

## ARTICLE I. IN GENERAL

### Sec. 7-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means any live vertebrate creature except a human.

*Animal control director* means the program coordinator of the unified government animal shelter and/or his designee.

*Animal control officer* means an officer or employee of the office of director of animal control, and officer or employee of the unified government public health department, whose duties involve the enforcement of the provisions of this chapter, or an officer of the police department.

*Animal euthanasia* means the humane destruction of an animal that may be accomplished by any of those methods authorized by K.S.A. 47-1718.

*Animal shelter* means the facility or facilities operated by the unified government or its authorized agent for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*Cat* means any member of the species, felis domesticus.

*Commercial animal establishment* means any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer, animal dealer, or any establishment performing one or more of the principal activities of the aforementioned establishments.

*Dog* means any members of the species, canis familiaris.

*Fowl* means any animal that is included in the zoological classification Aves.

*Health director* or *director of health* means the director of the unified government public health department. The term includes the director's authorized representative.

*Person* means any owner or individual having the right of property in any animal, who keeps or harbors an animal, who has it in his care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupies by such person. Native wildlife remaining on or about any premises shall not be included in this definition.

(Code 1988, § 7-1; Ord. No. O-22-03, § 1, 6-5-2003)

**Cross references:** Definitions generally, § 1-2.

### Sec. 7-2. Penalty.

(a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction of any such violation, shall, unless another specific penalty or specific penalty range be provided by another subsection of this section, be punished by a fine of not less than \$50.00 nor more than \$1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(b) Any person violating any of the provisions of sections 7-14, 7-16, 7-17, 7-212, 7-261 or 7-266 shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

- (1) First offense, \$50.00.
- (2) Second offense, \$100.00.
- (3) Third offense, \$150.00.
- (4) Fourth or any subsequent offense, \$600.00.

(c) Any person violating any of the provisions of sections 7-15, 7-79, 7-109, or 7-218 shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with references to initial or subsequent violation of the particular section:

- (1) First offense, \$200.00.
- (2) Second offense, \$300.00.
- (3) Third offense, \$800.00.
- (4) Fourth or any subsequent offense, \$1,000.00.

(d) Any person violating any of the provisions of section 7-106 shall, upon conviction, be punished by a fine of not less than \$350.00 nor more than \$500.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(e) Any person violating any of the provisions of section 7-7, 7-18 or 7-213 of this chapter shall, upon conviction, and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

- (1) First offense, \$100.00.
- (2) Second offense, \$200.00.
- (3) Third offense, \$500.00.
- (4) Fourth offense, the court may, in its discretion, impose a fine and/or order the director of animal control to remove the animal from the residence to the unified government shelter for disposition as provided by this chapter.

(f) Any person violating section 7-215 shall, upon conviction, be punished by a fine of not less than \$500.00 nor more than \$1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(g) Each day's violation of or failure, refusal or neglect to comply with any provision of this chapter shall constitute a separate and distinct offense.

(h) Court costs shall be imposed as authorized by ordinance.

(i) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person complete a responsible owner training session and/or orientation specified by the court.

(Code 1988, § 7-2; Ord. No. O-22-03, § 1, 6-5-2003; Ord. No. O-45-05, § 1, 6-2-2005)

**Cross references:** Court costs, § 23-13.

### **Sec. 7-3. Notices to appear.**

(a) Whenever any dog is found running at large in violation of section 7-18(a)--(d), the animal control officer finding such dog may take its license number, if such dog is wearing a collar with an identification tag as is required in section 7-265, and may take any other information the dog is wearing which may identify its owner.

(b) The officer who finds a dog running at large may sign a complaint against the person identified as the dog's owner, keeper or harbinger pursuant to subsection (a) of this section. If a complaint is signed, then a notice to appear shall be served upon such identified owner in accordance with section 23-17. If the owner fails to appear as required in the notice to appear, a warrant shall be issued for that person's arrest. In any prosecution charging a violation of section 7-18(a)--(d), proof that the dog described in the complaint was in violation of such section, together with proof that the defendant named in the complaint was at the time of such violation the licensed owner of such dog, shall constitute prima facie evidence that the licensed owner of the dog violated section 7-18(a)--(d). The foregoing stated presumption shall apply only when the procedure as prescribed in this section has been followed.

(Code 1988, § 7-3; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-4. Enforcement generally.**

Except where otherwise provided, it shall be the duty of the supervisor of animal control, with the assistance of staff and police, to administer and enforce the provisions of this chapter. It shall be the duty of the police to assist the director of animal control and the staff of the director of animal control with their enforcement efforts, and the police shall have full authority to enforce the provisions of this chapter.

(Code 1988, § 7-4; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-5. Written notice requirements.**

The written notice requirements of this chapter that must be complied with prior to a hearing before the animal control supervisor shall be deemed sufficient if the notice is served upon the person personally or if it is sent by registered or certified mail to the person's last known address. If the notice cannot be conveniently served by the aforesaid, service of notice may be made upon person by at least one publication in the official newspaper of the city. Such publication shall contain the reason of notice and the date, time and place of hearing.

(Code 1988, § 7-5; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-6. Rules, regulations and fees.**

The county administrator may, with approval of the unified government board of commissioners, adopt rules and regulations necessary for the administration of this chapter, including regulations establishing impoundment, adoption fees, boarding and handling fees, and all other such fees as are required by this chapter.

(Code 1988, § 7-6; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-7. Obstructing enforcement.**

No person shall willfully obstruct any animal control officer engaged in the performance of official duties from performing such official duties.

(Code 1988, § 7-7; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-8. General entry powers of enforcement officers.**

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director of animal control or director of health's authorized representative has

reasonable cause to believe that there exists in any building or upon any premises any condition or violation which creates an unsafe, dangerous or hazardous condition, the director of animal control or director of health or the authorized representative of the same may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director of animal control or director of health by this chapter; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the director of animal control or director of health or the authorized representative of the same shall have recourse to every remedy provided by law to secure entry.

(b) When the director of animal control or director of health or the authorized representative of the same shall have first obtained a proper search warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the director of animal control, the director of health, or the authorized representative of either for the purpose of inspection and examination pursuant to this chapter.

(Code 1988, § 7-8; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-9. Implied consent to entry upon private property for enforcement.**

In the interests of animal control ordinance enforcement, animal rescue, and open violation enforcement, any person keeping or harboring any animal in this city by so doing does thereby authorize the director of animal control, the director of health, the representatives of either, or a police officer to enter without warrant, when there are exigent circumstances, upon private property, except inside any residential structure, of such person who owns or controls where such animal is found, in plain sight, for the purpose of enforcement of this chapter and to seize such animal from the private property to abate an ordinance violation.

(Code 1988, § 7-9; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-10. Consent to seizure to abate suffering.**

By the authority of the city to so provide, and by the authorization stated in section 7-9, any animal that is deemed by the director of animal control to be neglected or abused in violation of this chapter and suffering may be seized from the property of its owner or keeper to abate the suffering of that animal, and such animal may be confined at the shelter for disposition under the terms of this chapter.

(Code 1988, § 7-10; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-11. Consent to removal of rabies suspect animal.**

Any animal that has possibly, through a bite wound, exposed a person to rabies and that is found on the property of its owner or keeper may be removed from that property by the director of animal control if such owner or keeper is not available, willing, and able to surrender the animal for the observation or testing required by this chapter. By keeping such animal in the city, the owner or keeper consents to and authorizes removal under such circumstances to the animal shelter.

(Code 1988, § 7-11; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-12. Dead animals.**

(a) *Responsibility if director of animal control.* The director of animal control shall be responsible for the removal of all dead animals found within the city except as otherwise provided in this section. In this section, "dead animal" shall mean an animal not killed for food or no longer fit for food.

(b) *Removal--Large dead animals.* All large dead animals shall be removed and legally disposed of by the owner or proprietor of the premises within 12 hours after the death of such animal. If not so removed, such animal shall be removed by the city at actual cost to the property owner or proprietor. Charges for dead animal removal are due and payable upon billing by the unified government. The unified government may refuse to collect dead animals for failure to pay previous billings. Failure to pay for dead animal removal as provided shall constitute a violation punishable by fine as delineated in section 7-2.

(c) *Same--Small dead animals.* Animal hospitals, commercial animal establishments, laboratories and other similar places where animals are kept for commercial or scientific purposes shall maintain, for a period of one year, records on the death and disposal of all birds and mammals in their care. Such records shall include the type of animal, cause of death (if known), method of disposal and such other information as specified by the supervisor. Dead animals shall be removed from such establishments and submitted for postmortem examination by a licensed veterinarian, state or federal laboratory, or such other person as approved by the director, or disposed of by incineration, burial or other approved means.

(d) *Access to property.* On occupied property, the owner or the tenant of such property shall provide easy access to the subject animal for purpose of its removal.

(e) *Leaving on streets, etc.* No person owning or having possession of the carcass of any animal not to be used for food shall permit the same to remain in or upon any street, sidewalk, park, or public ground.

(f) *Burial.* Burial of animals shall only be permitted at pet cemeteries licensed by the city, or such other places for which a special permit is granted by the health director.

(g) *Transportation.* It shall be unlawful for any person to transport or remove any dead animal or the carcass of any dead animal along any street, avenue, alley, lane or other highway within the city, unless the same is transported or removed, loaded upon a wagon, truck or other vehicle of conveyance. Any person transporting or removing any dead animal or the carcass of any dead animal, except game animals, such as deer, commonly carried over the hoods of cars, upon any wagon, truck or other vehicle shall completely cover such dead animal with a canvas or some other complete and secure cover so as to entirely conceal the same from view and to prevent the escape of odor.

(Code 1988, § 7-12; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-13. Wild or exotic animals prohibited.**

(a) No person shall keep or permit to be kept on such person's premises any wild or exotic animals for exhibition purposes, whether gratuitously or for a fee, or as a pet. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics that are properly licensed by the state or the federal government. In no case, however, shall such wild or exotic animals be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in direct physical contact with such animals. A wild or exotic animal is a nondomesticated animal or any animal which can normally be found in the wild state, excluding rabbits, ferrets, gerbils, hamsters, mice, guinea pigs, small amphibians, nonpoisonous snakes less than six feet in length, laboratory rats which have been bred in captivity and which have never known the wild, birds and fish normally kept as pets, raptors for the purpose of falconry in accordance with the state department of wildlife and parks regulations, K.A.R. 115-1-1 and K.A.R. 115-14-10. In addition, those monkeys that were kept as pets within the city as of December 31, 1992, or any monkeys that are currently being used as service animals, as defined by the Americans with Disabilities Act of 1990, may be kept

by their current owners; provided that the monkeys are kept in proper living facilities and pass a health examination. The term "monkey," as used in this section, is defined as Old World and New World monkeys, as distinguished from those animals commonly referred to as apes or baboons. The owner of a monkey must obtain a health certificate for such monkey that states that the animal is disease-free and in good health. These animal owners, including those with service animals, must have their facilities certified by the animal control department. Monkeys must be kept in these facilities at all times. No monkeys will be allowed to be kept within the city except those kept as service animals or as pets within the city as of December 31, 1992, and certified by March 1, 1993.

(b) Any person who keeps a wild, exotic, or vicious animal in contravention of this section may dispose of the animal by removal of the animal from the city by giving or selling the animal to a zoological park or by releasing the animal to the supervisor of animal control. The director of animal control may release the animal to the wild or to a zoological park.

(Code 1988, § 7-13; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-14. Commercial animal establishment--Compliance with local codes.**

All commercial animal establishments located within the city shall comply with all zoning regulations, building codes, licensing and occupation tax requirements of the unified government.

(Code 1988, § 7-14; Ord. No. O-22-03, § 1, 6-5-2003)

**Cross references:** Licenses, permits, and miscellaneous business regulations, ch. 19.

**State law references:** Pet animal act, K.S.A. 47-1701 et seq.

### **Sec. 7-15. Same--Standards.**

Any person operating a commercial animal establishment shall keep and maintain the animals and all structures, pens or yards in which the animals are kept in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury to such animals. All cages and holding areas must be properly sanitized so as to keep the animals enclosed therein free of disease. All such caged animals shall be provided with an adequate daily supply of wholesome food and water. All disease-infested animals shall be isolated from healthy animals and treated to prevent the spread of disease or euthanized, and if the owner or keeper fails or refuses to provide such, the supervisor of animal control may remove such animals to the unified government shelter for disposition as provided by this chapter.

(Code 1988, § 7-15; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-16. Excessive animal noise.**

(a) No person shall own or keep any animal that, by making excessive noise, disturbs a neighborhood.

(b) The following definitions and conditions shall be specially applicable to enforcement of this section:

(1) *Excessive noise* means and includes any noise produced by an animal that is so loud and continuous or untimely as to disturb the sleep or peace of a neighbor.

(2) *Neighbor* means an individual residing in a residential structure that is within 200 yards of the property on which the animal is kept or harbored.

(Code 1988, § 7-16; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-17. Property damage.**

It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(Code 1988, § 7-17; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-18. Running at large--Prohibited; exceptions.**

(a) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow the animal to run at large within the city. For the purpose of this section, any animal shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harborer to run at large when found outside the residence structure of the owner, keeper or harborer and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(b) A person with a disability using an assistance dog as defined in K.S.A. 39-1113 shall be deemed to be in compliance with subsection (a) of this section.

(c) Official use of dogs by any governmental unit shall be deemed in compliance with subsection (a) of this section.

(d) An owner, while participating in or training for obedience classes or trials, shall be deemed to be in compliance with subsection (a) of this section. Evidence of this shall be shown by the fact that the dog and owner are going through standard obedience exercises, the owner has a leash on the owner's person, and the dog is under immediate control. The dog's tags must be readily available on the owner's person.

(e) Any animal on the property of its owner or keeper that is roaming free or that is not effectively physically restrained shall be deemed in violation of this section and may be removed from that property to the animal shelter.

(f) Dogs shall not be considered effectively physically restrained behind a suitable fence if the only restraining device is an electric fence. An electric fence is defined as a fence that shocks an animal or person upon the person or animal touching it.

(g) A dog shall be considered effectively physically restrained behind a suitable fence if restrained by an electronic fence and an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's keeper's, or harborer's property. The collar may be controlled manually by a person or automatically in a predetermined manner. Dogs confined to residential property of the owner, keeper, or harborer, by an electronic fence or an electronic collar, shall not be permitted to be nearer than ten feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the front yard of an owner's, keeper's or harborer's property. No dog having been found a dangerous or vicious animal, as defined by section 7-215, shall be confined by an electronic fence or an electronic collar. All owners, keepers, or harborers of dogs who use an electronic fence shall clearly post their property to indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Electronic collars may not be used to control a dog when it is off its owner's, keeper's, or harborer's property.

(h) In order to comply with this section, any electronic fence or electronic collar must be approved by the unified government animal control division. In order to obtain approval, the owner, keeper, or harborer must submit for approval the following information:

(1) The name of the owner, keeper, or harborer;

- (2) Identification of all animals to be restrained by said electronic fence or electronic collar;
- (3) A diagram reflecting the location of any electronic fence;
- (4) The owner, keeper or harborer shall be required to post signs or notices to clearly indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Said notices shall be posted in such a manner as to notify the public of the location and boundaries of any electronic fence.

(i) *Cat control.* All cats must be under the control of their owner, keeper or harborer at all times. For the purpose of this section, a cat shall be considered not under control and in violation of this section in the following situations:

- (1) If a neighbor complains orally or in writing to the owner, keeper or harborer of a cat that the cat is entering upon the neighbor's property, then the cat's presence on the neighbor's property at any time subsequent to the neighbor's complaint shall constitute a violation of this section;
- (2) If a cat causes injury to persons or animals;
- (3) If a cat causes damage to property other than its owner's, keeper's or harborer's property, including, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, glower bed, plant, shrub or tree in any manner or defecating or urinating upon any private property.

(Code 1988, § 7-18; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-19. Same--Violations.**

(a) Upon a person's conviction for a third time involving the same animal in any 12-month period of section 7-18(a)--(d), the supervisor of animal control may, after written notice of time and place is given to such person, hold a hearing to determine whether or not such person's license to keep the animal involved shall be revoked. In making the determination as to whether or not a person's license to keep a animal shall be revoked, the director of animal control shall consider the following:

- (1) Whether or not such person knowingly permitted such animal to run at large; and
- (2) The conditions under which such animal is to be kept and maintained (i.e., if the animal is to be maintained in a manner that would prevent such animal from running at large in the future).

(b) It is unlawful for a person to keep, harbor or maintain the animal involved in the violations within the corporate limits of the city when that person's license to keep the animal has been revoked by the supervisor director of animal control pursuant to this section.

(Code 1988, § 7-19; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-20. Animals putting person in fear.**

No person shall own, keep or harbor any dog or other animal that, by jumping upon or threatening persons upon public streets, shall cause persons to be put in reasonable fear of injury. This section shall apply to animals while being walked on leashes, and the unprovoked attack by an animal on a leash upon any person shall constitute an assault or battery by the person holding the leash and failing to prevent such an unprovoked attack by the animal.

(Code 1988, § 7-20; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-21. Storage of hides.**

No salted or green hides shall be stored in any warehouse or other building or other place within the city so that odors arising from the hides shall annoy or disturb the occupants of the premises in the vicinity thereof. The maintaining of such hides in such condition is a public nuisance.

(Code 1988, § 7-21; Ord. No. O-22-03, § 1, 6-5-2003)

**Cross references:** Health nuisances, § 17-31 et seq.

Secs. 7-22--7-45. Reserved.

## ARTICLE II. IMPOUNDMENT\*

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\***State law references:** State regulation of animal shelters, K.S.A. 47-1704 et seq.

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### Sec. 7-46. Generally.

(a) Any animal may be impounded which:

- (1) Molests any passerby or chases passing vehicles, including bicycles.
- (2) Attacks any other animal.
- (3) Is in heat and not properly confined as provided in section 7-218.
- (4) Is at large in violation of sections 7-18(a)--(d), 7-261 or 7-326.
- (5) Damages public or private property.
- (6) Makes excessive noise as defined in section 7-16.
- (7) Causes injury to people.
- (8) Threatens or causes a condition which endangers public health.
- (9) Impedes refuse collection by ripping any bag or tipping any container of such.

(b) If an owner or keeper is present and able to take control of such animal in lieu of impoundment, a notice to appear may be issued to that person, and the person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other provision of this chapter.

(Code 1988, § 7-36; Ord. No. O-22-03, § 1, 6-5-2003)

### Sec. 7-47. Animal pound records and reports.

The director of animal control shall keep accurate account of all animals received at the pound and released to the owner or purchaser, showing the date and from whom received, the description of the animal, the name and address of the person releasing or purchasing. The director shall keep a like accurate account and description of all animals destroyed and an accurate and complete account of all monies received during the months under the provisions of this chapter, together with a statement of the number of animals in the pound on the first of the month, the number received, the number destroyed, the number released or adopted, and the number on hand at the end of the month.

(Code 1988, § 7-37; Ord. No. O-22-03, § 1, 6-5-2003)

### Sec. 7-48. Registration of persons delivering animals to shelter.

(a) The director of animal control shall not receive an animal into the shelter from any person unless:

- (1) Such person shall submit proof of identification; and
- (2) Such person shall give full name and place of residence, which shall be registered in

a proper book kept by the director of animal control.

(b) It shall be unlawful for any person delivering to or receiving any animal from the shelter to give any false information concerning the same. Any animal given to the shelter by its owner, harbinger or keeper for disposition shall be held at the shelter for three working days, during which the animal may be adopted subject to the requirements of section 7-51, or upon the expiration of which the animal may be destroyed in a humane manner.

(Code 1988, § 7-38; Ord. No. O-22-03, § 1, 6-5-2003; Ord. No. O-45-05, § 2, 6-2-2005)

### **Sec. 7-49. Notification of capture.**

After the impoundment of any animal where a notice to appear has not been issued to the owner or keeper, the director of animal control shall promptly notify the owner of such animal of its impoundment if the owner can be determined and located by reasonable investigation; however, no liability shall attach to the city or to the director of animal control or his staff for failure to give such notice. The owner of an impounded animal who does not redeem the animal may still be proceeded against for violation of any applicable provisions of all applicable ordinances.

(Code 1988, § 7-39; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-50. Impoundment fee; release from pound.**

Any animal held or impounded in the animal shelter because of a violation of any of the provisions of this chapter by its owner may be released to the owner thereof by the director of animal control upon proof of ownership of such animal and upon presentation of the license for the current year showing that such animal has been properly licensed; furthermore, upon either showing proof, in the form of a certificate issued and signed by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such animal has been properly inoculated for rabies as required by section 7-213, or by depositing a rabies vaccination fee with the director to be forwarded to the veterinarian upon presentation of a valid rabies vaccination certificate for such animal, in which case the owner's failure to obtain a valid rabies vaccination certificate and tag within three days shall constitute a violation of this section; and further, upon the payment of an impoundment fee in the amount established by the city administrator together with an administrative and handling fee as may be charged by the animal shelter. The owner shall remain responsible for all penalties for violation of any of the provisions of this chapter. All animals not found with tags that identify their owner that have remained in the shelter three working days without being claimed or released may be destroyed in a humane manner or released for adoption.

(Code 1988, § 7-40; Ord. No. O-22-03, § 1, 6-5-2003)

**State law references:** Release of animals, K.S.A. 47-1710.

### **Sec. 7-51. Adoption of animals.**

An animal held at the animal shelter for three working days and not redeemed by its owner, or five working days if the animal is found with tags which identify its owner, and which is neither vicious nor in a dangerous condition of health may be released for adoption, subject to the following conditions:

- (1) The adoptive owner shall agree in writing to furnish proper care to the animal in accordance with this chapter.
- (2) Such person pays all required fees, including any medical care costs incurred during impoundment.
- (3) In the case of an animal capable of sexual reproduction, such person shall deposit a prepaid neutering or spaying fee as established by the county administrator redeemable

for neutering or spaying of the animal at any local veterinary clinic with a current cooperative agreement with the unified government for such services. As an alternative to the prepaid neutering or spaying fee, the adoptive owner may make a deposit equal to the prepaid neutering or spaying fee, refundable upon furnishing evidence that such animal has been rendered sexually unproductive by any veterinarian of the adoptive owner's choice.

(4) A written agreement is signed by the adoptive owner to render any adopted animal sexually unproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs. Failure to perform the agreement shall be a forfeiture of the deposit and the animal control director may require the return of the adopted animal to the animal shelter.

(Code 1988, § 7-41; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-52. Destruction of impounded animal.**

The director of animal control shall not destroy, or cause or permit to be destroyed any animal impounded until the expiration of impounding time limit of three working days or five working days if the animal is found with tags which identify its owner, except that the director of animal control may, when an animal so impounded has been examined by a licensed veterinarian and found by such veterinarian to be suffering from an injury or disease from which recovery in the veterinarian's judgment is doubtful, destroy such animal in a humane manner.

(Code 1988, § 7-42; Ord. No. O-22-03, § 1, 6-5-2003)

**State law references:** Euthanizing animals, K.S.A. 47-1710, 47-1718.

Secs. 7-53--7-77. Reserved.

## ARTICLE III. ANIMAL PROTECTION\*

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**\*Cross references:** Injury to a domestic animal, § 22-85.

**State law references:** Cruelty to animals, etc., K.S.A. 21-4310 et seq.; animal dealers, K.S.A. 47-1701 et seq.

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### Sec. 7-78. Municipal court hearing on complaints.

(a) An animal control officer may, if a complaint has been signed against an individual pursuant to any provision of section 7-79, precedent to or after the individual has been convicted of violation of such section, sign an affidavit petitioning the municipal court judge to immediately take custody and control of such animal if it appears to the director of animal control that it would be in the best interest of such animal to be seized by the municipal court.

(b) The municipal court judge, upon receiving such affidavit and petition, shall set the matter involving the custody or control of an animal for hearing within ten days from the date that the petition and affidavit are filed. If it appears from the affidavit that the life of the animal is in immediate jeopardy, then the court may set the hearing as soon as practical. The owner or person having control or custody of such animal shall be provided notice of the hearing by serving such persons with a summons to appear; such summons shall be served in the same manner as is required for serving notice to appear pursuant to section 23-17.

(c) The municipal court judge, after a hearing has been held, may order that an animal be seized and placed in the custody of the director of animal control if the following findings are made:

(1) The person summoned to appear is the owner or person having possession or custody of the animal in question.

(2) That there is probable cause to believe that a violation of any provision of section 7-79 has occurred or is occurring and, based upon the violation, it appears that it would be in the best interest of the animal to remove that animal from the possession and custody of the owner of the animal or the person having possession or custody of the animal.

(d) If an order is issued by the municipal court judge ordering that such animal be seized and brought into custody, then the director of animal control shall take such animal into custody and shall inspect such animal, care for or treat such animal or place such animal under the care of a licensed veterinarian for treatment, boarding or other care. If it appears, as determined by the director of animal control or by a licensed veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, then such animal may be destroyed humanely as soon thereafter as is conveniently possible in accordance with K.S.A. 47-1701 et seq.

(e) If the owner or person having control or custody of such an animal is convicted of violating any provision of section 7-79 and the municipal court judge is satisfied that such animal would in the future be subject to such violation, such animal shall not be returned to or remain with such person. Such animal may be turned over to the director of animal control or licensed veterinarian for sale or other disposition.

(f) If the owner or person having control or custody of such animal is adjudicated not guilty or if the municipal court judge, after an adjudication of guilty is made, finds that such animal should be returned, such person may redeem such animal within 72 hours. If such animal is not redeemed

within 72 hours, then such animal may be disposed of in accordance with K.S.A. 47-1701 et seq.

(g) An order issued by the municipal court judge under this section may be appealed to the district court pursuant to the provisions contained in K.S.A. 60-2101(d).

(Code 1988, § 7-56; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-79. Cruelty to and neglect of animals.**

(a) It is unlawful for any person to intentionally kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance, or overdrive any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.

(b) It is unlawful for any person to drive or work any animal cruelly.

(c) It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter. Any animal kept outside shall be provided with a structurally sound, weatherproof enclosure, at least four inches off the ground, large enough to accommodate the animal.

(d) It is unlawful for any owner or keeper to abandon any animal. For purpose of this section, "to abandon" means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or resume custody or to leave an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence.

(e) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with a harmful or poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin that pose a threat to the public health.

(f) It is unlawful for any person to carry any animal or cause any animal to be carried in or upon any vehicle in a dangerous or careless manner.

(g) It is unlawful for any person to leave any pet animal or livestock unattended while tethered to any utility pole, parking meter, building, structure, fence, sign, tree, shrub, bench or other object on public property or on private property without the prior permission of the person or agency in charge thereof, and no pet animal shall be tethered in such a manner as to permit it to intrude upon a public sidewalk or street.

(h) It is unlawful for any person to have, keep or harbor any animal that is infected with any dangerous or incurable and/or painfully crippling condition except as hereinafter provided. A municipal court judge may order a person convicted under this section to turn the animal involved over to the animal control division. All such animals taken by the animal control division may be destroyed humanely as soon thereafter as is conveniently possible. This section shall not be construed to include veterinary hospitals or animals under active veterinary care.

(i) It is unlawful for any person to cause, instigate, stage, train or torment any animal for or permit any fight between any animal and another animal or human.

(j) It is unlawful for any person to attend or solicit attendance at or be an umpire, judge, or other official at a fight staged between any animal and another animal or human.

(k) It is unlawful for any person to give or to offer to give a live animal as a prize, a business inducement, or any other form of gratuity, except purebred livestock given away as a part of a farm youth organization program.

(l) It is unlawful for any person to use as a toy or for display or decorative purposes, to sell or offer for sale, to expose for sale, to subject to any form of mistreatment or careless handling, or to dye any newly hatched fowl or newly born rabbit.

(m) It is unlawful for any person to confine calves, sheep or hogs by tying their legs, except during a properly licensed rodeo, or in any way confine them in closed boxes or otherwise, or

have in his possession any calves, sheep or hogs so tied or confined, or load into any freight car or into any other conveyance, for the purpose of transportation, any animal in a cruel or inhumane manner.

(n) It is unlawful for any person to induce or encourage any animal in an animal exhibition, rodeo or circus to perform through the use of the chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(o) It is unlawful for any person to display for sale, sell, exchange, barter, or give away any animal except in the following places:

- (1) A commercial animal establishment having a valid business license.
- (2) A private kennel or cattery registered under this chapter.
- (3) A private residence.

(p) It is unlawful for any person to 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.

(q) The provisions of this section shall not apply to:

- (1) Normal or accepted veterinary practices;
- (2) Bona fide experiments carried on by commonly recognized research facilities;
- (3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. 32-101 et seq. or K.S.A. 47-101 et seq.;
- (4) Rodeo practices accepted by the Rodeo Cowboys' Association;
- (5) 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, by the agent of such owner residing outside of a city, by the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, by a licensed veterinarian at the request of the owner thereof, by any officer or agent of an incorporated humane society, by the operator of an animal shelter or pound, by a local or state health officer, or by a licensed veterinarian five working days following the receipt of any such animal with tags identifying its owner at such society, shelter or pound;
- (6) With respect to farm animals, normal or accepted practices of animal husbandry;
- (7) The killing of any animal by any person at any time which may be found outside 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;
- (8) 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; or
- (9) Laying an equine down for medical or identification purposes.

(r) As used in this section, the term "equine" means a horse, pony, mule, jenny, donkey or hinny.

(s) Cruelty to animals is a Class A violation.

(Code 1988, § 7-57; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-80. Rescue from vehicles.**

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life, as determined by an animal control officer, the animal control officer

may, with assistance from the police, enter such vehicle and rescue such animal and impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded.

(Code 1988, § 7-58; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-81. Animals injured by motor vehicles.**

Every operator of a motor vehicle or other self-propelled vehicle upon the streets and ways of the city, except emergency vehicles, shall immediately, upon injuring, striking, maiming or running down any animal, notify the police department of the location, and the police department will notify such agency as may be providing injury services.

(Code 1988, § 7-59; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-82--7-105. Reserved.

## **ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL**

### **Sec. 7-106. General powers of director of health.**

(a) In the event that the director of health determines that a rabies or other zoonotic disease control emergency exists, the director shall so declare, stating the boundaries of the affected area, and the director may issue emergency regulations and take all necessary steps within the provisions of this chapter and state law to abate the threat. Such emergency steps and regulations shall be in effect only during the period of the declared emergency.

(b) The director of health may issue standing regulations for rabies and zoonoses control that the director finds necessary to protect the public health which shall be filed with the unified government clerk. Such regulations shall be in keeping with the U.S. Public Health Service guidelines and state law.

(c) The director of health may issue a proclamation ordering persons owning, keeping or harboring animals to muzzle or confine such animals, by good and sufficient means, to the house, stable, outhouse, or yard wherein such person may reside or at a properly licensed kennel for such a time as may be specified in such proclamation, and each person keeping or harboring any dog shall confine the same by good and sufficient means within such person's house, yard, stable or outhouse or have such dog properly and securely muzzled during the time specified in such proclamation. Animals found running at large within the city during the time so specified by the proclamation, without being securely muzzled, may be killed by any police officer.

(Code 1988, § 7-60; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-107. Human exposure to zoonotic diseases by animals other than dogs or cats.**

(a) Any bite wound by an animal other than a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harbinger of the animal if the incident is known to such person. Any animal bite that requires medical treatment shall be reported within 24 hours to the director of health or the director of animal control by the treating physician or hospital caring for the patient. It is the duty of the department to promptly notify the director of animal control of any such bite reported to the police.

(b) It is unlawful for the owner, keeper or person harboring the animal involved in such incident to release it from custody, to hide or conceal such animal, or to take or allow such animal to be taken beyond the limits of the city, unless so authorized by the director of health, until an observation period stipulated by the director of health for the particular species of animal is over or such period is ruled unnecessary by the director of health.

(c) It is the duty of such owner or keeper, upon receiving notice of such incident, to immediately place the animal involved in a duly licensed veterinary medical facility, the address of which must be furnished to the director of animal control at once, or in the unified government animal shelter where such animal shall be isolated and confined for observation. The owner or keeper of an animal involved in a biting incident is liable for the cost of confinement and observation.

(d) The death or any suspicious change in health or behavior of any such animal undergoing observation shall be reported immediately by the observing authority to the director of health or the director's designee representative. In the event that a proper period of observation is undetermined or undeterminable for the species of animal involved in an incident, the director of health may order whatever laboratory examination of the animal or the animal's tissues is

required by prudent medical practice for the protection of the victim, and no liability for damages shall arise from any injury to or the death of the animal occasioned by the laboratory examination.

(e) When an animal involved in an incident is outside the city, the director of health or the director of animal control shall forward information concerning the incident to the appropriate authority of the jurisdiction of residence of the owner, keeper or harbinger or the appropriate state health department for coordinated disease prevention.

(Code 1988, § 7-61; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-108. Domestic dog and cat bites resulting in human exposure to rabies.**

(a) Any bite wound by a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harbinger of the animal if the incident is known to such person.

(b) It is the duty of every owner or keeper of any dog or cat upon receiving notice or having knowledge of the involvement of his pet in a human exposure to the possibility of rabies or other zoonotic disease by biting (hereinafter referred to as "incident") to immediately place such animal in a duly licensed veterinary medical facility, the address of which must be furnished to the director of animal control at once, or in the unified government animal shelter, or licensed kennel approved by the director of animal control, where such animal shall be isolated and confined for observation for ten consecutive days from and including the day of the incident. However, any city police department canine and/or any assisting police canine from other law enforcement agencies involved in an incident may continue on active duty.

(c) It is unlawful for the owner harboring the animal involved in such incident to release it from custody, to hide such animal, or to take or allow such animal to be taken beyond the limits of the city, unless so authorized by the director of health, until the period of confinement and observation here required is completed. The owner or keeper of such animal involved in an incident shall be liable for the cost of confinement and observation.

(d) The death or any suspicious change in the health or behavior of any such dog or cat undergoing observation shall be reported as soon as possible by the observing authority to the director of health or the director's designee.

(e) The director of health or the director's designee may authorize confinement other than described in this section as he finds medically appropriate, providing such animal will be controlled and observed in accordance with the owner's signed agreement, but only if such dog or cat has been vaccinated for rabies within the past 12 months and is duly licensed as provided in this chapter.

(Code 1988, § 7-62; Ord. No. O-22-03, § 1, 6-5-2003; Ord. No. O-106-07, § 1(7-62), 12-17-2007)

### **Sec. 7-109. Nonfamily bite violations.**

Any owner of any animal that inflicts a bite to a human shall be deemed guilty of a misdemeanor, provided such human is not related by blood or marriage to the owner of such animal.

(Code 1988, § 7-63; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-110. Destruction of animals and rabid animal investigation.**

(a) If any dangerous, fierce, or vicious dog, cat or other animal believed involved in an incident (as the term "incident" is used in sections 7-107 and 7-108) cannot be safely captured or prevented from escaping by usual means, such animal may be slain by a police officer or animal

control director.

(b) In all cases where such animal may have exposed a person to rabies and is slain before the completion of the observation period stipulated for the species by the director of health, it shall be the duty of any person slaying such animal to forthwith deliver or cause to be delivered all the remains of such animal to the director of animal control. If the animal is slain by a police officer, the officer shall contact the director of animal control to arrange pickup of the remains. Particular care shall be taken to preserve the head of the slain animal. A departure from this procedure must be requested of and authorized by the director of health.

(Code 1988, § 7-64; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-111. Animals in transit.**

For the purpose of disease or injury control, the director of animal control may impound and observe pets in transit through the city at the request of any official animal control agency, health officer, or law enforcement agency of another jurisdiction.

(Code 1988, § 7-65; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-112. Confinement of animals bitten by rabid animals.**

The owner of any animal known to have been bitten by a rabid animal or by an animal suspected of being rabid shall immediately notify the director of animal control. The animal shall be confined for a period determined by the director of health, and if determined to be rabid by a licensed veterinarian, shall be destroyed immediately.

(Code 1988, § 7-66; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-113--7-137. Reserved.

## **ARTICLE V. LIVESTOCK, ETC.**

### **DIVISION 1. GENERALLY**

#### **Sec. 7-138. Restraining of livestock.**

Livestock shall not be allowed to run at large and, when legally kept, must be restrained in a manner and by such means as will prevent such animals from escaping, straying or running at large. In agriculturally zoned areas, gates around the perimeter of the property used to restrain livestock shall be kept closed with a chain and padlock to minimize vandalism.

(Code 1988, § 7-81; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-139. Release of livestock from large animal holding area; fees.**

Livestock impounded or otherwise held because of the owner's violation or alleged violation of any of the provisions of this chapter may be released by the director of animal control to the owner upon the owner's completion of an affidavit of ownership and payment of expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock, as determined by the supervisor of animal control, and any expenses for publication of notice as required by section 7-140. The owner of released livestock shall remain responsible for penalties imposed for violation of any of the provisions of this chapter.

(Code 1988, § 7-82; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-140. Release for adoption, humane destruction, or sale at public auction of unclaimed livestock; publication of notice; extension of time to pay fees.**

(a) If impounded livestock has not been released to the owner within 14 calendar days, the director of animal control shall arrange for the release for adoption, humane destruction, or sale at public auction of the livestock, as provided in sections 7-141, 7-142, and 7-143.

(b) Except in the circumstances set forth in section 7-142(a), prior to the release for adoption or humane destruction of livestock, the director of animal control shall publish for seven consecutive days in a newspaper of general circulation in the area where the animals were found a notice stating the date on which the animals shall be released for adoption or destroyed and also stating that failure of a person having an interest in the animals to claim them by the specified date shall result in their forfeiture. The notice shall state the kind, sex, age, and brand of the livestock and the date and location where the animals were picked up, but shall not contain any statement as to the color of the animals, any marks or other distinguishing features, or the location of the impounded animals. The notice shall inform persons with an interest in the livestock that they may present any objections to the release for adoption or destruction of the animals to the director of animal control in writing prior to the date specified for the animal's disposition.

(c) Prior to sale at public auction of livestock, the director of animal control shall publish for seven consecutive days in a newspaper of general circulation in the area where the animals were found a notice stating the date, place, and time of sale. The notice shall identify the animals in the manner specified in subsection (b) of this section. The notice shall state that proceeds from the sale of the livestock may be claimed as provided in section 7-143(b) and that failure to claim the proceeds within the time specified in section 7-143(b) shall result in their forfeiture. The notice

shall inform persons with an interest in the livestock that they may present any objections to the sale at public auction of the animals to the director of animal control in writing prior to the date specified for the animals' disposition.

(d) In addition to publishing notices as required by subsections (b) and (c) of this section, the director of animal control shall send to any person known to have an interest in impounded livestock seven days' written notice by first class mail of the pending release for adoption, humane destruction, or sale at public auction of the animals. The notice shall contain information specified in this section.

(e) If, following the notice, the owner fails to secure the release of the livestock, the livestock may be released to any person having an interest therein upon completion of an affidavit of interest and payment of fees as provided in section 7-139.

(f) If a person claiming an interest in the livestock objects in writing to the release for adoption, destruction, or sale at public auction of the animals, the supervisor of animal control shall hear the reasons for the objection and render a decision prior to the disposition of the animals.

(g) If a person having an interest in the livestock completes an affidavit of ownership or interest prior to the release for adoption, humane destruction, or sale at public auction of the livestock, but is unable to pay the required fees for release of the livestock, the animal control director shall grant to the person a reasonable extension of time in which to pay the fees before release for adoption, humane destruction, or sale at public auction of the animals.

(h) "Interest," as used in this section and in section 7-143, means legal interest and includes ownership interest, security interest, and statutory and judicial liens.

(Code 1988, § 7-83; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-141. Adoption of livestock.**

(a) Subject to the provisions of section 7-140, livestock may be released by the director of animal control for adoption if:

(1) The director of animal control determines that the price that the livestock would bring at public auction probably would not exceed the expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock, the cost of publication of notice as required by section 7-140, and any expenses, including handling and transportation expenses, associated with the sale of the animals at public auction;

(2) The person seeking to adopt the livestock agrees in writing to furnish proper care to the livestock in accordance with the provisions of this chapter; and

(3) The person seeking to adopt the livestock pays the expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock.

(b) Priority for adoption of livestock shall be given to the provider of livestock pickup and boarding services.

(Code 1988, § 7-84; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-142. Destruction of livestock.**

(a) The director of animal control shall not order the destruction of any livestock that is impounded or otherwise held until the expiration of at least 21 calendar days, except at any time the director may destroy in a humane manner such livestock if:

(1) In the judgment of a licensed veterinarian, the livestock is injured or diseased beyond recovery and faces imminent death;

(2) In the judgment of a licensed veterinarian, the livestock is injured or diseased beyond recovery, but does not face imminent death, if its owner cannot be located within 24 hours; or

(3) The livestock appears likely to injure any person or property.

(b) Except in the circumstances specified in subsection (a) of this section, the director of animal control shall not order the destruction of any livestock unless he determines that the price the livestock would bring at public auction probably would not exceed the expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock, the cost of publication of notice as required by section 7-140, and any expenses, including handling and transportation expenses, associated with the sale of the animals at public auction.

(Code 1988, § 7-85; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-143. Auction of livestock; proceeds.**

(a) Unclaimed livestock not released for adoption or destroyed shall be sold for cash at public auction in agriculturally zoned areas.

(b) Proceeds from the sale of impounded livestock shall be used to pay expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock, the cost of publication of notice of sale, and any expenses, including handling and transportation expenses, associated with the sale of the animals at public auction. Any remaining proceeds shall be deposited in a special livestock account. If the proceeds are not claimed by a person having interest in the livestock within six months of the date of sale, the proceeds shall be deposited in the general fund of the unified government for public use.

(Code 1988, § 7-86; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-144--7-169. Reserved.

## **DIVISION 2. KEEPING REGULATIONS**

### **Sec. 7-170. Permit.**

(a) It shall be unlawful for any person to keep or maintain any livestock or fowl or any pen for the same within the city in areas not zoned agricultural without first obtaining a permit to do so from the office of director of animal control.

(b) Application for the permit shall be made to the office of director of animal control on forms furnished by the office. Such application shall state the name of the person so desiring to keep such animals or fowl and maintain pens therefore within the city, the location of the premises where the same are to be kept and maintained, the kind of animals and fowl to be kept and maintained, and any other information that the office may desire. Such application shall be signed by the applicant and shall bear the date that the application is made. No permit will be granted unless the request conforms with the zoning ordinances of the city. The initial permit fee and annual renewal fee shall be set by the county administrator.

(c) A permit issued under this section shall be renewed annually without charge. Such permit shall not be transferable from one person to another or from one premises to another. This permit provision shall not be applicable to birds, less than five in number, kept in the residence as pets, such as canaries, parakeets, parrots, finches and doves.

(d) A permit issued under this section may be cancelled by the office of director of animal control upon failure of the holder thereof to comply with any provision of this chapter. No person

who has had a permit cancelled shall be permitted to make application for another permit within one month from the date of the cancellation of a previous permit.

(Code 1988, § 7-96; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-171. Keeping of swine prohibited.**

(a) No person shall keep live swine within the corporate limits of the city unless the swine are confined to:

- (1) Licensed stockyards located in districts zoned for heavy industry; or
- (2) Livestock exhibitions of a temporary duration such as the county fair or at locations approved by the director of animal control where such swine are being kept by a participant in an educational project of a youth farm program such as 4H or Future Farmers of America. Such approval shall designate the number of swine that may be kept and shall terminate when the educational program is completed. Approval may be denied by the director of animal control if keeping of swine at the particular location would cause problems of sanitation or would affect the neighbor's enjoyment of their property. The decision of the director of animal control shall be final and conclusive; or
- (3) Locations within the area annexed by Ordinance No. 65653, if the location is zoned for agriculture.

(b) This prohibition does not apply to certified purebred Vietnamese miniature potbellied pigs that weigh less than 100 pounds. Such miniature pigs kept within the city limits must be registered by the age of four months following the provisions of division 2 of article VI of this chapter, pertaining to the registration of dogs and cats. Each miniature pig must undergo blood testing each year to show that such pig is free from pseudorabies and have a health certificate to that effect. Such miniature pigs must be kept in a fenced area. Each residence within the city limits may have no more than one miniature pig, and the total of dogs, cats, and miniature pigs shall not exceed five. Male miniature pigs must be neutered and female miniature pigs spayed when they reach the age of four weeks.

(Code 1988, § 7-97; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-172. Keeping livestock.**

(a) In this section, the term "livestock" includes, but is not limited to, horses, mules, cattle, sheep, and goats.

(b) Except in areas zoned agriculturally, no livestock or animals of similar or larger size shall be kept, maintained, pastured or fed within 50 feet of the nearest portion of any building in any way used by human beings, other than the dwelling occupied by the owner or keeper of any of such animals. Beyond this limitation of 50 feet, not more than two of such animals shall be kept, provided that the limitation of two horses shall not apply to a licensed commercial riding stable, as a riding academy, nor shall the limitation of two such animals apply to a commercial stockyard or land zoned for agricultural use, or on parcels of five or more acres. Stables, coops, pens or other structures for the housing of any of the aforementioned animals shall comply with all zoning restrictions.

(Code 1988, § 7-98; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-173. Offensive odors from enclosures in which animals are kept.**

It shall be unlawful for any person to keep any cattle, horses, goats, rabbits, or other animals, chickens, ducks, geese, turkeys, or any other fowl in any pen, shed, or yard within the city from which

any deleterious or offensive odor shall be emitted. The maintaining of any of the animals or fowl mentioned in this section in such condition is a nuisance.

(Code 1988, § 7-99; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-174. Manure accumulations.**

All manure accumulations in the area where livestock and other animals are kept shall be removed, stored or disposed of in such a manner as to prevent attracting flies or the spread of disease.

(Code 1988, § 7-100; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-175. Small animals and fowl in pens.**

(a) This section does not apply to the keeping of dogs or cats.

(b) Except where fowl or animals are kept for sale within a bona fide produce market, commission house or store for the purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory, or less than five birds are kept in a home as pets, such as canaries, parakeets, parrots, finches, and doves, it shall be unlawful for any person to keep or maintain any chicken coop, dove cote, rabbit hutch or other yard establishment for the housing of fowl or small animals closer than 100 feet to the nearest portion of any building occupied by or in anywise used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than 25 feet to the property line of the lot. Animals and fowl so kept or maintained shall be enclosed on all sides and shall not be allowed to run or fly at large, except for homing pigeons.

(Code 1988, § 7-101; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-176. Maintenance of enclosures for fowl.**

All earthen yards or runways wherein fowl are kept or permitted to be shall be spaded and then limed once every three months from the month of April through the month of December. For the purpose of killing flies and other insects, all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects.

(Code 1988, § 7-102; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-177. Condition of enclosures.**

(a) This section does not apply to the keeping of dogs or cats.

(b) Any structure, pen, coop, or yard wherein animals or fowl are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The person maintaining any aforementioned structure, pen, coop or yard in the city does by such act of maintenance authorize the director of health to, at any time, inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this section.

(Code 1988, § 7-103; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-178. Subsequent development of adjacent property.**

Should adjacent property be later developed, or residential structures located closer than the distances in section 7-172 and section 7-175, the owner or keeper of such animals shall move or restrict such animals to comply with these provisions.

(Code 1988, § 7-104; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-179--7-209. Reserved.

## **ARTICLE VI. DOGS AND CATS**

### **DIVISION 1. GENERALLY**

#### **Sec. 7-210. Enumeration and record; notice to register.**

It shall be the duty of the director of animal control to keep a record of all dogs and cats owned, kept or harbored within the corporate limits of the city and to make and keep a correct record of all such dogs and cats currently registered, with the name and place of residence of the owner or keeper thereof, and to serve notice on such owner or keeper to register the same as provided by this chapter.

(Code 1988, § 7-121; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-211. Consent to remove female in heat.**

Any female dog or cat in heat and not confined in a building or solid enclosure as required by section 7-218 may be removed from the property of its owner or keeper to the shelter to abate such nuisance.

(Code 1988, § 7-122; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-212. Maximum number.**

It shall be unlawful for any person in charge of a residence to keep or to allow to be kept more than two dogs or four cats over 120 days of age or any combination of such animals exceeding five in number, but in no case more than two dogs, unless one or more of the following conditions are met:

- (1) The residence is licensed as a commercial animal establishment in accordance with K.S.A. 47-1701 and meets local criteria set forth by the unified government.
- (2) If the individual in charge of the residence is not engaged in the commercial sale of dogs and has a current special use permit issued by the unified government board of commissioners for a dog kennel, in which case the number of animals shall not exceed ten over the age of 120 days.

(Code 1988, § 7-123; Ord. No. O-22-03, § 1, 6-5-2003)

#### **Sec. 7-213. Rabies inoculation required.**

It is the duty of every owner of a dog or cat to have such dog or cat inoculated against rabies. The owner or harbinger of such dog or cat shall at all times possess evidence of rabies inoculation consisting of a certificate signed by the licensed veterinarian administering the vaccine. A copy of the certificate of rabies inoculation shall be presented with the application for license as required by section 7-263. No license shall be issued unless such certificate bears a date within one year prior to the date of license. The veterinarian administering the rabies vaccination shall issue a metallic tag for the particular dog vaccinated, on which shall be distinctly marked the veterinarian's name or veterinary clinic name, address, and tag identification number. The year of issuance also shall be distinctly marked, which shall be the same as the year of vaccination. The owner of any dog which is determined by the director of animal control to be running at large and which is not wearing a collar with identification consisting of the owner's name and current address and, if such dog is over five months old, a current rabies vaccination

tag, is guilty of a misdemeanor.

(Code 1988, § 7-124; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-214. Parasite control.**

No person shall offer for sale, sell or give away any dog or cat unless such animal has been dewormed or certified in writing by a duly licensed veterinarian to be free of intestinal helminthes in order to prevent the spread of such to other animals and humans. It is the responsibility of the buyer to have the animal reexamined to determine if it is free of parasites.

(Code 1988, § 7-125; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-215. Vicious dogs--Prohibited.**

(a) No person owning, harboring or having the care or custody of a vicious dog shall suffer or permit such dog to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.

(b) No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait, or use any dog for the purpose of dog fighting or for the purpose of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.

(c) No person shall suffer or permit a vicious dog to be unconfined. An actual attack by such animal upon any person conducting himself in a lawful manner at the time of such attack, whether such attack occurs on or off the property of the owner or custodian of such animal, shall be deemed prima facie evidence that there were not such adequate provisions made in any prosecution under subsection (a) of this section.

(d) In this section:

(1) A vicious dog is "unconfined" if while on the premises of its owner or harborer such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the person described in subsection (a) of this section. Such pen or dog run area must be adequate to ensure the confinement of such dog upon the premises.

(2) The term "vicious" dog means:

- a. Any dog with a known propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;
- b. Any dog which attacks a human being or domestic animal without provocation;  
or
- c. Any dog trained for dog fighting.

(3) For purposes of this section, where the official records of the director of animal control indicate that a dog has bitten any person, it shall be prima facie evidence that said dog is a vicious dog.

(Code 1988, § 7-126; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-216. Same--Disposition of.**

Upon conviction of failure to comply with any provision of section 7-215, in addition to the usual judgment of conviction, if it shall appear to the municipal judge that such dog is still living, the judge may

order that the dog be humanely killed, and direct the director of animal control to enforce that order, and the police department shall assist as may be requested by the director of animal control.

(Code 1988, § 7-127; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-217. Same--Determination; notice and hearing; confinement or destruction.**

(a) Upon the complaint of any person, or upon the director's own volition, the director of animal control may, after written notice of time and place is given to the owner of any dog, hold a hearing to determine whether or not the animal is dangerous or vicious. In making a determination, the director of animal control shall consider the following:

- (1) The seriousness of any attack or wound.
- (2) The past history of wounds inflicted by the animal.
- (3) The potential propensity of the animal to inflict wounds in the future.
- (4) The conditions existing when the animal inflicted any wound or wounds.
- (5) The conditions under which the animal is kept and maintained.

(b) If the director of animal control determines that the animal is dangerous or vicious, the director may pick up and cause the animal to be destroyed, or in lieu of such destruction, the director may permit the confinement of the animal in a manner and location that the director deems appropriate.

(c) A decision by the animal control director to destroy a dangerous or vicious animal may be appealed in writing to the unified government municipal court within ten days of the date of the decision.

(Code 1988, § 7-128; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-218. Confinement of females in heat.**

It shall be the duty of every owner or keeper of a female dog or of a female cat to keep such dog or cat confined in a proper enclosure when it is in heat, so that such dog or cat may not be permitted to run in the yard or other open spaces outside an enclosed structure. Should the owner or keeper of such dog or cat fail to provide a proper enclosure in which it may be kept, the animal control officer may request entry to the premises, and if entry is refused, the animal control director or his authorized representative shall have recourse to every remedy at law to secure entry in order to take and place such dog or cat in the animal shelter or some veterinary hospital in the city, at the cost of such owner or keeper.

(Code 1988, § 7-129; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-219. Pit bull dogs.**

(a) *Unlawful to keep.* It shall be unlawful to keep, harbor, own or in any way possess within the city limits any pit bull dog. As used in this section, the term "pit bull dog" is defined to mean:

- (1) The Staffordshire bull terrier breed of dog;
- (2) The American pit bull terrier breed of dog;
- (3) The American Staffordshire terrier breed of dog;
- (4) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier,

or any combination of any of these breeds.

(b) *No further exceptions.* There are no longer exceptions for pit bulls registered with the city as of May 9, 1990, or pit bulls kept as of December 31, 1991, at those locations within the area annexed by Ordinance No. 65653, as there are no pit bulls currently living that were registered as of those relevant dates.

(c) *Violations and penalties.* Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not less than \$300.00 and not more than \$1,000.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 90 days. Should the defendant refuse to remove the dog from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this section.

(Code 1988, § 7-130; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-220--7-260. Reserved.

## **DIVISION 2. REGISTRATION**

### **Sec. 7-261. Required.**

(a) It is unlawful for any person to keep any weaned dog or cat past the age of six months in the city, unless the same has been registered for the current year in accordance with this division.

(b) Subsection (a) of this section does not apply to any nonresident owner or keeper of a dog or cat while such nonresident is passing through the city, provided such dog or cat shall remain on a leash or otherwise effectively physically restrained, as in a closed vehicle.

(Code 1988, § 7-141; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-262. Fee.**

The owner, keeper or harbinger of each dog or cat required to be registered by this division shall pay the director of animal control an annual registration fee in the amount established by the county administrator.

(Code 1988, § 7-142; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-263. Vaccination certificate.**

Each person desiring to register a dog or cat under this division shall present to the director of animal control a current vaccination certificate showing that the dog or cat has been vaccinated against rabies within the preceding 12 months, as required by section 7-213. The director of animal control shall thereupon issue a license to the person presenting the vaccination certificate and keep a record of the transaction.

(Code 1988, § 7-143; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-264. Registration year.**

All dogs and cats shall be registered annually at such times and pursuant to such regulations as are established by the county administrator.

(Code 1988, § 7-144; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-265. Tag--Generally.**

At the time of the issuance of the registration certificate provided for in this division, the director of animal control shall deliver to the owner or keeper of the dog or cat a metallic tag or check, with the letters "K.C.K.," together with the registration number, and appropriate year, marked or stamped thereon.

(Code 1988, § 7-145; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-266. Same--Display.**

No owner or keeper of any licensed dog shall allow or permit such dog to be outside of the residence of such owner or keeper at any time other than when enclosed on all sides in a cage or covered dog run without having attached to a collar about the neck of such animal or to a secure body harness the license tag provided for in section 7-265, except when such dog is being trained for or participating in an obedience training course or trial or a dog show or match, provided such dog is not in violation of section 7-18(a)--(d).

(Code 1988, § 7-146; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-267. Spaying and neutering.**

(a) *Legislative findings.* It is the purpose of this section to promote the health, safety and general welfare of the residents of the city by reducing the number of stray dogs and cats. The unified government board of commissioners finds that each year, thousands of dogs and cats are euthanized in the city because they are not wanted. It is the purpose of this section to eliminate the excessive number of unwanted animals and thereby stop the needless killing of these animals by restricting the breeding practices of pet owners and breeders through legislation that is both reasonable and enforceable.

(b) *Prohibition.* It shall be unlawful to own, possess or keep in the city any dog or cat over the age of six months that has not been spayed or neutered, except as provided in subsection (c) of this section.

(c) *Exceptions.* The prohibition contained in subsection (b) of this section shall not apply:

(1) If a licensed veterinarian states in writing that an animal is unfit to undergo the required surgical procedure because of an extreme health condition of the animal. Such extreme health condition shall include, but not be limited to, severe cardiovascular compromise, bleeding disorder, respiratory disease or hepatic disease. The old age of an animal shall not, of itself, constitute an extreme health condition for purposes of this section.

(2) If the owner of the animal annually obtains a permit from the animal shelter to possess an animal that is not neutered. The permit shall be issued or renewed only if the director of animal control determines that the following conditions have been met:

- a. The animal is examined regularly by a licensed veterinarian;
- b. The animal is vaccinated annually for rabies and other common diseases;

- c. The animal is housed properly;
- d. The owner has not had more than two violations of the provisions of this chapter in the preceding 24 months;
- e. The owner pays a permit fee established by the county administrator. The fee is intended to cover a portion of the cost that the unified government currently incurs for each unwanted animal impounded and euthanized;

(3) If an animal is temporarily in the city to participate in a show or event sponsored by a sanctioned animal organization;

(4) If an animal is owned, possessed or kept in the city for fewer than 30 days in a one-year period.

(Code 1988, § 7-147; Ord. No. O-45-05, § 3, 6-2-2005; Ord. No. O-106-07, § 1(7-147), 12-17-2007)

Secs. 7-268--7-297. Reserved.

### **DIVISION 3. PATROL DOGS\***

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**\*Cross references:** Private security businesses and private security officers, § 19-108 et seq; police, ch. 28.

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#### **Sec. 7-298. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial use of patrol dogs* means the use of patrol dogs at hire for private security.

*Handler* means any person who handles patrol dogs in conjunction with a commercial use.

*Patrol dog* means any dog that is trained or conditioned to attack or otherwise respond aggressively, only upon command from a handler, either off or on lead, including dogs that are placed at specific locations for security purposes with or without the accompanying presence of a handler.

(Code 1988, § 7-161; Ord. No. O-22-03, § 1, 6-5-2003)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 7-299. General regulations.**

Any person engaged in the commercial use of patrol dogs shall comply with the following:

(1) Each dog shall be registered with the director of animal control prior to its commercial use within the city. Registration includes a current rabies certificate, photographs of the dog, proof of ownership and an occupation tax receipt issued by the unified government license administrator.

(2) Each patrol dog shall wear at all times a substantial collar with a strip of at least three inches in length of bright, reflective orange color (international orange), at least one inch wide, to which shall be attached a metal tap imprinted with the name, address and telephone number of its owner or custodian.

(3) The director of animal control shall be notified of the location at which a patrol dog will be used commercially prior to use of the dog at a location. Such information will be treated confidentially by the director of animal control.

(4) The areas within which a patrol dog is used commercially shall be posted with signs 30 to 60 feet of each other that give notice of the presence of such dogs. The signs shall be constructed of weatherproof material with lettering at least two inches in height and of contrasting colors that are distinctive and attract attention, and shall contain a picture of a dog with an expression of aggression to non-English speaking people.

(5) Adequate shelter and water shall be afforded in the area within which a patrol dog is used.

(6) It shall be the responsibility of the owner or custodian of patrol dogs to take measures to ensure that the commercial area within which such dogs are confined contains no breaches that will permit escape.

(7) In the event any patrol dog escapes within the city the owner or custodian shall immediately notify the director of animal control and the police department.

(Code 1988, § 7-162; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-300. Compliance.**

It shall be unlawful to commercially use patrol dogs without complying with the minimum standards set forth in this division.

(Code 1988, § 7-163; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-301. Drugged animals, filed teeth, etc.**

It shall be unlawful to commercially use any patrol dog which is drugged or medicated knowing the same to have been drugged or medicated for other than medical reasons, to commercially use any such dog knowing the same to have been subjected to the filing of teeth or intentionally fitted with collars or harnesses which cause physical discomfort, or to commercially use any such dog knowing the same to have been subjected to any other physical tampering.

(Code 1988, § 7-164; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-302. Commands and signals.**

(a) It shall be unlawful to commercially use any patrol dog unless such dog responds to commands and signals of a handler in accordance with following standards:

(1) Dogs used commercially for patrol on lead shall be required to demonstrate at the handler's side ability to respond to the following commands, which in evaluation for certification shall be given the weight indicated:

- a. Sit (semi-critical).
- b. Down (critical).
- c. Heel (semi-critical).
- d. Stay (critical).

(2) Dogs used commercially for patrol off lead or for a combination of on and off lead, shall be required to respond to the commands in subsection (a)(1) of this section, at a distance of ten feet from the handler. In addition, such dogs must demonstrate an ability

to respond as follows:

- a. On command of "stay," the dog must remain in heel/sit position off leash, and not attack when approached within four feet by a person (critical).
  - b. The dog must cease pursuit of an agitator on command (leave, release, out, etc.) (critical) and then return to handler on command of heel (semi-critical).
- (3) One physical correction per four commands is allowed. Dogs failing to respond to commands deemed critical shall not be certified.

(b) Nothing herein shall prohibit a handler from releasing a patrol dog off lead when subject to imminent threat of serious physical harm from an attacker.

(Code 1988, § 7-165; Ord. No. O-22-03, § 1, 6-5-2003)

### **Sec. 7-303. Housing.**

The following standards for housing of patrol dogs in kennels shall apply:

- (1) Runs shall be completely surrounded by a fence at least six feet in height, with attached anticlimbers, or the run shall be completely covered.
- (2) A perimeter fence at least six feet in height, with attached anticlimbers, shall encircle the training area.
- (3) If the kennel area is within the area used for training, one fence of at least six feet in height that encircles the training area shall be sufficient.
- (4) All gates and entrances to runs, kennels and training areas shall be locked when not in use. The fences shall be checked regularly to ensure that there are no breaches that permit escape.
- (5) A dog being trained as a patrol dog shall, at all times, be confined to its kennel, run, or training area unless it is under leash control of its trainer.

(Code 1988, § 7-166; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-304--7-324. Reserved.

## **DIVISION 4. DOG KENNELS\***

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**\*Cross references:** Licenses, permits, and miscellaneous business regulations, ch.19.

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### **Sec. 7-325. Kennel defined.**

In this division, the term "kennel" means and includes any yard, structure, enclosure or other place within the city where three or more dogs over the age of 120 days are kept, except those residences authorized to retain more dogs under the provision of section 7-212.

(Code 1988, § 7-181; Ord. No. O-22-03, § 1, 6-5-2003)

**Cross references:** Definitions generally, § 1-2.

**Sec. 7-326. Permit.**

(a) It shall be unlawful for any person to keep, operate or maintain a kennel, without first obtaining a permit so to do. Application for such permit shall be filed with the animal control division. Such application shall state the name of the person desiring to keep or maintain a kennel, the location of the premises where such kennel is to be kept and maintained, and any other information that the director of animal control may desire. Such application shall be signed by the applicant and shall bear the date that the application is made. The initial permit fee and annual renewal fee shall be set by the county administrator.

(b) A kennel permit issued under this division shall be renewed annually without charge. Such permit shall not be transferable from one person to another or from one premises to another.

(c) Any permit issued under this section may be cancelled by the director of animal control if the holder thereof fails to comply with any notice given him pursuant to section 7-327. No person who had a permit cancelled shall be permitted to make application for another permit within one month from the date of the cancellation of a previous permit.

(Code 1988, § 7-182; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-327. Notice to correct defective conditions.**

The director of animal control shall inspect the premises covered by a permit issued under this division, and, if the health director is satisfied from such inspection that the premises are not being maintained in a clean and sanitary manner and free from the accumulation of filth, dirt, debris, or garbage, the director shall notify the owner or keeper of the dog kennel, in writing, to correct the situation and keep and maintain the kennel in a clean and sanitary condition, within 24 hours after the notice is served on such owner or keeper.

(Code 1988, § 7-183; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-328. General maintenance requirements.**

It is a nuisance and unlawful for any person to permit or maintain any dog kennel that is not, at all times, clean and sanitary, and free from dirt, debris or garbage, and free from offensive odors. All dog kennels shall be cleaned daily.

(Code 1988, § 7-184; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-329. Storage of excreta.**

Excreta from pens, if stored on the premises of a dog kennel, shall be stored in metal containers with a fly-tight lid. Proof of proper disposal of excreta shall be provided upon request by the director of animal control.

(Code 1988, § 7-185; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-330. Drainage of premises.**

All dog kennels shall be so located that adequate drainage is obtained. Leaky water faucets or water pans under which water dampness may occur will not be permitted.

(Code 1988, § 7-186; Ord. No. O-22-03, § 1, 6-5-2003)

**Sec. 7-331. Location restrictions.**

All dog kennels must have a current special use permit granted by the unified government board of commissioners in compliance with the zoning ordinances of the city.

(Code 1988, § 7-187; Ord. No. O-22-03, § 1, 6-5-2003)

**Cross references:** Zoning, § 27-340 et seq.