



## Article 1. General Provisions

2-101. DEFINITIONS. As used in this chapter, the following terms shall mean:

- (a) Animal. Any live vertebrate creature, domestic or wild.
- (b) Animal Control Officer. Any person commissioned by the State of Kansas, county government or municipal government as a law enforcement officer or animal control officer who is qualified to perform such duties within the city under the laws, regulations or ordinances of the State of Kansas and the city.
- (c) At Large. To be outside of a fence or other enclosure which restrains the animals to a particular premises or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be "At Large."
- (d) Bite, Bitten or Scratched. An actual puncture or tear of the skin inflicted by the teeth or claws of an animal.
- (e) Exposed to Rabies. An animal is considered exposed to rabies if bitten by any other animal known to be infected with rabies or if it is known that the animal has been in contact with an animal known or reasonably suspected to have rabies.
- (f) Immediate Control. Regulation and supervision by a competent person so that an animal is unable to run or get loose at will.
- (g) Keeping and Harboring. Any person who shall allow any dog to habitually remain or to lodge or to be fed within his or her home, store, yard, enclosure or place, shall be deemed and considered as keeping and harboring such dog within the meaning of this article.
- (h) Owner. Any person, group of persons or corporation owning, keeping or harboring a dog or cat or other animal.
- (i) Spayed Female. A female dog or cat which has been operated upon by a licensed veterinarian to prevent conception permanently, as attested to by a document signed by the veterinarian to the effect that such an operation has been performed.
- (j) Vaccinations. Injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.
- (k) Vicious Animal. Any animal, other than a dog, that has, unprovoked, maliciously bitten a person or animal causing serious or extensive wounds.

2-102. GEOGRAPHIC APPLICATION. This entire Chapter shall pertain to the corporate city limits.

2-103. MUNICIPAL POUND ESTABLISHED. A municipal pound shall be established to carry out the provisions of this chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor. The pound shall have the following services and facilities as a minimum:

- (a) Adequate pickup and impounding of all stray and ownerless dogs and cats and animals otherwise in violation of the provisions of this chapter.
- (b) Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this chapter.
- (c) Individual isolation facilities for sick, biting, rabid and suspected rabid animals.



(d) Facilities for the humane destruction of all unwanted and wanted animals.

2-104. **BREAKING POUND.** It shall be unlawful for any person to break open or break into or attempt to break open or break into the animal shelter or any enclosure used for impounding animals, or take or let out any such animal placed therein by an officer of the city or its licensee, or to take or attempt to take from any officer, licensee or agent of the city, any such animal taken up under the provisions of this chapter, or in any manner to interfere with or hinder any officer, licensee or agent of the city in performance of his or her duties.

2-105. **ANIMAL NUISANCES.** (a) There shall be a rebuttable presumption that a nuisance is created if any person keeps or harbors more than three dogs or cats, or any combination of such animals exceeding three in number, over the age of 90 days, upon any premises within the city, unless such premises are licensed as a kennel by the city.

(b) It is hereby declared a nuisance and unlawful for any person to maintain any animal or animals in an area that is not at all times clean, dry and sanitary and free from excessive waste, garbage, water and offensive odors. All animal pens and yards shall be so located that an adequate drainage is obtained and normal drying occurs and standing water is avoided. Excreta from pens, if stored on any premises by an animal owner, shall be stored in adequate containers with fly-tight lids. All premises on which animals are kept shall be subject to inspection by the animal control officer or a duly appointed city or state official. If it is determined from such inspection that the premises are not being maintained in a clean and sanitary manner, the owner or keeper of the animal or animals shall be notified to correct deficiencies within 24 hours. Any person failing to rectify such deficiencies within that period shall be charged with maintaining a nuisance.

2-106. **IMPOUNDMENT OF RABIES SUSPECTS.** Any law enforcement officer, the animal control officer or a duly appointed city or state official may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the animal control officer or a duly appointed city or state official shall determine whether or not such animal is suffering from a disease and, if not, the animal control officer or a duly appointed city or state official shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The animal control officer or a duly appointed city or state official may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner.

2-107. **ANIMALS BITTEN BY RABID ANIMALS.** Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the animal control officer or a duly appointed city or state official and/or the police department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

(a) The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination; and



- (b) If the bitten animal has a current vaccination, it shall be confined for 90 days; and
- (c) The bitten animal shall be released from confinement only upon written order from the animal control officer or a duly appointed city or state official who declares the animal to be free of rabies; and
- (d) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

2-108. DISEASED ANIMALS. Nothing in this chapter shall be construed as preventing the city from destroying any animals suffering from a dangerous disease or one that endangers the lives or health of human beings.

2-109. ENFORCEMENT OF CHAPTER. Enforcement of this chapter will be by the Animal Control Officer, City Police Officer or other persons so designated by the city.

2-110. CRUELTY TO ANIMALS. It shall be unlawful for any person to:

- (a) Willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance; or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off vicious animals;
- (b) Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;
- (c) Have, keep or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition except as hereinafter provided. The municipal court judge may order a person convicted of violation under this subsection to turn the animal involved over to a designated humane society. All such animals taken by the designated agency 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;
- (d) Sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl, except pigeons, under two months of age in any quantity less than 12; or to sell, offer for sale, barter, give away, or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color; provided, however, that this section shall not be construed to prohibit the sale of animals or fowls as specified in this subsection, in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;
- (e) Promote, stage, hold, manage, or in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal;
- (f) Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter or protection from the elements as necessary for health and well-being of such kind of animal.
- (g) Allow other confrontation between animals or between animals and humans, nor shall any person attend such unlawful exhibition or be umpire or judge at such. This would not preclude rodeos and events sponsored by the Professional Rodeo Cowboy's Association.



2-111. PENALTY. It shall be a Class A violation for any person to violate any of the provisions of this article. (2005; Ord. 4314)