any feral animal.
- e. The governing body may suspend or revoke a kennel license if pursuant to a public hearing, it finds any

of the following:

- a. The kennel is maintained in violation of any applicable law of the State of Kansas or of the City.
- b. The kennel is maintained so as to be a public nuisance.
- c. The kennel is maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.
- f. The annual kennel license fee shall be \$125.00. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this chapter.

Any person in violation shall will be assessed a fine of \$250 for each conviction of a dangerous animal as defined in Section.

The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.

### **SECTION (7) VACCINATIONS**

Any person making application for a license for an animal shall be required to present to the City Clerk, at the time of making such application a certificate issued by a licensed Doctor of Veterinary Medicine (DVM) showing that such animal has been vaccinated with anti-rabies vaccine. The showing that the vaccination must be current and effective at the time in which the application is made.

### **SECTION (8) DATE PAYABLE AND REGISTRATION TAGS**

The license tax shall become due January 1st and each January 1st thereafter and payable on or before May 10th of each year. A penalty of \$5.00 will be assessed for the failure to register on or before May 10th. The owner or harbinger of any animal other than fish over the age of six (6) months in the city shall register such animal with the City Clerk or city official. Registration Tags will be issued by the City Clerk. The owner must keep the tag attached to the collar of the animal to be used on the animal so registered.

### **SECTION (9) REGULATIONS FOR KEEPING OF 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 fowl, horses, mules, cattle, sheep, goats, swine, or undomesticated animals, unless obtaining a permit from the city to possess and maintain such animals. 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 location of stockyard of sales barn does not other violate the zoning ordinances of the city;
- b. The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets such as: cats, dogs, hamsters, rabbits, parakeets, and comparable animals.
- c. Transporting of animals through the city by ordinary and customary means.

Permit applications shall be obtained from the city office and are subject to the following:

- a. Requesting persons shall be assessed a \$125.00 application fee per property.
- b. After permit applications are returned to the city offices, the permit application shall be mailed to all adjoining neighbors of the property in question for consideration and approval.
- c. Unanimous approval of the permit application from all concerned and adjoining neighbors is required.
- d. Upon unanimous approval of all adjoining and concerned neighbors, the permit application must be approved by the governing body.
- e. Permits are to be obtained annually, and will expired on year from the date of issue.

Permits obtained shall contain the following information:

- a. Location and size of property on which animals and fowl are to be possessed and maintained
- b. Type and number of animals and fowl to be possessed and maintained no more than five (5).
- c. Location, size, and type of enclosure or pen.
- d. Purpose of possessing and maintaining the animals and fowl.
- e. A diagram with measurements of enclosure from all buildings, utilities, etc.

All animals and fowl being possessed and maintained by permit are subject to all ordinances pertaining to the

care and custody of animals and the permits are subject to review and/or revocation upon any complaints concerning the animals and fowl.

#### **SECTION (10) REGULATIONS FOR A VICIOUS ANIMAL**

Upon conviction of keeping a vicious animal, the animal shall be kept subject to the following standards:

- a. Vicious Animals are declared to be a public nuisance and are hereby prohibited in the City of Valley Falls, Kansas.
- b. It shall be unlawful to Own or Possess a Vicious Animal in the City of Valley Falls, Kansas. An Owner or Possessor of an animal that falls within the definition of "Vicious Animal" shall be strictly liable under this Section and a conviction shall not require proof of any criminal intent, or the Owner or Possessor's knowledge of any particular propensity, tendency or disposition of the Animal. Each Vicious Animal Owned or Possessed in violation of this Section shall constitute a separate offense.
- c. Ownership or Possession of Animal following Conviction. It shall be unlawful for any person convicted of Owning or Possessing a Vicious Animal to Own or Possess any Animal, whether or not found to be a Vicious Animal, for a period of 3 years following the date of such conviction.
- d. Upon conviction, the Court shall order that the animal be humanely euthanized, and direct the Chief of Police, or his or her designee, to insure that the order is enforced. The Court may enter such an order as part of a criminal proceeding or in a separate civil proceeding brought for such purpose and, in either event, shall impose against the Owner or Possessor of the Vicious Animal the expenses of impounding, keeping, and euthanizing the Vicious Animal. Regardless of whether part of a criminal proceeding or civil proceeding, the standard of proof to determine whether the Animal is a Vicious Animal shall be by a preponderance of the evidence. The Owner or Possessor shall be notified (at the Owner or Possessor's last known address) at least 5 days in advance of the date and time of any evidentiary hearing pursuant to this Section and may present contrary evidence at such hearing. The failure of the Owner or Possessor to attend or participate in the hearing, however, shall not prevent the Court from making an appropriate determination concerning the Animal.

#### **SECTION (11) REGULATION FOR A DANGEROUS ANIMAL**

Upon conviction of keeping a dangerous animal, the animal shall be kept subject to the following standards:

- a. **Sterilization and Microchipping.** The Owner shall pay for a Doctor of Veterinary Medicine to spay or neuter the dangerous animal before it will be released to the owner. The animal shall have a microchip inserted. The microchip shall detail the dangerous animal registration and such other information as may be appropriate to determine the ownership of the animal. The owner shall pay all costs associated with the microchip procedure and sterilization of the Animal. The owner shall file proof of sterilization and microchipping within 15 days of the conviction.
- b. **Registration.** The owner or keeper shall annually register the dangerous Animal with the City, on such forms designated by the City Clerk. The owner or keeper shall pay a \$50.00 annual registration fee. The owner or keeper shall be responsible for maintaining with the City Clerk the address of the owner or keeper and the dangerous animal. The owner or keeper shall notify the City Clerk within seven (7) days of a change in address for the owner or keeper and dangerous animal.
- c. **Leash and muzzle.** No person shall permit a dangerous animal to go outside its kennel or pen unless such Animal is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous Animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a adult person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all dangerous animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals. The muzzle shall be made and used in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- d. **Confinement.** All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous Animals 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 dangerous Animals 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.

- e. **Confinement indoors.** No dangerous Animal may be kept on a porch, patio or in any part of a house or structure that would allow the Animal 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 or screen doors are the only obstacle preventing the Animal from exiting the structure.
- f. Dangerous animals shall also have "Dangerous Animal" signs posted on the front and rear of the property.
- g. No dangerous animal may be maintained within 400 feet of a school, park or public playground.
- h. No person under the age of 18 shall own or possess any dangerous animal within the city limits.

## **SECTION (12) FINES FOR A VICIOUS ANIMAL**

Vicious Animal Provisions shall be guilty of a misdemeanor, punishable as follows:

- a. First offense, a fine, which shall be set at \$500 per animal. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof. In addition, the Court shall have the authority to sentence the defendant to confinement in the county jail for a maximum of 90 days.
- b. Second offense committed within 5 years of a prior offense, a fine, which shall be set at \$1,000 per animal. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof. In addition, the Court shall have the authority to sentence the defendant to confinement in the county jail for a maximum of 6 months.
- c. Third offense committed within 5 years of 2 prior offenses, a fine, which shall be set at \$1,000 per animal. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof. In addition, the Court shall sentence the defendant to confinement in the county jail for a minimum of 30 days and a maximum of 6 months. The defendant shall be required to serve the minimum 30-day jail sentence and the Court shall have no authority to suspend the first 30 days of such sentence. Upon conviction of the third offense, it shall be permanently unlawful for such defendant to own, keep, or harborer any animals in the City of Valley Falls.

## **SECTION (13) FINES FOR A DANGEROUS ANIMAL**

A fine of \$500 per animal shall be assessed for each conviction of a dangerous animal as defined in Section one (1). The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.

## **SECTION (14) FINES FOR AN ANIMAL AT LARGE**

It shall be unlawful for any owner or keeper of any animal to allow that animal to run at large within the city limits. Any animal found running at large within the city can be taken up by the designated officer and held at a veterinary shelter until the animal is claimed by owner. All license fees need to be paid, rabies vaccination completed, and any cost incurred to Doctor of Veterinary Medicine (DVM) paid before animal will be released. DVM will hold Animals impounded by officers for a certain amount of days as determined by DVM. If animal is not claimed, the DVM will become property owner and dispose of animal in a humane manner or adoption. Any animal found running at large within the City of Valley Falls, whether captured or not, shall be punishable as follows:

- a. First offense, a fine, which shall be set at \$50.00. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.
- b. Second offense, a fine, which shall be set at \$75.00. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.
- c. Third offense and any offense thereafter, a fine, which shall be set at \$100.00. In addition, the animal shall be impounded and all fees and cost must be paid prior to the release of such animal. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.

Any animal that has been deemed dangerous or vicious and found running at large within the City of Valley Falls, whether captured or not, shall be punishable as follows:

- a. First offense, a fine, which shall be set at \$250.00. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.
- b. Second offense, a fine, which shall be set at \$500.00. In addition the animal shall be deemed vicious and follow standards set out in Section 8 of this ordinance. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof

#### **SECTION (15) NUISANCE ANIMALS**

Any person who maintains any animal in any building, enclosure, runway, pen on his or her premises which is not kept clean, sanitary, and free from filth, garbage, and offensive odors at all times, or which is or becomes offensive to those residing in the vicinity, upon written complaint to the City and an investigation completed, the city may deem said person(s) to maintain a nuisance. The keeping of any animal which by loud, frequent, and habitual barking, howling, yelping, meowing, or screeching shall disturb the peace of any neighborhood or area, upon written complaint to the city and an investigation completed, the City may deem said person(s) to maintain a nuisance animal. It shall be the duty of any person(s) found to be in violation of this section to abate said nuisance. If he or she fails to do so after receiving notification from the City, the City may abate the nuisance by taking up, impounding or disposing of said animal(s) at the expense of the owner.

#### **SECTION (16) REMOVAL OF ANIMAL FECES REQUIRED**

The owner of any animal, when such animal is off the owner's property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas, or private property. It shall be a violation of this section for such owner to fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred.

- a. First offense, a fine, which shall be set at \$50.00. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.
- b. Second offense, a fine, which shall be set at \$75.00. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.
- c. Third offense and any offense thereafter, a fine, which shall be set at \$100.00. In addition, the animal shall be impounded and all fees and cost must be paid prior to the release of such animal. The fine shall be mandatory and the Court shall have no authority to suspend the fine or any portion thereof.

#### **SECTION (17) QUARANTINE**

It shall be unlawful for any owner, or harbinger of any animal, when notified that such animal has bitten or so injured any person or another animal as to cause an abrasion or breaking of the skin, to allow such animal to be taken beyond the city limits, except to place under the care of a licensed Doctor of Veterinary Medicine (DVM), for a period of not less than 10 days. It shall be the duty of the owner or keeper to immediately place such animal in a quarantine area where no contact with persons or other animals besides the harbinger, as long as current proof of rabies vaccination is provided to the police department. If a quarantine area is not available or current proof of rabies vaccination cannot be provided, the animal shall be placed with a licensed DVM hospital where such animal shall be confined for a period of not less than 10 days, at the owner's expense. The owner shall notify the City of the name and location of the hospital and date of confinement.

#### **SECTION (18) CRUELTY TO ANIMALS**

- a. It shall be unlawful as pertain to local, state and federal laws for any person:
  1. to willfully or maliciously kill, maim, disfigure or torture, strike, hit or beat with a stick, board, chain, club or other object; mutilate, burn, or scald with any substance; or drive over any domesticated animal, or cruelly set an animal upon another animal, except that reasonable force may be employed to drive off vicious or trespassing animals; or
  2. by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with harmful or poisonous substances. It is not the intent of this subsection to prohibit the use of poisonous substances for



- the control of vermin of significance to the public health; or
3. to fail, refuse or neglect to provide any animal in his or her charge or custody as owner or otherwise with proper food, drink, shade, care, or shelter. Any animal kept outside shall be provided with a structurally sound weatherproof enclosure, large enough to accommodate the animal; or
  4. to drive or work any animal cruelly; or
  5. to abandon any animal within the City limits. For the purposes of this Section, "abandon" means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or resume custody; to leave an animal for more than 12 hours without providing adequate food and shelter for the duration of the absence; or to turn out or release an animal for the purpose of causing it to be impounded; or
  6. to leave any animal confined in a vehicle for more than five (5) minutes in extreme weather conditions, defined as less than thirty degrees Fahrenheit or more than 70 degrees Fahrenheit; or
  7. to transport an animal in the trunk of a vehicle; or
  8. to cause, instigate, stage, or train any animal to fight or permit any fight between any animal and another animal or human; or
  9. except a licensed veterinarian, to crop animal ears or dock animal tails; or
  10. to give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
  11. Use a chain, leash, rope, collar device, tether, or any assembly or attachments thereto to picket a Animal that shall weigh more than 1/8 of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area picketed; or
  12. Picket an animal in such a manner as to cause injury, strangulation, or entanglement of the Animal on fences, trees, or other man made or natural obstacles.
- b. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.
- c. Exceptions: Nothing in subsection A of this Section shall:
1. Be deemed to prohibit any action by a licensed veterinarian done in accordance with accepted standards of veterinary medicine, or any action taken by a law enforcement officer pursuant to the interests of public health and safety.
  2. Be interpreted as prohibiting any act done in self-defense or done to defend another person.

#### **SECTION (19) PROCEDURES FOR CRUELTY TO ANIMALS; FINES.**

- a. Any public health officer, law enforcement officer, licensed veterinarian or officer may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined by Section 16; provided that entry upon private property shall only be accomplished with the assistance of a law enforcement officer. Such officer, agent or veterinarian may inspect, care for, or treat such animal or place such animal in the care of a licensed veterinarian for treatment, boarding or other care or, if an officer of the Humane Society or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane destruction.
- b. The owner or keeper of an animal destroyed shall not be entitled to recover damages for the destruction of such animal unless the owner proves that such destruction was unreasonable and unwarranted.
- c. Expenses incurred for the care, treatment or boarding of any animal taken into custody pending prosecution of the owner or keeper of such animal for the crime of cruelty to animals shall be assessed to the owner or keeper as a cost of the case if the owner or keeper is adjudicated guilty of such crime.

- d. If a person is adjudicated guilty of the crime of cruelty to animals and the court determines that such animal owned or possessed by such person would be in the future subject to any cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale, adoption or other disposition.
- e. Unless the animal obtained pursuant to this Section is the evidentiary subject of a pending prosecution, the owner or keeper of the animal shall have a maximum of twenty (20) days after the animal is taken into custody to obtain the animal from the veterinarian having custody of the animal. The veterinarian shall notify the owner or keeper of the animal, if known or reasonably ascertainable. The failure of the owner or keeper to obtain custody of the animal in the time provided shall provide the authority for the Municipal Judge to declare that the animal be disposed of by the veterinarian by adoption or destruction.
- f. Violation of Section 16 shall be a municipal offense and upon conviction, the defendant shall be fined a minimum fine of \$500.00 and a maximum fine of \$1,000.00 per offense. The Municipal Judge shall not have authority to suspend the minimum fine. In addition to, the Municipal Judge shall have authority to sentence the convicted defendant to a maximum six (6) month sentence in jail.

#### **SECTION (20) FINANCIAL RESPONSIBILITY**

In the event any owner, keeper or harbinger or other person found in violation of any section of this ordinance, any financial liability incurred for the care and treatment of such animal shall be the personal financial responsibility of such person.

#### **SECTION (21) COLLECTIONS**

All fees for registration and license, and fines collected hereunder, shall be paid into the general fund of the City of Valley Falls.

#### **SECTION (22) EFFECTIVE DATE OF ORDINANCE**

This ordinance shall take effect and be in full force from and after its passage and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body and signed by the Mayor of the City of Valley Falls, Kansas on JUNE 15, 2022.

  
Jeanette Shipley, Mayor

  
ATTEST: Christine Weishaar, City Clerk

(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 five 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 1983, 2-101, 201)

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 2006)

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 1983, 2-207)

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 1983, 2-208)

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

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

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

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

(d) Facilities for the humane destruction of animals.  
(Code 2006)

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

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals.  
(Code 1983, 2-107, 210)

2-107. CRUELTY TO ANIMALS. It shall be unlawful for any person to:

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

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

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

(d) Sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than 12; or to sell, offer for sale, barter, give

away, or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color. This section shall not be construed to prohibit the sale of animals or fowls as specified in this subsection, in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;

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

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

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

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

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

(Code 1983, 2-108)

2-108.

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

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

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

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

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

(e) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or by an authorized agent such as a licensed veterinarian, at the request of the owner;

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

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

(Code 2006)

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:

## ORDINANCE 2-109.1

AN ORDINANCE RELATING TO THE AMENDMENT OF ORDINANCE NO. 2-109, FOR THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS OF VALLEY FALLS, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS.

Section 1. That 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 fowl, horses, mules, cattle, sheep, goats, swine, undomesticated animals are kept, unless obtaining a permit from the city to possess and maintain such animals. 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 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 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.

Section 2. Permit applications shall be obtained from the city offices and are subject to the following procedures;

- (a) Requesting persons shall be assessed a \$10.00 application fee per property.
- (b) After permit applications are returned to the city offices, the permit applications shall be mailed to all adjoining neighbors of the property in question for consideration and approval.
- (c) Unanimous approval of the permit application from all concerned neighbors is required.
- (d) Upon unanimous approval of all adjoining neighbors, the permit application will be brought before the governing body for final approval.
- (e) Permits are to be obtained annually, and will expire one year from the date of issue.

Section 3. Permits shall be obtained from the city for possessing and maintaining animals and fowl. Animals to be considered for permits are female chickens and ducks, bucket calves, sheep, goats and horses. Permits shall contain the following information;

- (a) Location and size of property on which animals and fowl are to be possessed and maintained.
- (b) Type and number of animals and fowl to be possessed and maintained.

- (c) Location, size and type of enclosure or pen. A minimum of 3 acres per horse is required.
- (d) Purpose of possessing and maintaining the animals and fowl.
- (e) A diagram with measurements of enclosure from all buildings, utilities, etc.

Section 4. All animals and fowl being possessed and maintained by permit are subject to all ordinances pertaining to the care and custody of animals and the permits are subject to review and/or revocation upon any complaints concerning the animals and fowl.

Section 5. That said ordinance shall become effective immediately upon passage and publication in the Valley Falls Vindicator.

READ, CONSIDERED AND APPROVED this 5<sup>th</sup> day of August, 2009.

  
CHARLES STUTESMAN, MAYOR

ATTEST:

  
MILLIE BICKFORD, CITY CLERK

(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 1983, 2-102)

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.  
(Ord. 11-205, Sec. 1; Code 2005)

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

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

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

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

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

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

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

(Code 1983, 2-206)

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 1983, 2-213)

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 charge fence is protected by an exterior fence.

(f) All premises on which animals are kept shall be subject to inspection by the animal control officer, duly authorized law enforcement officer, or public health official. If the officer or official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

(Code 2006)

2-113A.

SAME; STOCKYARDS; COMMERCIAL HOLDING PENS. Animal shelters owned or operated as a stockyard or commercial holding pen shall be adequately maintained and cleaned as often as is necessary, as determined by the health officer, to control fly breeding or to control other conditions adversely affecting the public health including the following:

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

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

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

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

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

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

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

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

(i) Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial or agricultural permit according to the terms of this chapter shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the health officer; provided that all solid waste shall be properly disposed of at least once each week or as may be approved by the health officer.

(Code 2006)

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 2006)

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.

(Ord. 2-118, Secs. 17:18; Code 1983, 2-214; Code 2005)

2-116. **RUNNING AT LARGE.** It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the city. Any animal or fowl found at large shall be impounded as provided in section 2-117 or 2-207 (dogs). (Code 1983, 2-104)

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

(b) The city shall be entitled to receive from such owner an impoundment fee of \$10.00 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 administrator 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 1983, 2-106)

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 2006)

2-119. IMPOUNDMENT OF RABIES SUSPECTS. (a) 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 the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the 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. If in the opinion of the local health officer symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the state board of health.

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

(c) Any animal desired for observation by the local health officer under this section shall be delivered to the animal control officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this code. Upon refusal of any person

to so deliver such animal, the municipal judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

(Code 2006)

2-119A. 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 2006)

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 2006)

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 2006)

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.

(Ord. 2-118, Sec. 20; Code 1983, 2-215)

2-123.

KENNEL LICENSES. (a) No person or household shall own or harbor more than five dogs of six months of age or older or more than one litter of pups, or more than five cats of more than six months of age or more than one litter of kittens, or more than a total of five 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 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 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 \$25.00. 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 1983, 2-216)

## ARTICLE 2. DOGS

2-201.

**REGISTRATION AND VACCINATION REQUIRED; FEE.** (a) Every owner of any dog over six months of age shall annually register with the city clerk his or her name and address with the name, sex and description of each dog owned and kept within the city. It shall be unlawful for the owner of any newly acquired dog or any dog brought into the city to fail to register such animal within 30 days from acquisition or bringing the dog into the city. It shall be unlawful for the owner of any previously registered dog to fail to maintain current registration of such dog.

(b) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog over six months of age to fail to maintain effective rabies immunization of such dog.

(c) The owner or harbinger of any dog shall, at the time of registering such dog, 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.

(d) The city clerk shall collect an annual registration fee of \$3.00 for each neutered male dog and for each spayed female dog, and \$6.00 for each unneutered male dog and for each unsplayed female dog.

(e) The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty.

Registration fees as enumerated above may be prorated for newly acquired dogs or for dogs owned by a person or persons moving to and establishing a home in the city during a calendar year. Every owner or harbinger of dog or dogs who shall fail to register the same prior to the 1st day of March of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$10.00.

(Code 1983, 2-203; Ord. 2-118, Secs. 1:4; Code 2006)

2-202.

**DOG TAGS.** It shall be the duty of the city clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep in a book suitable for the registration of dogs, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or keeper of the dog a certificate in writing, stating that the person has registered the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the dog so registered. When any tag has become lost during a registration period, the owner of the dog may request a duplicate tag for the remainder of the registration period. When so requested, the city clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of \$2.00 fee. It shall be unlawful for any person to take off or remove the city registration tag from any dog belonging to another, or remove the strap or collar on which the same is fastened. (Code 1983, 2-204; Ord. 2-118, Secs. 7:10; Code 2006)

2-203.

SAME; COUNTERFEIT TAG. It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make or use any false, forged or counterfeited tag or imitation thereof. (Code 2006)

2-204.

EVIDENCE OF VACCINATION. It shall be unlawful for the owner of any dog kept within the city to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such dog within two years, when requested by the animal control officer or any law enforcement officer. (Code 2006)

2-205.

VISITING DOGS. The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs shall be kept under restraint by the owner thereof at all times. (Code 1983)

2-206.

RUNNING AT LARGE; FINE. (a) It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the city at any time;

(b) Any dog running at large within the city shall be impounded as set out in section 2-207;

(c) The owner of any dog impounded for running at large without the tag required by section 2-202 shall, for the first offense, pay a fine of \$25.00 plus the board bill; for the second offense, pay a fine of \$50.00 plus the board bill; for the third offense, pay a fine of \$100.00 plus the board bill.

(d) For the first offense of an animal running at large with a tag as required by section 2-202, the owner or harbinger claiming any animal, shall, in addition to presenting a registration receipt, pay the cost of the board bill. For a second offense within a one year period, the owner or harbinger shall pay a fine of \$10.00 plus the board bill. For a third and all subsequent offenses within a one year period, the owner or harbinger shall pay a fine of \$20.00 plus the cost of the board bill. (Code 1983, 2-202)

2-207.

IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.

(a) Any dog found in violation of the provisions of this article shall be subject to impoundment by the city.

(b) A record of all dogs impounded shall be kept by the city containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment.

(c) No dog impounded under this section shall be disposed of until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the dog through time periods ordinarily accepted as usual business hours. During such time of custody, the city shall attempt to notify the owner or custodian of any dog impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such dog was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized or otherwise disposed of.



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

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

(f) 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.

(g) 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 1983, 2-209)

2-208.

**DISPOSITION OF UNCLAIMED DOGS.** (a) If any dog is not redeemed by its owner or harbinger within the time allowed for redemption as specified in section 2-207 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 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 2-207.

(Code 2006)

2-209.

**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 2006)

- 2-210. 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 2006)
- 2-211. TRESPASS. It shall be unlawful for any person to permit any dog to trespass upon, or do injury to public or private property of another.  
(Ord. 2-118, Sec. 22; Code 1983, 2-211)
- 2-212. ABANDONING DOGS UNLAWFUL. It shall be unlawful for any person or persons to bring within the city limits any dog or dogs and abandon the same and allow them to run at large in the streets, alleys, and public places in the city.  
(Ord. 2-118, Sec. 16; Code 1983, 2-218)
- 2-213. SEEING EYE DOGS. Seeing Eye Dogs used by blind persons shall, by reason of circumstances and training of such dogs, be exempt from this article, except that portion requiring rabies inoculation. Such blind persons, upon presentation of a current rabies certificate, as set forth in section 2-202, shall be presented a license tag except there shall be no charge. Such seeing eye dog shall not be impounded and every effort shall be made to return the dog to the custody of its owner as promptly as possible. (Code 1983, 2-217)

### ARTICLE 3. PIT BULL DOGS

2-301. 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 dogs; provided, that pit bull dogs are registered with the city on the date of publication of Ordinance No. 2-219, may be kept within the city subject to the standards and requirements set forth in section 2-302 of this article.

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

(6) 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. 2-219, Sec. 1; Code 2006)

2-302. KEEPING OF REGISTERED PIT BULLS. The provisions of this section are not applicable to owners, keepers and harborers of dogs registered with the city as of the 18th day of November, 1987, on the effective date of Ordinance No. 2-219. 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 a 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 not 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 or screen doors 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 the effective date of Ordinance No. 2-219, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Pit Bull 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 the effective date of Ordinance No. 2-219 provide proof to the city clerk of public liability insurance in a single incident amount of \$100,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons 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 the effective date of Ordinance No. 2-219 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 hereinafter:

- (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. No person shall sell, barter or in any other way dispose of a pit bull dog registered with 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 born of pit bull dogs registered within the city must be removed from the city within six weeks of the birth of such animal.

(j) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog or any of these breeds prohibited by section 2-301 of this section 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 with the city to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section 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.

(m) Violations and Penalties. Any person violating or permitting the violation of any provision of this section 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 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 continues shall be deemed a 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. 2-219, Sec. 2; Code 2006)

#### **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) Game cocks and other fighting birds.
- (15) Hippopotami.
- (16) Hyenas.
- (17) Jaguars.
- (18) Leopards.
- (19) Lions.
- (20) Lynxes.
- (21) Monkeys.
- (22) Ostriches.
- (23) Pumas; also known as cougars, mountain lions and panthers.
- (24) Raccoons.
- (25) Rhinoceroses.
- (26) Skunks.
- (27) Tigers.
- (28) Wolves.

(c) The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:

(1) Their location conforms to the provisions of the zoning ordinance of the city.

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

(3) Animals are maintained in quarters so constructed as to prevent their escape.

(d) The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.  
(Code 2006)