

CHAPTER II. ANIMAL CONTROL AND REGULATION

- Article 1. General Provisions
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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, and includes both domestic and wild species.

(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.

(k) 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.

(l) 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.

(m) 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.

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

(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.

(u) Attack — Any violent or aggressive physical action or contact.

(w) Secure Enclosure — Any structure secure on four sides, top and bottom, equipped with a gate or door from being opened by anyone other than the owner, harborer, keeper, or possessor of the dog as set forth in section 2-116:
(Code 1993; Ord. 507)

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, harborer 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 1993)

- 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 2-116, or any animal creating a nuisance as defined in section 2-112, where such animal is impossible or impractical to catch, capture or tranquilize.
- (Code 1993)
- 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. 392-616; Code 1993)
- 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 1993)
- 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.
- (Ord. 449, Sec. 12; Code 1993)

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. (Ord. 392-520, 392-621; Code 1993)

2-108.

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

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

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

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

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

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

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

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

(Ord. 392-520; Code 1993)

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 within the city or permit to be maintained thereon any stable, shed, pen or other place where horses, cattle, sheep or goats within 100 feet of any building other than that of the owner or keeper. This provision shall not apply to:

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

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

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

(d) The transporting of animals through the city by ordinary and customary means;

(e) The maintaining by the owner of any horses, cattle, sheep or goats on any unplatted tract of land within the city containing 20 acres or more which is used exclusively for agricultural purposes.

(Ord. 294; Ord. 369; Ord. 392-607:608; Ord. 473, Sec. 1; Code 1993)

2-110. KEEPING FOWL; SWINE. (a) 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 within the city or permit to be maintained thereon any shed, pen or other place where fowl are kept within 50 feet of any dwelling or business within the city other than that of the owner or keeper.

(b) It shall be unlawful for any person owning or having control or care of swine, to keep swine upon premises located within the city limits of the city.

(Ord. 392-623; Ord. 473, Sec. 4; Code 1993)

2-111. ANIMAL TRAPS. It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals. (Code 1993)

2-112. 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 1993)

2-113. NOISY ANIMALS. The keeping, or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewing, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited. 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. 449, Sec. 14; Ord. 479, Sec. 6; Code 1993)

2-114. 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 animals 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 1993)

2-114A. 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 1993)

2-115. 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. (Ord. 392-619; Code 1993)

2-116. CONFINEMENT OF CERTAIN DOGS REQUIRED. (a) The owner shall confine within a building or secure enclosure:

(1) Every fierce, dangerous, or vicious dog;

(2) Every dog having a natural propensity to be fierce, dangerous or vicious;

and

(3) Every unspayed female dog in heat, in such a manner that such female cannot come into contact with another dog except for planned breeding.

(b) It shall be unlawful for any owner, harborer, keeper, or possessor to keep such dogs in such manner as to cause a nuisance by attracting male dogs to the premises of such owner.

Vicious Dogs.

(a) Prohibited: It is unlawful for any owner, harborer, keeper, or possessor who keeps any dog within the city limits to allow the following, and the same are declared to be public nuisances and prohibited:

(1) To permit such dog to attack or bite any person or animal that is upon the premises of the residences of such owner, harborer, keeper, or possessor. It shall be an affirmative defense to this subsection that the use of such dog to attack or bite any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, criminal trespass, or theft upon the property.

(2) To permit such dog kept by such owner, harborer, keeper, or possessor within or upon the premises of any business establishment to attack or to bite any person or animal upon such premises. It is an affirmative defense to this subsection that the use of such dog to attack or bite any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, criminal trespass, or theft upon the property.

(b) Exception: The provisions of subsection (a) shall not apply to any law enforcement officer who uses or employs the dog while engaged in law enforcement activities, nor to any owner, harborer, keeper, or possessor of any dog which attacks or bites a person engaged in physically attacking or striking such owner, harborer, keeper, or possessor.

(c) Complaint and Notice to Appear.

(1) Any person who witnesses or has other personal knowledge that an act or acts made unlawful by the provisions of this section have been committed in violation of the provisions may sign a complaint against the alleged violator.

(2) Any police officer, reserve police officer or animal officer of the city is authorized to issue a uniform complaint and notice to appear to any person when the officer personally observes a violation of the provisions of this section or when information is received from any person who has personal knowledge that an act or acts which are made unlawful by the provisions of this section have occurred.

(d) Ex-parte Hearings and Court Orders: The municipal court of the city is empowered to hold ex-parte hearings to determine whether there are reasonable grounds to believe that a dog may constitute a danger to any person or persons if not impounded. After the hearing, if the court finds that reasonable grounds to exist, the court is empowered to enter orders either on its own motion or on the motion of the city attorney or the city attorney's authorized representative, to seize and impound (or continue the impoundment of) the dog until the completion of all trial and legal proceedings held in the municipal court of the city to determine whether there has been a violation of this section. If a dog is ordered to be impounded pursuant to this subsection, the person who owns, harbors, keeps, or possesses the dog shall be entitled to a hearing in the municipal court within 14 days of the order to review the propriety of the impoundment. Costs of the impoundment shall be assessed to the owner, harbinger, keeper, or possessor of the dog.

(e) Punishment: Upon a first conviction of a violation of this section, a person shall be fined not less than \$250 nor more than \$400. The person convicted must pay at least \$250 before the person is granted suspension or reduction of sentence. On a second or subsequent conviction of a violation of this section, within seven years of the most recent conviction a person shall be sentenced to not less than five days imprisonment and shall be fined not less than \$350 not more than \$499. The person convicted must serve at least five days imprisonment and pay at least \$350 before the person is granted suspension or reduction of sentence.

(f) Destruction of Dog: Upon an initial conviction of this section, the judge of the municipal court of the city may order the owner, harbinger, keeper, or possessor of such vicious dog to destroy such dog. Upon a second or subsequent conviction, the judge shall order the owner, harbinger, keeper or possessor to destroy the dog.

(g) Confinement of Dog: Upon conviction of this section, the judge of the municipal court shall order the owner, harbinger, keeper, or possessor of such vicious dog to confine such dog in a secure enclosure or building. If the vicious dog is taken off the property by the owner, harbinger, keeper, or possessor, the judge shall order the dog to be under the direct physical control of some person by use of a chain, leash, or similar device, and the dog shall be muzzled. Failure to comply with any such order shall be deemed a violation of this section, and subject the owner, harbinger, keeper, or possessor of such dog to the contempt powers of the court issuing the order.

(Ord. 507)

2-117. RUNNING AT LARGE. (a) Prohibited. It shall be unlawful for the owner, keeper, or harbinger of any dog to permit such dog to run at large. The fact of a dog being found at large shall be prima facie evidence of a violation of this section.

(b) Fine.

(1) 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.

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

(a) A person wishing to redeem an impounded dog shall pay the pound fees to the impounding agency and fines and cost due to the city in accordance with this article.

(1) First running at large fine- \$15;

(2) Second running at large fine-\$35;

(3) Third running at large fine- \$55;

(4) Fourth running at large fine-\$75 and owner or harbinger may have the privilege to own or harbor a dog in the city revoked by the city court.

(Ord. 449, Sec. 11; Ord. 479, Secs. 2,8; Code 1993)

2-118. 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 otherwise in violation of this article 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 \$20.00 plus \$5.00 per day for 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 governing body 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.

(e) When an animal is retrieved from the animal shelter of the city by a person other than the proven owner of the animal, if the animal is not spayed or neutered, as the sex of the animal shall determine, a deposit of \$75 shall be required, and the amount shall be held, without interest, until the receiving party shall certify by receipt, that the animal has been spayed or neutered. Upon showing proof of the same, the deposit shall be returned to the party retrieving the animal within 10 days from the date of presentation of the receipt. The receipt shall be presented to the city clerk of the city.

(Ord. 507; Ord. 514; Code 1998)

2-119.

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 2-116 (vicious) and 2-120 (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 1993)

2-120.

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 less than 10 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.

(Ord. 449, Secs. 13,17; Code 1993)

2-120A.

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 less than 10 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. (Ord. 449, Secs. 13, 17; Code 1993)

- 2-121. **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 1993)
- 2-122. **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 1993)
- 2-123. **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. 449, Sec. 13; Code 1993)
- 2-124. **KENNEL LICENSES.** (a) No person or household shall own or harbor more than five (5) dogs of six (6) months of age or older, or more than one litter of pups, or more than five (5) cats of more than six (6) months of age, or more than one litter of kittens, or more than a total of eight 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 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 city laws of the City of Scranton 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 any 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 laws, 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 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. 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 the City of Scranton.

(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 2005)

ARTICLE 2. DOGS AND CATS

- 2-201. **REQUIRED.** No person shall own, keep, or harbor within the corporate limits of this city any dog over six months of age without first obtaining a permit thereof from the city clerk or agent authorized by the city clerk, who may issue the same when proper application is made in writing. (Ord. 507)
- 2-202. **EXCEPTION; NONRESIDENTS.** The permit and vaccination requirements of this division shall not apply to a nonresident dog owner who keeps the dog within the city for not longer than 30 days, provided that at all times, such dog is under restraint. (Ord. 507)
- 2-203. **SAME; SEEING-EYE DOGS, MILITARY, AND POLICE DOGS ETC.** A person owning, keeping, or harboring a dog that has been retired from the United States Armed Forces, a registered seeing-eye dog used by visually or hearing-impaired persons, or police or sheriff department dogs shall not be required to pay the permit fee but subject to all other regulations, including but not limited to the requirement of having the rabies vaccination. (Ord. 507)
- 2-204. **APPLICATION.** Applications for dog permits shall be made to the city clerk or authorized agent upon forms provided by the city clerk, setting forth such information as necessary to properly implement the terms and provisions of this division. Such forms shall be completed by the applicant and submitted to the city clerk or authorized agent for validation, and after validation and payment of the permit fee, such forms shall serve as the dog permit. (Ord. 507)
- 2-205. **VACCINATION CERTIFICATE PREREQUISITE TO ISSUANCE.** No permit shall be issued under this division except upon the presentation of a valid rabies vaccination certificate plainly showing the dog's last vaccination is currently effective and payment of the applicable fee hereunder. (Ord. 507)
- 2-206. **FEES.** (a) The permit fees for the year are as follows:
 (1) For each unspayed or non-neutered dog — \$8;
 (2) For each spayed or neutered dog — \$5;
 (3) For any kennel or pet shop covering all dogs kept during the year — \$40.
 (b) No fees shall be required of any humane society or veterinary hospital
(Ord. 507)
- 2-207. **TERM; YEAR.** The permit term shall be for a period of 12 months commencing on the date of application for the permit. (Ord. 507)
- 2-208. **WHEN REQUIRED FOR UNDERAGE DOGS OR DOGS ACQUIRED AFTER PERMIT DEADLINE.** The owner of a dog shall be required to have a permit for the dog upon the date it is brought into the city or attains the age of six months, whichever is later. (Ord. 507)

- 2-209. TAG. (a) Upon full compliance with the terms of this division, the city clerk or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.
- (b) Such tag shall be securely attached to the collar or harness of the dog for which such permit and tag is issued and shall be worn at all times the dog is off the premises of the owner.
- (c) If a tag issued for a dog is lost, a new tag may be obtained from the city clerk upon payment of \$1.
- (d) No person shall attach a tag to any dog other than the one for which the tag was issued.
- (Ord. 507)
- 2-210. UNLAWFUL USE. (a) A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a permit fee paid.
- (b) No person shall use any dog or kennel permit issued for another dog or kennel.
- (Ord. 507)
- 2-211. NOTIFICATION OF LACK OF PERMIT OR VACCINATION. (a) The veterinarians of the city are hereby required to notify the city clerk within 15 days after the end of the month of any dogs which, during that month, received rabies vaccinations and/or were treated without indication of a current rabies vaccination. Such notification shall include but is not limited to, if known, the following:
- (1) Name and address of the owner of the dog;
- (2) Description of the dog sufficient for identification by the animal officer.
- (b) Any business, individual, organization, or entity engaged in the practice of breeding and/or selling (with or without monetary compensation) dogs shall provide the city clerk the following information within 10 days after the ownership of the dog is transferred:
- (c) The date of the sale or transfer of ownership;
- (2) Name and address of new owner;
- (3) Description of the dog sufficient for identification by an animal control officer;
- (4) Approximate age of the dog.
- (Ord. 507)
- 2-212. OBTAINING PERMITS AFTER DEADLINE; ENFORCEMENT PROCEDURE.
- (a) Late Charge. If a person obtains a permit within 30 days after:
- (1) the expiration of an existing permit term, or
- (2) the date on which a permit is required, no late penalty will be charged;
- If however, the applicant fails to make application within the 30 day period, a late charge of \$2 shall be assessed for each month the application is delinquent in making application, not to exceed a total of \$24. The late charge shall be added to and collected with the regular permit. Any portion of a month for the purposes of late charge computation. The late charge shall not be assessed for any permit purchased within 90 days of effective date of this article.

(b) Application and Renewal Forms. The city clerk shall be authorized to mail application forms for permits and reminder notices to any animal owner of which the clerk has record of.

(c) Delinquency Notice. A complaint alleging violation of the renewal provisions and a notice to appear shall be issued against the owner of a dog subject to but not in compliance with the renewal provisions of this section, provided that the city clerk has issued at least 10 days in advance thereof a delinquency notice by United States mail, first class, postage prepaid to the owner at the last known address of the owner. A delinquency notice shall include at least the following:

- (1) A title that the notice is a delinquency notice
- (2) A statement of late payment charges the owner must pay.
- (3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) Complaint and Notice to Appear. The complaint and notice to appear shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in municipal court at a particular date and time.

(e) Fines. Any person charged with a violation of section 2-209 shall, upon a plea or finding of guilt, shall be sentenced a fine of not less than \$50. The sentence shall not be subject to reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.

(Ord. 507)

2-213. STRAY CATS. It shall be unlawful to allow cats to run at large. Any cat running at large and causing any hardship on any person shall be deemed a stray cat and shall be subject to impoundment. (Ord. 484, Sec. 9)

2-214. REDEEMING OF CATS. Any person wishing to redeem a stray cat shall pay the same pound fees as stated in section 2-206. Cat owners shall not have to purchase tags for their cats. (Ord. 484, Sec. 10)

ARTICLE 3. OTHER ANIMALS

2-301.

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

(b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes.
- (2) Apes: Chimpanzees; gibbons; gorillas, orangutans; and siamangs.
- (3) Baboons.
- (4) Badgers.
- (5) Bears.
- (6) Bison.
- (7) Bobcats.
- (8) Cheetahs.
- (9) Crocodilians, 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 1993)

ARTICLE 4. PENALTY PROVISIONS

2-401. PENALTIES FOR VIOLATION. The penalty for the violation of any portion of this article, except for those sections which have specific penalties attached thereto shall be a fine for a first offense of a given section of \$35, for a second offense a fine of \$100, and a fine for a third offense of \$500. In addition to any fines, the court may issue a jail sentence of between 30 day and six months, or both a fine and jail term. (Ord. 518, Sec. 1)