

ORDINANCE NO. 4617

AN ORDINANCE OF THE CITY OF LIBERAL, KANSAS AMENDING CHAPTER 2, ARTICLE 3 REGULATING DOGS AND CATS WITHIN THE CITY OF LIBERAL, KANSAS.

BE IT ORDAINED BY THE CITY OF LIBERAL KANSAS:

Article 1: The Liberal City Code Chapter 2, Article 3 is hereby amended, added, and replaced with the following:

2-301. REGISTRATION/LICENSE REQUIRED-FEES AND OTHER CHARGES.

- (a) Every person owning or having custody or control of any dog or cat over the age of six (6) months in the City of Liberal shall register and purchase an annual license for the animal. Licenses are purchased and issued from the Liberal Animal Control Supervisor or designee for each dog and cat. The owner or custodian of an animal found in the field unlicensed by a Liberal Animal Control employee or any authorized agent shall immediately obtain a license and incur a license and field enforcement fee.
- (b) The registration period shall be valid from January 1st through December 31st of each year.
- (c) Fees are set forth in the fee schedule C; said fees may be amended periodically by resolution and reflected in Liberal City Code Section C.
- (d) Any person convicted of a violation of 2-301 shall be punished by a fine not to exceed \$500 and/or up to 30 days in jail.

2-302. TAGS FOR DOGS/CATS.

- (a) The owner of a dog or cat located within the City limits of Liberal, Kansas shall obtain a serially numbered metallic tag from the Liberal Animal Shelter. The dog/cat tag shall be stamped with the name of the city, and year of issued, and serial number. Said tag shall be securely affixed to a collar, harness or other device which shall at all times be worn by such dog or cat, except while such dog or cat remains indoors or in any enclosed yard or pen.
- (b) The tag shall be approved and issued by the Liberal Animal Control Supervisor or designee for a period not to exceed one year.
- (c) Renewal tags shall be provided annually by the Liberal Animal Shelter on the first day of January upon payment of the annual licensing fee. A late fee will be assessed when paid after February 1st. This fee shall be amended by resolution from time to time and incorporated into Schedule C of the Liberal City Code.
- (d) In the event of a lost tag, a duplicate shall be obtained at the Liberal Animal Shelter at a fee reflected in the Liberal City Code Fee Schedule C and amended from time to time.
- (e) A person shall not attach to or keep upon any dog/cat, or cause or permit to be attached to or kept upon any dog/cat, any tag as provided for herein except a tag issued for such dog/cat per 2-302 or attach or keep upon or cause or permit to be attached to or kept upon any dog/cat, or make or cause or permit to be made or have in possession, any counterfeit or imitation of any tag provided for in this chapter.
- (f) Any person convicted of a violation of 2-302 shall be punished by a fine not to exceed \$500 and/or up to 30 days in jail.

2-303. RABIES VACCINATION REQUIRED.

Every dog or cat *six* months of age and older shall be vaccinated against rabies. Young dogs and cats shall be vaccinated within 30 days after they have reached *six* months of age. Unvaccinated dogs or cats acquired or moved into the city must be vaccinated within 30 days after purchase or arrival, unless under *six* months of age, as specified above. Every dog or cat will be revaccinated as required to maintain protection according to the type of vaccine used. The costs of all vaccinations shall be borne by the owner of the dog or cat.

2-304. DOGS; PROHIBITED ACTS.

(a) It shall be unlawful for any person owning, harboring, or having the custody or possession of any dog to cause or allow such animal to:

(1) Run at large within the city. If any dog is found at large within the city, the owner shall be presumed to have violated this article.

(2) Commit any damage or nuisance upon the property of any person.

(3) Enter a public building unless such animal is a specially trained guide dog or support dog for persons with physical disability. Any person with a physical disability may be accompanied by a support dog, trained and certified for such purposes as pulling wheelchairs, opening doors and picking up objects, in public places without being required to pay an extra charge for the support dog.

(4) Disturb the peace and quiet of any family, individual or neighborhood by barking or howling, and if any dog does so disturb the peace and quiet, its owner shall be deemed guilty of a violation of this article.

(b) No owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance.

(c) Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal, except for planned breeding.

(d) Removal of dog waste on public ways, public places, or property of another:

A person in control of any dog shall be responsible for removal of any waste deposited by their dog(s) on public right of ways, public property or private property of another.

(1) It is unlawful for the person in control of a dog to allow such dog to defecate on any public or private property. The fact that the dog was at large at the time it defecated on any property shall constitute prima facie evidence that the owner or person in control of the dog allowed or permitted the dog to act.

(2) Exceptions:

a.) The owner or person in control of the dog immediately removed and cleaned up such dog's waste from public or private property of another.

b.) The dog defecates on private property that is owned by the owner or person in control of the dog.

2-305. CATS; PROHIBITED ACTS.

(a) It shall be unlawful for any person owning, harboring, or having the custody or possession of any cat to cause or allow such animal to:

(1) Commit any damage or nuisance upon the property of any person.

(2) Disturb the peace and quiet of any family, individual or neighborhood by howling, and if any

cat does so disturb the peace and quiet, its owner shall be deemed guilty of a violation of this article.

- (3) Howl or make other noise so as to substantially disturb the quiet of any person.
- (b) No owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance.
- (c) Every female cat in heat shall be confined in a building or secure enclosure in such manner that such female cat cannot come into contact with another animal, except for planned breeding.
- (d) Removal of cat waste on public ways, public places, or property of another:
 - (1) A person in control of any cat shall be responsible for removal of any waste deposited by their cat(s) on public right of ways, public property or private property of another.
 - (2) It is unlawful for the person in control of a cat to allow such cat to defecate on any public or private property. The fact that the cat was at large at the time it defecated on any property shall constitute prima facie evidence that the owner or person in control of the cat allowed or permitted the cat to act.
 - (3) Exceptions:
 - a.) The owner or person in control of the cat immediately removed and cleaned up such cat's waste from public or private property of another.
 - b.) The cat defecates on private property that is owned by the owner or person on control of the cat.

2-306. NOTIFICATION OF OWNER OF IMPOUNDED DOG OR CAT.

- (a) If the identity of the owner of an impounded dog or cat is known, he or she shall be notified of the impoundment of his or her dog or cat.
- (b) Impounded dogs and cats shall be kept for a minimum of 72 hours at which time if the animal has not been claimed, it shall either be humanely destroyed or be released for sale to a person upon payment of the pound charge plus a service fee to be specified in the city's annual resolution establishing all license fees.

2-307. VICIOUS DOGS.

- (a) It shall be unlawful for a person, firm or corporation to own, keep, maintain, harbor, possess or otherwise have within his or her control a vicious dog. (2007, Ord. 4339) (a) As used in this section, vicious dog shall mean and include:
 - (1) Any dog who is known to his or her keeper or harbinger, or reasonably should be known to his or her keeper or harbinger, to have a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten or endanger the safety of human beings or domestic animals;
 - (2) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by subsection (5) of this section, or sections 2-308-2-310; or
 - (3) Any dog which, without provocation, has attempted to attack, bite or otherwise do bodily harm to a human being or domestic animal or has attacked, bitten or otherwise done bodily harm to a human being or domestic animal;
 - (4) Any dog owned, kept or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting; or
 - (5) A vicious dog is "unconfined" if the dog is not securely confined indoors or

confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. The pen, kennel, structure or dog run area must have secure sides and a secure top attached to all sides. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two feet. All structures erected to house vicious dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

- (6) This section shall not apply to either dogs kept by law enforcement agencies or dogs used to guard or protect public or private property or persons thereon and which have acted in the manner described in this section on the property of the owner or custodian of such dog.
- (7) In addition to any penalties the court may prescribe for violation of this section, if the court finds that such vicious dog represents a continuing threat of serious harm to human beings or other domestic animals, the court may order such animal destroyed.

2-308. SAME; LEASH AND MUZZLE.

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

2-309. SAME; SIGNS.

The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

2-310. SAME; INSURANCE.

The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than \$50,000 per incident insuring the person against any claim, loss, damage or injury to any human being resulting from the acts of the dog. The person shall produce evidence of the required insurance upon request of a law enforcement officer, the animal control officer or a duly appointed city or state official. This section shall not apply to dogs kept by law enforcement agencies.

2-311. STERILIZATION OF IMPOUNDED DOGS AND CATS; WHEN.

(a) No dog or cat may be released for adoption from any pound or animal shelter or from any duly incorporated humane society, unless:

- (1) The dog or cat has been first surgically spayed or neutered; or
- (2) The adopting party signs an agreement to have the dog or cat spayed or neutered and deposits with the pound or animal shelter funds sufficient to ensure that the dog or cat will be sterilized. Any funds deposited pursuant to such an agreement shall be refunded to the adopting party upon presentation of a written statement

signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

(b) No person shall spay or neuter any dog or cat for or on behalf of a pound, animal shelter or humane society unless the person is a licensed veterinarian. No pound, animal shelter or humane society shall designate the veterinarian which a person must use, or a list from which a person must select a veterinarian, to spay or neuter a dog or cat adopted by the person from the pound, shelter or society, nor shall the pound, shelter or society in any way penalize a person for the person's selection of a veterinarian to spay or neuter a dog or cat adopted from the pound, shelter or society.

(c) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by a pound or animal shelter and which may be claimed by its rightful owner.

2-312. PENALTY.

Any person violating or permitting the violation of any provision of sections 2-307-310 shall upon being found guilty in municipal court be fined a sum of not less than \$200 and not more than \$2,000 for a first offense, with a doubling of the minimum and maximum amount of fine for each offense thereafter. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days for a first offense, with a doubling of the length of the sentence up to a maximum of one year for each offense thereafter. In addition, the court shall order the registration of the vicious dog revoked and the dog removed from the city, and may order the dog destroyed. 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 destruction of the dog. 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 any provision of sections 2-307-310 shall pay all expenses, including shelter, food, handling, veterinary care, medical expenses for anyone or animal injured, the repair of property damage caused by the dog, in testimony necessitated for the enforcement of this article.

2-313. DISPOSITION OF CERTAIN VICIOUS DOGS.

(a) Any public animal control officer or a duly appointed city or state official, law enforcement officer, or licensed veterinarian, or any officer or agent of a duly incorporated humane society, may take into custody any dog suspected of being kept by its owner or custodian in violation of sections 2-304-310. When a law enforcement agency takes custody of such dog, the agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian for boarding, treatment, or such other care deemed necessary.

(b) Any vicious dog kept in violation of sections 2-307-310 may be ordered by the court destroyed in a humane manner when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings. If the court does not order destruction of the dog, the court shall allow the owner or custodian thereof no more than 48 hours to remove the dog from Seward County. Failure to remove such dog within the time allowed by the court shall constitute a separate violation of section 2 307.

(c) Any person convicted of a violation of sections 2-307-310 shall be assessed as costs all expenses for the care, treatment, boarding or other expenses necessitated by the seizure of any dog for the protection of the public, including all expenses for the humane destruction of such dog by order of the court.

Passed and approved this 23rd day of April, 2024 by the Governing Body of the City of Liberal, Kansas.

/s/ Jose Lara, Mayor

ATTEST: /s/ Alicia Hidalgo, MMC, City Clerk