

## CHAPTER II. ANIMAL CONTROL AND REGULATION

- Article 1. General Provisions
- Article 2. Dogs and Cats
- Article 3. Other Animals

---

### ARTICLE 1. GENERAL PROVISIONS

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

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

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

(c) Animal Shelter or Pound 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 off the premises of the owner of a controlled animal or a controlled animal not under the direct supervision of the owner. Any owner or person in custody or control of the dog (dog custodian) shall keep such dog under restraint at all times and shall not permit such dog to be at large, off the premises or property owned or controlled by the dog custodian unless the dog is on a leash held by a competent person. Leaving an unattended dog fastened to a leash, rope or chain attached to some fixture shall be deemed to comply with the requirements of this section. A dog may be left unattended out of doors on property owned or controlled by the dog custodian in a yard with measures deemed adequate to prevent the dog from leaving the yard. Any dog not so restrained or controlled shall be deemed to be at large and in violation of 2-116.

(e) Attack includes any action by a controlled animal, which would personally make an ordinary or prudent person in fear of physical harm.

(f) 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.

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

(h) City means the corporate limits of Medicine Lodge, Kansas.

(i) Controlled Animal means dogs as defined herein.

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

(k) Dog includes both male and female domesticated or undomesticated, canine animals commonly known as dogs, six months of age or older.

(l) 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.

(m) Harborer means any person who allows or permits any controlled animal to habitually remain or to be lodged or fed within or upon the premises of such person.

(n) 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.

(o) 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.

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

(q) Kennel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring more than five controlled animals.

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

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

(t) 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.

(u) Owner includes any person, his or her employee, agent or other competent person who owns, keeps, harbors, shelters, manages, possesses, is in charge of a controlled animal, and includes those having a part interest in a controlled animal. If a minor is the owner of a controlled animal, as defined by this section, the head of the household where such minor resides shall be deemed an owner of such controlled animal for the purposes of this section.

(v) 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.

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

(Ord. 829; Ord. 804; Code 1987, 6.04.010; Code 2012)

2-102.

**ANIMAL CONTROL OFFICER; LAW ENFORCEMENT OFFICER; DUTY TO IMPOUND; CITATION ALTERNATIVE.** (a) There is hereby created the position of animal control officer for the city and such officer or law enforcement 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.

(d) As used in this chapter, the term animal control officer shall mean and include any duly appointed and qualified law enforcement officer employed by the city. (Code 2012)

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.

(Ord. 804; Code 1987, 6.04.070; Code 2012)

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.

(Ord. 804; Code 1987, 6.04.080; Code 2012)

2-105. MUNICIPAL ANIMAL SHELTER/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 2012)

- 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/animal shelter, 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.
- (Ord. 804; Code 1987, 6.04.100; Code 2012)
- 2-107.           CRUELTY TO ANIMALS. It shall be unlawful for any person to:
- (a) Intentionally abandon or leave any animal in any place without making provisions for its proper care;
- (b) Have physical custody of any animal and intentionally fail to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
- (c) Intentionally use a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; or
- (d) Intentionally cause any physical injury other than acts constituting a felony as defined in K.S.A. 21-4310, and amendments thereto.
- (e) These provisions shall not apply to the exceptions sanctioned under section 2-108.
- In addition to the penalties provided in section 1-116 of this code, the municipal court judge may order a person convicted of violation under this section to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible.
- (Code 2012)
- 2-108.           SAME; EXCEPTIONS. The provisions of section 2-107 shall not apply to:
- (a) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;
- (b) Bona fide experiments carried on by commonly recognized research facilities;
- (c) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated;
- (d) Rodeo practices accepted by the rodeo cowboys' association;
- (e) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or by an authorized agent such as a licensed veterinarian, at the request of the owner, or by any officer or agent of an incorporated humane society operator of an animal shelter or pound, a local or state health officer or a veterinarian three business days following the receipt of any such animal at such society, shelter or pound;
- (f) With respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such

animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(g) The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(h) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(i) Laying an equine down for medical or identification purposes;

(j) Normal or accepted practices of pest control, as defined in K.S.A. 2-2438a, and amendments thereto.  
(Code 2012)

2-109. KEEPING ANIMALS. (a) No person shall maintain or harbor any horses, mules, asses, cattle, swine, sheep, goats, or kids within the city limits of the city except as provided in subsections (b) and (c) herein.

(b) The city council may permit animals incident to rodeo parades, fairs, carnivals and other public entertainment, including historical re-enactments, to be within the city for a limited period of time. Such permission will be authorized by a resolution of the council.

(c) Horses, may be maintained within the city, provided that, they are maintained on property that provides for two contiguous pasture acres per horse.

(d) Any person, firm or corporation violating this provision shall be fined up to \$100 for each offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(e) The penalty provisions contained herein shall not preclude the city from seeking injunctive relief to remove animals found in the city which are in violation of this provision or any other provision from any Court of competent jurisdiction.  
(Ord. 812; Code 2012)

2-110. ANIMAL TRAPS. It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals. (Code 2012)

2-111. NUISANCE; ANIMAL ACTIVITIES PROHIBITED. (a) Any person who keeps or harbors any dog or animal shall prevent such dog or animal from being a nuisance. A dog or animal shall be considered a nuisance if it: damages, soils, defiles or defecates on property other than its keeper's or guardian's; causes unsanitary, dangerous or offensive conditions; causes a disturbance by making loud and excessive barking, howling, whining, or other noise-making tending to disturb the peace and quiet of the city and its inhabitants; is running at large; or molests, attacks or interferes with persons or domestic animals on property other than property of its guardian or keeper.

(b) Any dog which is permitted to run at large upon which the license tax has not been paid or which has not been immunized as required by this chapter is declared to be a nuisance and shall be impounded. In case of any controlled animal found running at large which cannot be captured or taken up by any public officer of the city or other person duly authorized by the governing body and where ownership can be established, the owner of the controlled animal shall be issued a citation and summons for allowing the controlled animal to run at large. The owner of the dog may be issued a citation and summons for allowing the dog to be a nuisance as defined herein. (Ord. 829; Ord. 804; Code 2012)

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. (Ord. 804; Code 1987, 6.04.120; Code 2012)

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 above-ground 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 2012)

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 2012)

2-115. DANGEROUS AND/OR VICIOUS ANIMALS. (a) An animal is deemed to be a dangerous animal when:

(1) It has, without provocation, caused serious injury to a human being or domestic animal; or

(2) It has a known propensity, tendency or disposition, without provocation, to cause serious injury to a human being or domestic animal; or

(3) It has been designated to be a dangerous animal after a hearing as outlined in Sections 2-115C, 2-115D, and 2-115E herein, and amendments thereto; and

(4) The public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal.

(b) An animal is deemed to be a vicious animal when:

(1) It has without provocation, caused serious injury to a human being or domestic animal; or

(2) It has a known propensity, tendency or disposition, without provocation, to cause serious injury to a human being or domestic animal; or

(3) It has been designated to be a vicious animal after a hearing as outlined in sections 2-115C, 2-115D and 2-115E, and amendments thereto; and

(4) The owner or custodian of the animal exercising reasonable control over the animal cannot protect the public safety.

(Ord. 804; Code 2012)

2-115A SAME; IMPOUNDMENT. (a) Any police officer or animal control officer shall have the authority but not the duty to summarily and immediately impound any animal which has attacked, bitten or otherwise injured any human being or domestic animal, or which has a known propensity, tendency or disposition, without provocation, to attack, cause injury or otherwise threaten the safety of human beings or domestic animals.

(b) When the danger is imminent, any such officer may enter and inspect private property to enforce this section.

(c) Any person keeping or harboring an animal sought to be impounded shall surrender such animal to a police officer or animal control officer upon demand.

(d) If an animal cannot be safely taken up and impounded, and the officer is facing imminent danger of attack and bodily injury, it may be slain forthwith by a police officer or animal control officer.

(Ord. 804; Code 2012)

2-115B. SAME; ALTERNATIVE CONFINEMENT. (a) In lieu of an animal being impounded, the animal control officer may direct that the animal be confined at the owner's or custodian's expense, either in an approved veterinary facility, at the owner's or custodian's residence or outside the city. In such case, the owner or custodian shall not remove the animal from the veterinary facility or residence or

bring the animal into the city without prior written approval of the animal control officer, and shall make the animal available for observation and inspection by the police officers and animal control officer of the city if no other person in official capacity is available.

(b) The animal control officer shall have such impounded or confined animal permanently identified by photo and other identification.  
(Ord. 804; Code 2012)

2-115C. SAME; HEARING BY THE CITY ADMINISTRATOR/NOTICE. Within ten days of the animal being impounded or confined, the city administrator or his/her official designee not involved in the impoundment, shall conduct a hearing to determine whether or not the animal is a dangerous animal or a vicious animal. The city shall make residential service of notice of the time, place and purpose of the hearing, at least three days before the hearing, upon the owner or custodian of the animal, any person requesting notice and any person known to have relevant knowledge or information regarding the animal. (Ord. 804; Code 2012)

2-115D. EVIDENCE. (a) The city administrator or the administrator's official designee may hear and consider relevant evidence offered by any person desiring to provide such evidence at a hearing to determine whether or not an impounded or confined animal is a dangerous animal or a vicious animal.

(b) In making a determination as to whether or not such animal is a dangerous animal or a vicious animal, the following evidence may be considered:

(1) Any previous history of the animal attacking, biting or causing injury to human beings or domestic animals;

(2) The nature and extent of all injuries inflicted and the number of victims involved;

(3) The place where the bite, attack or injury occurred;

(4) The presence or absence of any provocation for the bite, attack or injury;

(5) The extent to which clothing or other property was damaged or destroyed;

(6) Whether or not the animal exhibits any characteristics of being trained for fighting or attack, or other evidence to show such training or fighting;

(7) Whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domestic animals;

(8) The manner in which the animal has been trained, handled and maintained by its owner or custodian;

(9) Any other relevant evidence concerning the animal; and

(10) Any other relevant evidence regarding the ability of the owner or custodian or the city to protect the public safety if the animal is permitted to remain in the city.

(c) Within three days of such hearing, the city administrator or his/her official designee shall issue a written decision based upon all of the facts known to the animal control officer and affected interests. (Ord. 804; Code 2012)

2-115E. SAME; DECISION OF THE CITY ADMINISTRATOR. (a) If the city administrator or his/her official designee finds that the animal represents a continuing threat of serious harm to human beings or domestic animals, but that the public safety can be



protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the city administrator or his/her official designee shall designate the animal to be a dangerous animal.

(b) If the city administrator or his/her official designee finds that the animal represents a continuing threat of serious harm to human beings or domestic animals, and the public safety cannot be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the city administrator or his/her official designee shall designate the animal to be a vicious animal.

(c) Any animal declared by the city administrator or his/her official designee, after a hearing, to be a vicious animal shall be humanely destroyed by injection.

(d) The city administrator or his/her official designee shall issue an order authorizing the destruction of the vicious animal to take place not earlier than five days following the written decision by the city administrator or his/her official designee designating the animal to be a vicious animal. If the owner or custodian of the vicious animal, within such period, files a notice of appeal of the city administrator's or his official designee's decision with a court of competent jurisdiction, serves the city administrator or his official designee with a copy of the notice of appeal, the city shall stay the order of destruction, pending the appeal.

(e) Whoever violates this section shall be subject to the penalties provided in section 2-115H, and amendments thereto.. (Ord. 804; Code 2012)

2-115F.

DISPOSITION OF DANGEROUS ANIMALS. (a) The animal control officer, after a hearing by the city administrator or his/her official designee, may issue an order for the owner or custodian to remove any dangerous animal from the city, or, in the alternative, may impose reasonable terms, conditions and restrictions for the training, handling and maintenance of such dangerous animal which the animal control officer determines are necessary to protect the public health, safety and welfare, including but not limited to:

(1) To keep the animal, while on the premises of its owner or custodian confined indoors or in a securely enclosed pen or "dog run" area which shall have sides six feet high or a secure top, and its bottom secured to its sides or imbedded at least one foot into the ground.

(2) To keep the animal, while off the premises of its owner or custodian, on a securely muzzled leash with a chain not longer than three feet having tensile strength of not less than 300 pounds and under control of a person eighteen years of age or older who is physically capable of restraining the animal.

(3) To immediately inform any government or utility company employee and anyone else who comes on the property, with implied consent or peaceable and lawfully, of the animal's dangerousness, and to inform applicable public agencies again if the animal is moved to another location; and

(4) To obtain liability insurance with an insurer authorized to write liability insurance in the State of Kansas, providing coverage for each occurrence, subject to a limit, exclusive of interest costs, of not less than \$100,000, because of damage or bodily injury to, or death of, a human being caused by the animal.

(b) If the owner or custodian of the dangerous animal files a notice of appeal of the city administrator's decision with a court of competent jurisdiction, the order of the animal control officer to remove the dangerous animal from the City, or to impose reasonable terms, conditions and restrictions which the animal control officer deems

necessary to protect the public health, safety and welfare shall not be stayed pending the appeal.

(c) If the owner or custodian of an impounded or confined dangerous animal wishes to reclaim and remove it from the city, the animal control officer shall release it, provided that the animal is taken to its new location outside the city immediately and directly upon its release. No person to whom such animal is released shall fail to remove the animal immediately and directly from the city. (Ord. 804; Code 2012)

2-115G. SAME; POLICE DOGS. The terms “dangerous animal” and “vicious animal,” as used in this article, do not include police dogs that have been trained and may be used to assist law enforcement officers in the performance of their official duties, unless such dogs pose a threat to public safety. (Ord. 804; Code 2012)

2-115H. SAME; PENALTIES. (a) If any dog is determined to be a vicious dog by a hearing as set out in 2-115C, 2-115D, and 2-115E, and has wounded or assisted in the killing of any animal, the owner, harbinger, or keeper of said dog may be charged in municipal court and upon conviction shall pay a fine of \$250 and shall release the dog to the custody of the city to be humanely destroyed by injection.

(b) If any vicious dog, as determined by a hearing as set out in Section 2-115C, 2-115D, and 2-115E, has attacked, bitten, or otherwise injured or killed a human being, the owner, harbinger, or keeper of said dog may be charged in municipal court and upon conviction shall be punished by a fine of \$500. or by imprisonment for not more than one year, or by both fine and imprisonment, and shall release the dog to the custody of the city to be humanely destroyed by injection. (Ord. 804; Code 2012)

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). This section shall not apply to a law enforcement dog under the control of a qualified law enforcement officer. (Code 1987, 6.04.020; Code 2012)

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 in accordance with the city’s fee schedule, 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 council 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 1987, 6.04.090; Code 2012)

2-118. REDEMPTION OF IMPOUNDED ANIMALS. At any time before the adoption 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 2012)

2-119. RABIES; ANIMAL BITES. (a) Any animal which is suspected of having rabies, or any animal which has bitten a human being and has thereby caused a laceration of the skin of such human being, shall be seized and confined with a veterinarian for a period of 14 days. They period of confinement may be shortened at the discretion of the veterinarian in charge.

(b) Any controlled animal bitten by a known rabid animal shall be seized and confined with a veterinarian as provided in subsection (a).

(c) All expenses incurred during the period of confinement with a veterinarian for the purposes of this section shall be borne by the owner of the animal. If any animal so impounded is not claimed by the owner within the 14 day period, then the veterinarian shall transfer the animal to the city pound where the animal shall be disposed of according to the provisions of section 2-208.

(d) Failure of the owner to claim such controlled animal shall not absolve him or her from the criminal or civil liabilities imposed by this chapter. (Ord. 804; Code 2012)

2-120. 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 animal control officer or any law enforcement officer. (Code 2012)

2-121. 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. 804; Code 2012)

2-122. 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 on or before the first day of May of each calendar year. 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 \$35. 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.

(Ord. 804; Code 1987, 6.04.160; Code 2012)

## ARTICLE 2. DOGS

- 2-201.           REGISTRATION AND VACCINATION REQUIRED; FEE. (a) Every owner of any controlled animal over six months of age shall register the owner's name, together with the name, sex and description of each dog so owned with the city clerk.
- (b) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall be allowed without the presentation of this document. The owner of any controlled animal found not to have a current complete certificate of immunization against rabies, whether registered or not, shall be subject to a fine of not less than \$50.
- (c) All boarding fees, dog license fees, impoundment fees or other fees contained in this article shall be charged and collected in accordance with the city's fee schedule.
- (Ord. 804; Ord. 845; Code 2012)
- 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 record suitable for the registration of controlled animals, 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 controlled animal a certificate in writing, stating that the person has registered the controlled animal and the number by which the controlled animal is registered, and shall also deliver to the owner or keeper of the controlled animal 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 controlled animal so registered. When any tag has become lost during a registration period, the owner of the controlled animal may request a duplicate tag for the remainder of the registration period. When so requested, the city clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of a \$1 fee. It shall be unlawful for any person to take off or remove the city registration tag from any controlled animal belonging to another, or remove the strap or collar on which the same is fastened. (Code 1987, 6.04.040; Code 2012)
- 2-203.           SAME; COUNTERFEIT TAG. It shall be unlawful for any person to place on any controlled animal a tag issued for any other controlled animal or to make or use any false, forged or counterfeited tag or imitation thereof. (Code 2012)
- 2-204.           EVIDENCE OF VACCINATION. It shall be unlawful for the owner of any controlled animal 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 controlled animal within two years, when requested by the animal control officer or any law enforcement officer. (Code 2012)
- 2-205.           VISITING DOGS. The provisions of this article with respect to registration shall not apply to any controlled animal owned by any person visiting or temporarily remaining within the city for less than 30 days. Such controlled animals shall be kept under restraint by the owner thereof at all times. (Ord. 804; Code 1987, 6.04.050; Code 2012)

- 2-206.            RUNNING AT LARGE; FINE. (a) It is unlawful for the owner of any controlled animal to permit such controlled animal to run at large within the city at any time.  
                  (b) Any controlled animal at large within the city shall be impounded as set out in section 2-117.  
                  (c) The owner of any controlled animal impounded for running at large shall pay impound fees, plus board bill and any other expenses incurred during impoundment. (Ord. 804; Code 2012)
- 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 five full business days of custody during which the public has clear access to inspect and recover the dog through time periods ordinarily accepted as usual business hours. During such time of custody, the city shall attempt to notify the owner or custodian of any dog impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such dog was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized or otherwise disposed of.  
                  (d) If at any time before the sale or destruction of any dog impounded under the provisions of this article, the owner of an impounded dog does appear and redeem the dog, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, and shall not apply to any dog alleged as being vicious under section 2-115 or suspected of rabies under section 2-119 of this code.  
                  (e) The minimum impoundment fee shall be \$25.  
                  (f) Any dog impounded may not be released without a current rabies vaccination.  
                  (g) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.  
                  (h) The redemption of any dog impounded for a violation of any provision of this chapter shall be prima facie evidence of the violation of such provision by the person redeeming the dog. (Ord. 804; Code 2012)
- 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 2012)

2-209.           **CONFINEMENT OF DOGS IN HEAT.** Any unspayed female controlled animal 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 controlled animal or controlled animals 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 2012)

2-210.           **RESERVED FOR FUTURE USE.**

2-211.           **SERVICE DOGS.** Service dogs used by persons shall, by reason of circumstances and training of such dogs, be exempt from this chapter, except that portion requiring rabies inoculation. Such persons using a qualified service dog, upon presentation of a current rabies certificate as set forth in 2-201 shall be presented a license tag at no charge. Such service 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, unless they pose a threat to public safety. (Ord. 804; Code 2012)

2-212.           **PENALTY.** It is declared to be unlawful for any person, owner or harbinger of any controlled animal to violate this chapter, and that any person who shall willfully violate the terms and conditions thereof, upon conviction may be fined in a sum not to exceed \$25 for the first violation thereof and a sum not exceed \$500 for each subsequent violation thereof. The fine may be levied by the municipal judge in addition to the fees and charges as called for in this chapter and that the fine shall be remitted by the municipal judge to the city clerk and placed in the fund or funds liable for payment of the costs of this chapter. (Ord. 804; Code 2012)

### ARTICLE 3. OTHER ANIMALS

2-301.

EXOTIC ANIMALS. (a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person, firm or corporation 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 Saimangs.
- (3) Baboons.
- (4) Badgers.
- (5) Bears.
- (6) Bison.
- (7) Bobcats.
- (8) Cheetahs.
- (9) Crocadians, 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, i.e., white-tailed deer, elk, moose and antelope.
- (13) Elephants.
- (14) Game Cocks and other fighting birds.
- (15) Hippopotami
- (16) Hyenas.
- (17) Jaguars.
- (18) Leopards.
- (19) Lions.
- (20) Lynxes.
- (21) Monkeys, which will mature at over 35 pounds.
- (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, medical institutions, research facilities or veterinary facilities, 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.



(e) Any person violating any of the provision of this article shall be deemed guilty of a violation and be punishable in the municipal court by a fine of \$25.00 for a first offense and up to \$500.00 for a second or subsequent offense, plus court costs.

(Ord. 776; Code 2012)