

CHAPTER II. ANIMAL CONTROL AND REGULATION

ARTICLE 1. GENERAL PROVISIONS

2-101 PURPOSE

The purpose of this Chapter is to promote harmonious relationships in the interaction between humans and animals by:

- a) Protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- b) Delineating the responsibility of persons for the acts and behavior of such persons' animals at all times;
- c) Providing regulations that foster a reduced risk to residents from annoyance, intimidation, injury and health hazards by animals; and
- d) Encouraging responsible pet ownership. (Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

2-102 DEFINITIONS

- a) Abandon includes the leaving of an animal by the person responsible therefor without making effective provisions for its proper care.
- b) Adequate care means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific animal.
- c) Adequate food means supplying at suitable intervals (not to exceed 24 hours) of a quantity of food suitable and sufficient to maintain reasonable level of nutrition for each animal.
- d) Adequate health care means the provision to each healthy animal of all immunizations and preventative care required to maintain good health, space adequate to allow the animal rest and exercise sufficient to maintain good health, and the provision to each sick, diseased, or injured animal of necessary veterinary care or humane death.
- e) Adequate shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter, which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions.
- f) Adequate water means a continual access to a supply of clean, fresh, potable water provided in a sanitary manner.
- g) Animal is any living creature, other than humans.
- h) Animal bite is any contact between an animal's mouth, teeth, or appendages and the skin of a bite victim that causes any visible puncture, scratch, or break to the skin.
- i) Animal control officer is a duly authorized person employed by the City who is charged with the duties of enforcing this Chapter and/or related ordinances.
- j) At-large is to be off the property of the person responsible for an animal, except when the animal is taken off such person's property on a leash, in a cage, or other conveyance.
- k) City is a reference to the City of Prairie Village, Kansas and its corporate limits.
- l) Confined to the premises means confined or restricted either inside the residential structure of the person responsible for an animal; or if outside the residential structure, confined or restricted to the backyard of the premises fenced in a manner that prohibits escape, or by being physically restrained on a chain or leash or other proper method of physical restraint from which the animal cannot escape.
- m) Dangerous wild animal means any animal, which is wild by nature and of a species which, due to size, vicious nature or other characteristics, would constitute a danger to human life, physical well-being, or property, including but not limited to lions, tigers, leopards, panthers, bears, wolves, wolf hybrids, apes, gorillas, monkeys of a species whose average adult weight is 20 pounds or more, foxes, elephants, alligators, crocodiles, and animals

which are venomous and/or poisonous, and any animals which could otherwise present a risk or serious physical harm or death to human beings as a result of their nature or physical makeup, including all constrictors.

- n) Dangerous animal means an animal which:
 - 1) When unprovoked, aggressively bites, attacks or endangers the safety of humans or domestic animals;
 - 2) When unprovoked, has a known propensity, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of human beings or domestic animals;
 - 3) Has been found to be potentially dangerous and after the person responsible therefor has notice that the animal is potentially dangerous, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals; or
 - 4) Is owned, harbored, sheltered, kept, controlled, managed, or possessed primarily or in part for the purpose of fighting or is trained for fighting.
- o) Domesticated cat or dog is a cat or dog that tends to possess reliability of temperament, tractability, docility, predictability and trainability, and has adapted to life among humans.
- p) Impound means taking any animal into the confinement, care, or custody of the City.
- q) Municipal Court means the Municipal Court of the City.
- r) Person is any natural person, association, firm, partnership, organization, or corporation.
- s) Person responsible (for an animal) includes any person which owns, harbors, shelters, keeps, controls, manages, possesses, or has a part interest in any animal. An occupant of any premises on which a dog or cat remains or customarily returns is a person responsible for it under this Chapter. There may be more than one (1) person responsible for an animal. Any person keeping any animal in the City for three (3) consecutive days shall be conclusively presumed to be the person responsible for such animal.
- t) Potentially dangerous animal means any animal which, when unprovoked:
 - 1) Inflicts bites on a human or domestic animal either on public or private property; or
 - 2) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.
- u) Unprovoked means that the person or domestic animal approached, chased, bitten or attacked:
 - 1) Did not mischievously or carelessly provoke or aggravate the animal;
 - 2) Was not committing a willful trespass or other tort upon the premises occupied by the person responsible for the animal;
 - 3) Was not tormenting, abusing, assaulting or attacking the animal;
 - 4) Has not in the past been observed or reported to have tormented, abused assaulted or attacked the animal; or
 - 5) Was not committing or attempting to commit a crime.
- v) Vicious animal means an animal which has:
 - 1) When unprovoked, has inflicted a vicious bite to any person or domestic animal on public or private property;
 - 2) When unprovoked, has killed a domestic animal while off the property of the person responsible for such vicious animal; or
 - 3) Been declared to be dangerous and after the person responsible therefor has notice that the animal has been declared dangerous, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals.

w) Vicious bite is any attack by any animal, which results in serious physical injury or death to a human and/or other domestic animal in which the attacking animal uses its teeth and/or claws.

(Ord. 1562 (part), 1985; Ord. 1677, ss2 (a), 3(d), 1988; Ord. 2091 (part); Ord. 2106 (part), 2005; Ord. 2213, Sec. 1 & 2, 2009; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

2-103 KEEPING OF LIVESTOCK, POULTRY AND FOWL PROHIBITED

a) Except as provided in subsection (b) below, and as provided in Section 2-143 below, it shall be unlawful for any person to own, harbor, shelter, keep, control, manage, or possess livestock, poultry or fowl on any premises within the City and no special or temporary permit will be issued for these. For the purpose of this section, livestock, poultry, and fowl include, but are not limited to: cows, pigs, horses, donkeys, mules, sheep, goats, chickens, ducks, geese, guinea fowl, peacocks, pigeons, swans and those animals considered miniature or pygmy breeds, e.g., pot-bellied pigs, miniature donkeys, miniature horses, and pygmy goats.

b) The following persons or organizations shall be allowed to own, harbor, shelter, keep, control, manage, or possess any livestock, poultry and fowl:

1. The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where there are kept live specimens for the public to view or for the purpose of instruction or study;
2. The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show;
3. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment;
4. Commercial establishments processing such animals for the purpose of sale or display; and
5. The keeping of chickens as provided in Section 2-143 below.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017; Ord. 2421, Sec. 3, 2020)

2-104 KEEPING OF DANGEROUS WILD ANIMALS PROHIBITED

a) No person shall keep or permit to be kept on such person's premises any dangerous wild animals for display or for exhibition purposes whether gratuitously or for a fee. This section will not be construed to apply to zoological parks, performing animal exhibits or circuses, bona fide licensed veterinary hospital for treatment, bona fide educational or medical institutions, museums or any other place where they are kept as live exhibits or for study.

b) No person shall keep or permit to be kept any dangerous wild animal as a pet.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

2-105 [RESERVED FOR FUTURE USE]

(Ord. 1677 Sec. 4, 1988; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017; Ord. 2413, Sec. 1, 2020)

2-106 POTENTIALLY DANGEROUS, DANGEROUS AND VICIOUS ANIMALS

a) Determination.

1. In the event that the animal control officer or a law enforcement officer has probable cause to believe that an animal is potentially dangerous, dangerous or vicious, as defined in Section 2-102, such officer may petition the Municipal Court to set a hearing for the purpose of determining whether or not the animal in question should be declared potentially dangerous, dangerous or vicious. Whenever possible, any complaint received from a member of the public which

serves as the evidentiary basis to support a finding of probable cause shall be made by declaration under penalty of perjury by the complainant in the manner provided by K.S.A. 53-601, and shall be attached to the petition. The Municipal Court, upon the finding of probable cause, shall notify the person responsible for the animal, personally or by certified mail, and the animal control officer or law enforcement officer and City Prosecutor, by best means possible, that a hearing will be held within fourteen (14) days, at which time the person responsible may present evidence to the Municipal Court as to why the animal should not be declared potentially dangerous, dangerous or vicious.

2. The failure of the person responsible to attend or participate in the hearing shall not prevent the Municipal Court from hearing evidence in the matter and making a determination whether the animal is potentially dangerous, dangerous or vicious as alleged, or from entering further orders pursuant to such finding. The hearing shall be informal and shall be open to the public.
 3. The Municipal Court, after considering the evidence, may issue its determination and order declaring the animal to be potentially dangerous, dangerous or vicious based upon such evidence. The order shall be delivered to the person responsible either personally or by first class mail. If a determination is made that the animal is potentially dangerous, dangerous or vicious, the person responsible shall comply with the provisions of this Chapter as directed by the Municipal Court in accordance with a timetable established by the Municipal Court, within thirty (30) days after the date of the determination. If the person responsible for the animal contests the determination, he or she may within ten (10) days, exclusive of Saturdays, Sundays and holidays, of such determination appeal to the district court.
 4. In the event that pending the determination by the Municipal Court and/or in any appeals taken, the animal is not restrained, and the animal control officer or law enforcement officer has probable cause to believe that the animal in question may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or law enforcement officer may seize and impound the animal pending the aforesaid Municipal Court determination and/or the determination in any appeals taken. Upon the Municipal Court's determination that the impounded animal is potentially dangerous, dangerous or vicious, the person responsible for the animal shall be liable to the City for the costs and expenses of impounding such animal.
- b) Control of Potentially Dangerous and Dangerous Cats or Dogs. If the Municipal Court determines that an animal is potentially dangerous or dangerous, the person responsible for such animal shall comply with the requirements of sections 2-107, 2-109 and 2-117 through 2-121 of this Chapter.
 - c) Disposition of Vicious Animals. If the Municipal Court determines that an animal is vicious, the Municipal Court shall order that the animal be euthanized or that the person responsible for such animal remove the animal from the City limits and shall provide the Municipal Court with the exact location, address, and contact information for the new person responsible where the animal has been moved. The Municipal Court shall notify the receiving jurisdiction that the animal has been determined to be a vicious animal. The animal shall not be returned to the City limits after removal. It shall be unlawful for the person responsible for a vicious animal to maintain such animal in violation of the Municipal Court's order and this section.
 - d) Dangerous and Potentially Dangerous Animal Designation Review. Beginning one (1) year after an animal is declared potentially dangerous or dangerous, a person responsible therefor may petition annually that the Municipal Court review the designation by

requesting a review hearing in the Municipal Court. If a petition for a review hearing is filed, the Municipal court shall notify the person responsible for the animal, personally or by certified mail, and the animal control officer or law enforcement officer and City Prosecutor, by best means possible, that a hearing will be held within fourteen (14) days, at which time the person responsible must provide evidence that the animal is no longer potentially dangerous or dangerous due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. The City Prosecutor may present evidence as well. The hearing shall be informal and shall be open to the public. If the Municipal Court finds sufficient evidence that the animal's behavior has changed, the Municipal Court may rescind that potentially dangerous or dangerous animal designation. (Ord. 2368, Sec. 1, 2017)

2-107 POTENTIALLY DANGEROUS OR DANGEROUS ANIMAL PERMIT REQUIRED

- a) Any person who owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, any animal which has been declared to be potentially dangerous or dangerous by the Municipal Court of the City, or any other jurisdiction, shall secure and renew an annual potentially dangerous or dangerous animal permit in accordance with this Chapter and comply with all terms and conditions this Chapter to maintaining such permit.
- b) Failure to obtain and maintain a potentially dangerous or dangerous animal permit as required by subsection (a) shall be adequate grounds for the animal control officer to impound the animal until a permit is obtained. (Ord. 2368, Sec. 1, 2017)

2-108 EXEMPTIONS

- a) The provisions of this Chapter shall not apply to the transportation of prohibited animals or potentially dangerous, dangerous or vicious cats or dogs through his City when such transport has taken adequate safeguards to protect the public and has notified the local law enforcement agency of the proposed route of transportation and the time thereof. (Ord. 2368, Sec. 1, 2017)

2-109 HARBORING OR KEEPING OF PERMITTED ANIMALS

- a) No person shall own, harbor, shelter, keep, control, manage, or possess, within the City, any potentially dangerous or dangerous animal, or any safe animal including the domestic dog (*Canis familiaris*) and the domestic cat (*Felis domesticus*), without obtaining permits and licenses required under this Chapter. The following animals are the only animals allowed without a permit or license:
 1. Gerbils (*Tateriltus gracillio*);
 2. Hamsters (*Critecus critecus*);
 3. Rabbits (*Lepus Cunicullus*);
 4. Domestic Mice (*Mus musculus*);
 5. Domestic Rat (*Rattus norvegicus*),
 6. Any animal, usually tame and commonly sold at pet stores, including: Ferrets (*Mustela furo*), Chinchillas (*Chinchillidae*), Canaries (*Serinus canaria*), Cockatoos, Macaws, Parakeets, and Parrots (*Psittacines*);
 7. Bees, subject to Section 2-140; and
 8. Chickens, subject to Section 2-143.
- b) Any person who owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, any animal without a permit, except as exempted by this section, shall be charged with a misdemeanor and upon conviction thereof, shall be subject to the penalties in section 2-144, and/or such specific penalties as be provided elsewhere in this article. This shall include instances where any person owns, harbors, shelters, keeps, controls,

manages, or possesses, within the City, an animal which has been declared by another municipality to be potentially dangerous or dangerous, or similar designation.
(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017; Ord. 2421, Sec. 4, 2020)

2-110 REGISTRATION – TAGS

The person responsible for any cat or dog present in the City shall cause the same to be registered at the office of the City Clerk. The registration shall contain the name, address and phone number of the person responsible for such animal, the animal's breed, name, sex, whether neutered, color and description and such other information as may be deemed necessary by the City Clerk. Subject to the provisions of section 2-114, the City Clerk or authorized assistant shall upon payment of the license fee as provided in section 2-111, issue a permanent tag, bearing a number and Prairie Village, KS.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-111 LICENSE FEE – DESIGNATED

- a) In addition to any permit fees required by this Chapter, there is levied and imposed an annual license fee upon the person responsible for each cat or dog of the age of over six months, attaining such age during the license year. The license fee shall be adopted by the Governing Body and the amount of the fee will be kept on record in the office of the City Clerk.
- b) The license year shall be for a twelve (12) month period commencing on the date the animal is first licensed. The license is valid for one year from issuance of license or until the expiration of rabies vaccination whichever is greater. The fee shall be payable within 60 days of the expiration of the license. An animal for which a licensed fee is required as set forth in this section; over six months of age should be licensed within thirty days of being brought into the City or attaining six months of age.

(Ord. 1562 (part), 1985; Ord. 1650, Sec. 2, 1988; Ord. 1764, Sec. 2, 1991; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 6, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-112 LICENSE FEE – OVERDUE

- a) If the license fee required in section 2-111 is not paid within the time provided in this section, penalties will apply in addition to the normal license fee. The amount and dates penalty will be charged shall be adopted by the Governing Body and on record in the Office of the City Clerk.
- b) After 60 days after the due date, if the fee imposed and required to be paid by section 2-111 remains unpaid, the City Prosecutor may issue a complaint against the person responsible for violation of section 2-111.

(Ord. 1562 (part), 1985; Ord. 1773, Sec. 2, 1991; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 7, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-113 LICENSE FEE – EXEMPTIONS

Any person who owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, a dog which is a "service animal" as defined by the Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, or a dog that is utilized by law enforcement personnel, shall be exempt from the license fee payment upon submittal of adequate proof that the animal is current for the year on its rabies vaccination.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 7, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-114 INOCULATION AGAINST RABIES REQUIRED

- a) No City license tag required by this section shall be issued until the person responsible for a cat or dog shall furnish to the City Clerk a current inoculation certificate signed by a registered veterinarian, showing thereon that the cat or dog has been vaccinated against rabies. The inoculation certificate shall be deemed current if it has not expired before the person responsible submits it to the City along with the application for license.
- b) It shall be the responsibility of the person responsible for the cat or dog to ensure that the animal's inoculation against rabies is maintained throughout the license period.
- c) A rabies vaccination shall not be required if a licensed veterinarian recommends that a dog or cat not be inoculated with rabies vaccine for health purposes, and the person responsible provides the office of the City Clerk with a statement from a licensed veterinarian on official letterhead specifying the reason that the animal shall not be vaccinated for health purposes.

(Ord. 2005, Sec. 1, 2001; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-115 ENUMERATION OF ANIMALS

The Governing Body may require the annual enumeration of all cat or dogs present within the City. The enumeration shall account for the number and persons responsible for all cats and dogs. (Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 7, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-116 LIMITATIONS ON NUMBER OF ANIMALS

No person, residential premises or household within this City shall have, hold, maintain or contain more than a combined total of four dogs and cats over three months of age; provided, however, that in no event shall the combination of dogs or cats exceed three dogs or three cats. Any violation of this section is, upon conviction thereof, a misdemeanor and subject to the penalties provided in this Chapter.

(Ord. 1562 (part), 1985; Ord. 1689, Sec. 2, 1989; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-117 APPLICATION FOR POTENTIALLY DANGEROUS AND DANGEROUS ANIMAL PERMIT

An application for any permit required pursuant to Section 2-107 shall be made to the City Clerk in writing upon a form furnished by the City Clerk. Said application shall be verified by the person who desires to have, keep, maintain or have in his/her possession or under his or her control, in the City, the animal for which a permit is required, and shall set forth the following:

- a) The name, address and telephone number of the applicant.
- b) The applicant's interest in such animal.
- c) The proposed location, and the name, address and telephone number of the owner of such location, and of the lessee, if any.
- d) The number and general disposition of all animals for which the permit is being sought.
- e) Any information known to the applicant concerning dangerous propensities of said animals.
- f) Housing arrangements for all said animals with particular details as to the safety, structure, locks, fences, warning sign, etc.
- g) Safety precautions proposed to be taken.
- h) Noises or odors anticipated in the keeping of such animals.
- i) The prior history of incidents involving the public health or safety involving any of said animals.

- j) A statement, signed by the applicant, indemnifying the City and its agents and employees for any and all injuries that may result from the animal.
- k) Proof of liability insurance, when a permit is issued in accordance with this Chapter and is for an animal deemed a “dangerous cat” or “dangerous dog”, in the minimum amount of \$300,000 per occurrence covering any damage or injury which may be caused by such dangerous animal shall be required. The City shall be listed as certificate holder, and shall be required to be notified of any cancellation, termination or expiration of the liability insurance policy. The person responsible shall maintain the liability insurance required by this subsection at all times, unless and until the person responsible shall cease to own, harbor, shelter, keep, control, manage, or possess the dangerous animal.
- l) Any additional information required by the animal control officer or law enforcement officer authorized by the Chief or Police or his or her designee to enforce the provisions of this Chapter at the time of filing such application or thereafter. (Ord. 2368, Sec. 1, 2017)

2-118 PROVISIONS AND/OR REQUIREMENTS FOR KEEPING POTENTIALLY DANGEROUS AND DANGEROUS CATS OR DOGS

The keeping of potentially dangerous and dangerous cats and dogs in the City shall be subject to, but not be limited to the following provisions and/or requirements:

- a) Leash and muzzle. An animal that has been declared to be a potentially dangerous or dangerous animal and is kept in this City will be required to be securely leashed and, in the case of dogs which have been declared dangerous, muzzled when it is taken outside of its area of confinement. The leash shall be no longer than four feet in length and under control of an adult capable of exercising control over the animal. The muzzling device must not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- b) Confinement.
 1. A dog that has been declared to be a potentially dangerous or dangerous animal shall be securely confined indoors or in a securely enclosed and locked pen or kennel; or in a yard fenced in a manner that prohibits escape, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used for confinement must be locked with a key or combination lock when such animals are within the structure. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
 2. A cat which has been declared to be a potentially dangerous or dangerous animal shall be securely confined indoors at all times, except when secured on a leash or in a carrier for transport to the veterinarian.
- c) Confinement Indoors. No animal that has been declared to be a potentially dangerous or dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.
- d) Signs. All persons responsible for any dog that has been declared to be a dangerous dog must display in a prominent place on their premises a sign which shall be at least 10 inches by 14 inches using the words “Beware of Dog” in at least two-inch block letters. In addition, a similar sign is required to be posted on the kennel or pen of such animal, and on each entry point of fences that will be used to confine the dog.
- e) Identification Photographs. All persons responsible for any animal that has been declared to be a potentially dangerous or dangerous animal must provide to the City Clerk two color photographs of such animal clearly showing the general appearance, color and approximate size of the animal.

- f) Microchip Identification. The person responsible for any animal that has been declared to be a potentially dangerous or dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and the identification number of the microchip must be provided to the City Clerk.
- g) Mandatory Spay and Neuter. All declared potentially dangerous and dangerous cats and or dogs shall be required to be spayed or neutered.
- h) Training. All declared potentially dangerous and dangerous dogs shall be required to be enrolled in a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), Veterinary Behaviorist certified through the American College of Veterinary Behaviorists (ACVB), or comparable certification. Upon successful completion of said program, verification must be provided to the City Clerk.
- i) Reporting requirements. All persons responsible for any animal that has been declared to be a potentially dangerous or dangerous animal must provide written notification to the City Clerk at least ten days prior to any of the following situations:
 1. The removal from the City of such animal, and provide the City Clerk with the contact information of the new person responsible for such animal.
 2. The birth of offspring of such animal.
 3. The new address of the person responsible for such animal should the person responsible move within the corporate City limits.
 4. In the event of the death of such animal, the City Clerk must be notified in writing within ten days of the death.
- j) Sale or Transfer Prohibited. No person shall sell, transfer, barter or in any other way dispose of a declared potentially dangerous or dangerous animal to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered person responsible for such animal; provided that the registered person responsible for such animal may sell or otherwise dispose of such animal to persons who do not reside within the City.

(Ord. 2368, Sec. 1, 2017)

2-119 POTENTIALLY DANGEROUS OR DANGEROUS ANIMAL PERMIT FEE

The fee for a potentially dangerous or dangerous animal permit application shall be adopted by the Governing Body and on record in the Office of the City Clerk. The fee will be based upon the number of potentially dangerous and dangerous animal permits being applied for and shall be non-refundable. The fee shall be payable to the City Clerk at the time of application. Accretions by natural birth shall not require additional permits during the period of a valid permit.

(Ord. 2368, Sec. 1, 2017)

2-120 TERM AND RENEWAL OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMAL PERMIT

No potentially dangerous or dangerous animal permit required by this Chapter shall be granted for a period in excess of one year. An application for renewal of any such permit shall be made not less than forty-five (45) days prior to the expiration thereof, and shall be accompanied by the same fee as required upon making the original application.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-121 INSPECTIONS FOR RENEWAL

The holder of a potentially dangerous or dangerous animal permit shall notify the City at least forty-five (45) days prior to the permit expiration date of any request for renewal. Prior to the annual renewal of any potentially dangerous or dangerous animal permit, an animal control officer

or law enforcement officer shall inspect the premises subject to such permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this Chapter. If the animal control officer or law enforcement officer determines during any such inspection that any of the conditions therein specified are being violated, the officer shall recommend denial of a renewal of any such permit or shall recommend the immediate revocation of such permit in the event that such violation is not corrected within such period of time as the officer shall direct. Upon completion of the inspection process provided herein, the animal control officer or law enforcement officer shall report to the Municipal Court that the dangerous animal permit has been renewed, that the renewal application has been denied, or that the permit has been revoked. If the application is denied, or there is a revocation of a permit, a copy of the report shall be given to the person responsible for the potentially dangerous or dangerous animal. The report shall include the basis for the denial or revocation. The person responsible shall have the right to appeal the denial or revocation of permit to the Municipal Court. An appeal shall be taken by the filing of a written request for a review hearing with the Municipal Court within thirty (30) days of the denial or revocation of the permit. If an appeal is filed, the Municipal Court shall notify the animal control officer or law enforcement officer and City Prosecutor, by best means possible, that a hearing will be held within fourteen (14) days, at which time the person responsible must provide evidence of compliance with the conditions of this Chapter. The hearing shall be informal and shall be open to the public. The Municipal Court, after considering the evidence, shall issue its determination as to whether the permit should be renewed, denied or revoked. The determination of the Municipal Court shall be final.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-122 COLLAR OR HARNESS REQUIRED

The person responsible for any cat or dog shall cause the same to wear a collar or harness outside the dwelling of the person responsible. The registration tag required in section 2-110 shall be securely affixed to the collar or harness of each cat or dog registered. The tags shall be situated on the collar or harness in such a manner that it may at all times be easily visible to law enforcement officers or animal control officers of the City. Replacement tags shall be issued for a fee which is recorded in the City Clerk's office and may be changed from time to time.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-123 CAT AND DOG CONTROL

- a) All cats must be under the control of the person responsible therefor 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 person responsible for 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 off the property of the person responsible for such cat, to include, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flowerbed, plant, shrub or tree in any manner or defecating or urinating upon any private property.
- b) It is unlawful for the person responsible for any dog to permit such dog to run at large within the City. For the purpose of this section, a dog shall be considered running at large and in violation of this section in the following situations:

1. If a dog is off the property of the person responsible for such dog, and is not firmly attached to a hand-held leash and under the physical control of the person responsible. Electronic collars may not be used to control a dog when off the property of the person responsible for such dog.
2. If a dog is off the property of the person responsible for such dog, and is not prevented from making uninvited contact with humans or other animals. This includes a situation when a dog is secured on a leash.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 7, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-124 ELECTRONIC FENCES AND ELECTRONIC COLLARS

Dogs may be confined to the residential property of the person responsible for such dogs by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or collar that controls the movement of the dog by emitting an electrical shock when the animal wearing the collar nears the boundary of such property. Dogs confined to residential property by an electronic fence or collar shall at all times be required to wear the collar or other required device which must be functional, and shall not be permitted to be nearer than 10 feet from any public walkway or street. All persons who use an electronic fence or an electronic collar shall clearly post their property to indicate to the public that such a fence or collar is in use. Electronic collars may not be used to control a dog when it is off the property of the person responsible for such dog. An electronic fence or electronic collar shall not be used to confine a potentially dangerous or dangerous dog.

(Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-125 PUBLIC NUISANCE

a) A Public Nuisance is:

1. Any animal that materially damages private or public property;
2. Any animal that scatters solid waste that is bagged or otherwise contained;
3. Any animal that excessively barks, whines, howls, or creates any other disturbance which is continuous or during times covered by the City Noise Ordinance as amended from time to time (disturbance factors include, but are not limited to: time of day, volume, length of time, etc.). If the violation is not witnessed by the animal control officer and/or law enforcement officer, the complainant making such statement must agree to sign a complaint and testify in court if requested; or
4. Any violation of this Article that constitutes a health hazard, or that unreasonably interferes with the use and enjoyment of neighboring property.

b) It is unlawful for the person responsible for any animal to negligently, carelessly, willfully or maliciously permit such animal to become a public nuisance.

c) Anyone having the authority of an animal control officer, including but not limited to law enforcement officers, is given the authority to seize and impound any animal which is a public nuisance as defined by this section.

(Ord. 2213, Sec. 4, 2009; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017; Ord. 2421, Sec. 5, 2020)

2-126 UNLAWFUL TO HARBOR OR KEEP ANY ANIMAL WITHOUT PROPER AND NECESSARY PRECAUTIONS

a) Any person responsible for an animal within the City shall take all proper and necessary precautions to ensure and promote conditions that restrict the animal when unleashed to such person's property and prevent injury to other humans, domestic animals and/or damage to property.

- b) No person responsible for an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry, and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise. This requires that the person responsible must offer some freedom from continuous chaining and tethering.

(Ord. 1562 (part), 1985; Ord. 1809, Sec. 1, 1992; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-127 TETHERING

- a) It is unlawful to attach chains or other tethers, restraints or implements directly to a dog without the proper use of a collar, harness or other device designed for that purpose and made from a material that prevents injury to the dog.
- b) It is unlawful for any person to:
 1. Continuously tether a dog for more than one continuous hour. A dog may be tethered 3 hours total within a 24 hour time period providing there is a 3 hour break between each period of tethered time. For the purpose of tethering a dog, a chain, leash, rope or tether must be at least ten feet in length.
 2. Use a chain, leash, rope, collaring device, tether, which restricts the free movement of the animal (i.e., the device should not weigh more than one eighth of the animal's body weight).
 3. Tether a dog in such a manner as to cause injury or strangulation, or entanglement of the dog on fences, trees, posts or other manmade or natural obstacles.
 4. Tethered for any length of time anywhere in the City when they are off the property of the person responsible for such animal.
 5. Tether without providing adequate care, food, shelter, and water as outlined in sections 2-126 and 2-128.

(Ord. 1562 (part), 1985; Ord. 1776, Sec. 2, 1991; Ord. 1779, Sec. 2, 1991; Ord. 1860, Sec. 1, 1994; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2268, Sec. 1, 2013; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-128 CRUELTY TO ANIMALS

Reference the Kansas Animal Cruelty Act, K.S.A. 21-6411 *et seq.*, incorporated in part into Section 11.11 of the 2019 Uniform Public Offense Code for Kansas Cities, as either may be amended from time to time.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 3, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017; Ord. 2421, Sec. 6, 2020)

2-129 AUTHORITY OF ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT OFFICER TO RESCUE AN ENDANGERED ANIMAL

- a) Whenever an animal is found confined and/or unattended in a motor vehicle or other location, which subjects it to certain weather conditions that endangers its life as determined by the animal control officer or law enforcement officer, the animal control officer may enter such vehicle or property with the assistance from the police for the purpose of rescuing such animal, and transporting it to a shelter house designated by the Governing Body for treatment, boarding, or care. A written notice shall be left on or in the motor vehicle or other applicable property advising that the animal has been removed under authority of this section and the location where the animal has been impounded.
- b) Nothing in this section shall be deemed to prevent the animal control officer law enforcement officer from entering upon property without consent when the condition or animal is found in plain sight and not within a private structure or under conditions constituting an emergency.

- c) No animal control officer or law enforcement officer shall be held criminally or civilly liable for action under this section, provided the officer acts lawfully, in good faith, on probable cause and without malice.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 3, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-130 SEIZURE PROHIBITED ANIMALS

- a) Upon the written complaint of any person that a person owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, an animal prohibited by this Chapter, the animal control officer or a law enforcement officer shall conduct an investigation and if the investigation reveals evidence that indicates that such person named in the complaint in fact owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, an animal prohibited by this Chapter, the animal control officer or law enforcement officer shall forthwith send written notice to such person requiring such person to safely remove said animal from the City within three (3) days of the date of said notice. Notice as herein provided shall not be required where such animal has previously caused serious physical harm or death to any person or has escaped and is at large, in which case the animal control officer or law enforcement officer shall cause said animal to be immediately seized and impounded or killed, if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
- b) The animal control officer or law enforcement officer shall forthwith cause to be seized and impounded any animal prohibited by this Chapter where the person responsible therefor has failed to comply with the notice sent. Upon a seizure and impoundment, said animal shall be delivered to a place of confinement, which may be with any organization which is authorized by law to accept, own, keep or harbor such animals. If during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, the animal control officer or law enforcement officer may render said animal immobile by means of tranquilizers or other safe drugs, or if that is not safely possible, then said animal may be killed.
- c) Any reasonable costs incurred by the animal control officer or law enforcement officer in seizing, impounding and for confining any animal prohibited in the City by this Chapter shall be charged against the person responsible for such animal. Such charges shall be in addition to any fine or penalty provided for violating this Chapter.

(Ord. 1562 (part), 1985; Ord. 1776, Sec. 2, 1991; Ord. 1779, Sec. 2, 1991; Ord. 1860, Sec. 1, 1994; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-131 SEIZURE PERMITTED ANIMALS

- a) Any animal control officer, law enforcement officer or other person designated by the Governing Body of the City is authorized to capture any dog found running at large in violation of section 2-123 and any cat which is not under control as defined in section 2-123 and place such animal in an animal shelter designated by the Governing Body for that purpose. In addition to or in lieu of seizing the cat or dog, the animal control officer, law enforcement officer or City Prosecutor may charge the person responsible for such animal with violating section 2-123 of this Chapter.
- b) Any animal control officer, law enforcement officer or other person designated by the Governing Body of the City is authorized to capture any animal which is a public nuisance as defined by section 2-125 and place such animal in an animal shelter designated by the Governing Body for that purpose. In addition to or in lieu of seizing the animal, the animal control officer, law enforcement officer or City Prosecutor may charge the person responsible for such animal with violating section 2-125 of this Chapter.

- c) An animal control officer or law enforcement officer shall forthwith cause to be seized and impounded any potentially dangerous or dangerous animal, when the person responsible for such animal has failed to comply with the requirements of this Chapter relating to permitting and keeping potentially dangerous or dangerous cats and dogs. Such officer may place such animal in an animal shelter designated by the Governing Body for that purpose. In addition to seizing the animal, the animal control officer, law enforcement officer or City Prosecutor may charge the person responsible for such animal with violating the requirements of this Chapter relating to permitting and keeping potentially dangerous or dangerous cats and dogs. If during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, or the animal is considered a threat to public safety by the animal control officer or any law enforcement officer, such officer may render said animal immobile by means of tranquilizers or other safe drugs; or if that is not safely possible, then said animal may be destroyed.
- d) Any reasonable costs incurred by the animal control officer or law enforcement officer in seizing, impounding and for confining any animal permitted in the City by this Chapter shall be charged against the person responsible for such animal. Such charges shall be in addition to any fine or penalty provided for violating this Chapter, and payment of such charges shall be a condition to the redemption and release to persons responsible for such animals.

(Ord. 1562 (part), 1985; Ord. 1776, Sec. 2, 1991; Ord. 1779, Sec. 2, 1991; Ord. 1860, Sec. 1, 1994; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-132 PROCEDURE FOR FAILURE TO REDEEM

Any animal captured or apprehended under the terms and conditions of this Chapter shall be held in a shelter approved by the City for a period of three (3) business days from the date of impoundment, such period of time beginning at nine a.m. the morning following the day of impoundment. If the person responsible does not reclaim his or her animal during the period specified in the preceding sentence, or if the animal control officer or animal shelter is unable to locate and notify the person responsible after making a good faith effort to do so within the three (3) business day period then the animal becomes the property of the intake facility.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-133 PRESENTATION OF ANIMAL

The person responsible for any animal shall physically produce the animal for observation, identification or inspection when requested to do so by an animal control officer or law enforcement officer investigating a violation of the animal control and/or welfare laws of the City, provided the officer has probable cause to believe a crime or violation of the animal control laws has been committed. Failure to do so is a violation of this section.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-134 DUTY TO REPORT ANIMAL BITES AND SCRATCHES

When any animal, while within the boundaries of the City, inflicts an animal bite on any person or domestic animal, or when an animal is suspected of having rabies; it shall be the duty of any person having knowledge of such facts to report the same immediately, or as soon as practicable, to the Police Department or the animal control officer.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-135 ANIMAL BITE PROCEDURE

- a) Except as provided in subsection (e) of this section, an animal which inflicts an animal bite on any person or domestic animal shall immediately, or as soon as practicable, be quarantined at the expense of the person responsible for such animal with a licensed veterinarian of such person's choice or with the City's approved animal shelter for a period of not less than ten (10) days nor more than twelve (12) days.
- b) If the person responsible for the animal cannot be immediately notified, City personnel shall immediately, or as soon as practicable, impound such animal with a City approved shelter, at the expense of the person responsible, for a period of not less than ten (10) days nor more than twelve (10) days. If the address of the person responsible for the animal can be determined, the animal control officer or Police Department shall make a reasonable effort to notify such person that said animal is impounded under the provisions of this section and that such person has the right to redeem the animal at the expiration of confinement upon the payment of impoundment fees, any veterinarian fees, and any license and penalty fees then due and owing to the City.
- c) In the event the original place of impoundment is not the choice of the person responsible for such animal, such person may cause the animal's place of impoundment to be changed to a licensed veterinarian of such person's choice; provided all other provisions of this Chapter are complied with. The total period of confinement of the animal at the one or more locations is to be for a period of not less than ten (10) days nor more than twelve (12) days.
- d) The veterinarian or City approved shelter with whom the animal is impounded, shall give immediate written notice to the Chief of Police that such animal has been confined and will be confined for not less than ten (10) days no more than twelve (12) days. At the expiration of the aforesaid confinement period, the veterinarian or City approved shelter shall give immediate written notice to the Chief of Police as to the health of such animal pertaining to the diagnosis of rabies.
- e) In the event the investigating officer determines that the animal had an effective rabies inoculation, and was duly licensed under this Chapter at the time of the injury, or the animal had an effective rabies inoculation and caused bite or injury to an immediate family member, and agrees to obtain a City license for the animal prior to the completion of rabies observation, provided both the victim and person responsible agree, then the animal need not be impounded in accordance with subsection (a) of this section but the following alternative procedure shall be followed:
 1. If the injured person, his parent, or guardian desires that the animal be impounded and agrees in writing to pay for its board during the period of impoundment, it shall be so impounded for the period specified in subsection (a) of this section notwithstanding any other provision of this Chapter.
 2. If the injured party, his parent, or guardian is unwilling to agree in writing to pay for the animal's board during the period of impoundment, the animal shall be permitted to remain confined in the residence or enclosed yard of the person responsible; provided no animal shall be allowed to remain on the property of the person responsible therefor under this section unless such person signs a written agreement to keep the animal on the property in confinement for the period specified in subsection (a) of this section and further agrees to allow the animal to be examined periodically to determine its physical condition during the confinement period. At the end of the observation period, the animal control officer may require that a licensed veterinarian examine the animal and furnish written notification to the animal control officer regarding the animal's health. All costs associated with the exam are the responsibility of the person responsible. If the

person responsible for such animal is unwilling to sign such an agreement, the animal shall be immediately, or as soon as practicable, impounded in accordance with subsection (a) of this section.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-136 ANIMAL BITE VIOLATION

Persons who are responsible for or in control of animals in the City shall prevent such animals from inflicting animal bites on any person or domestic animal. It shall be a violation of this section by the person responsible for or in control of an animal if the animal, when unprovoked, inflicts an animal bite on any person or domestic animal. (Ord. 2368, Sec. 1, 2017)

2-137 DISEASE CONTROL

- a) When rabies or other communicable diseases associated with animals are known to exist in the community, or when they are known to exist in neighboring communities the Mayor may declare a quarantine of any or all animals. It shall be the duty of the person responsible for such animal to keep such animal confined to the premises of the person responsible therefor and under control. For the purposes of this section, animals are not to be considered confined to the premises of the residential property the person responsible therefor if the only restraining device is an invisible electric fence.
- b) It shall be the duty of all animal control officers or law enforcement officers, or those having the authority of law enforcement officers to enforce such quarantine. The Mayor and Chief of Police shall have a right to deputize other persons as needed. Such deputized persons need not seize such animals, but shall aid in determining the person responsible to the end that warrants of arrest can be issued against violating persons responsible.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-138 REMOVAL OF ANIMAL FECES

- a) Any person in charge of an animal, when such animal is off the property of the person responsible therefor, shall be responsible for the removal of any feces deposited by such animals on public walks, streets, recreation areas, or private property, and it shall be a violation of this provision for such person to fail to remove or provide for the removal of such feces before the animal leaves the immediate area where such defecation occurred.
- b) It shall be unlawful for any person to dispose of removed feces by intentionally or recklessly depositing, or causing to be deposited, feces removed pursuant to this section into, upon or about any public place, or any private property without the consent of the owner or occupant of the property.

(Ord. 1921, Sec. 1, 1997; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-139 REMOVAL OF DEAD ANIMAL

It shall be the responsibility of the person responsible for a deceased animal to provide for its removal from private property. (Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

2-140 FEES TO GENERAL FUND

All fees, charges and penalties paid to or collected by any officers of the City under or pursuant to the provisions of this Chapter shall be paid over to the City Treasurer and credited to the general operating fund.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-141 ENFORCEMENT

It is the duty of the animal control officer or anyone having the authority of an animal control officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this Chapter and the Mayor or the Chief of Police may appoint by and with the consent of the Governing Body some suitable person to be known as an animal control officer whose duties it shall be to assist in the enforcement of this Chapter and to work under an immediate supervision and direction of the Police Department. Anyone having the authority of an animal control officer is given the authority to seize any animal found outside the City limits when he/she has reasonable grounds to believe said animal committed any act within the City which is prohibited by the provisions of this Chapter or which subjects said animal to seizure if found within the City. Any private person may, upon signed complaint, bring charges against any person responsible for an animal for the violation of any of the provisions of this Chapter.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-142 BEEKEEPING

Any person keeping bees shall comply with the following:

- a) Minimize swarming of bees;
- b) Provide and maintain a source of water located on the premises;
- c) Maintain no more than two (2) hives per property/lot;
- d) Hives will be located only within a fenced back yard. The minimum height of fence will be 42 inches. A flyway structure/barrier (shrubbery or fencing) is necessary if the exterior fence is less than 6 feet in height;
- e) Hives will be maintained at least ten (10) feet from all property lines; and
- f) Maintain and manage such boxes or hives so as not to create a nuisance by any of the following circumstances: unhealthy condition(s), interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of any public property or private property of others.
- g) Remove hives if established guidelines are not maintained as determined by Codes or animal control officers.

(Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

2-143 KEEPING OF CHICKENS WITHIN THE CITY LIMITS.

a) Definitions.

- (1) "Chicken" means *Gallus gallus domesticus* of the female sex; This definition does not include male chickens or roosters, or other fowl, such as, but not limited to, peacocks, turkeys, or waterfowl, all of which are not permitted under this Section.
- (2) "Chicken Coop" or "Coop" means an enclosed structure for housing chickens that provides shelter from the elements.
- (3) "Chicken Run" or "Run" means an enclosed outside yard or area for keeping chickens.
- (4) "Chicken Tractor" or "Tractor" means a movable *chicken coop* lacking a floor.
- (5) "Chick" means a chicken of less than sixteen (16) weeks of age.
- (6) "Dwelling" shall have such meaning as provided in Chapter 16 (zoning and subdivision regulations).
- (7) "Lot" shall have such meaning as provided in Chapter 16 (zoning and subdivision regulations).

Other terms used herein but not defined herein shall have such meanings as provided in Section 2-102 of this Article, if so defined.

b) Keeping of Chickens Allowed. Subject to the provisions of this Section 2-143, and the other provisions of this Article, the keeping of chickens shall be permitted within the city limits.

(1) No person or household shall own or harbor more than six (6) chickens of sixteen (16) weeks of age or older, or more than one clutch (eight) of chicks on any one lot, regardless of how many dwellings are on the lot.

(2) Only female chickens are allowed.

(3) The keeping of chickens, as outlined in this section, shall only be permitted in the R-1A, R-1B, and R-2 zoning districts, as defined in the city's zoning and subdivision regulations.

(4) Nothing in this Section shall permit the keeping and selling of chickens for profit, and commercial chicken operations are prohibited.

It shall be unlawful to keep chickens except in accordance with this Section.

c) Requirements for Enclosures; Locations and Setbacks.

(1) Chickens must be kept in a coop or chicken tractor at all times. A coop must include an attached adjacent chicken run. A chicken tractor must include an enclosed coop portion and a separate attached area lacking a floor. Only one coop (with run) or one chicken tractor may be maintained on any one lot.

(2) Coops (including the chicken run) and tractors must be built with a minimum of twelve (12) square feet per chicken not to exceed 84 square feet total. Of this, a minimum of two-square-feet-per-chicken of inside or enclosed space in the coop or tractor must be provided. If and to the extent setbacks or other requirements of this Section limit the size of a coop/run or tractor, then a person shall only own or harbor such number of chickens as may fit within such limited size, in consideration of the minimum requirements for coops, runs, and chicken tractors.

(a) Coops (including the coop portion of any chicken tractor) shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. Opening windows and vents, whether in the coop, the run, or the tractor, must be covered with predator- and bird-proof wire of less than one-inch openings.

(b) The coop, run, and tractor shall be constructed with durable materials that will hold up to weather and the environment. Sturdy wire and/or wooden fencing shall be used to keep chickens within the run or tractor. New materials shall be used, unless used or reclaimed materials are approved by the City building inspector. The use of scrap, waste board, sheet metal, or similar materials is prohibited.

(3) Coops, runs, and tractors may only be located in the rear yard of a parcel, as such rear yard is defined in Chapter 16 (zoning and subdivision regulations). Coops, runs, and tractors must be located at least ten (10) feet from the property line of a lot, and at least twenty-five (25) feet from any dwelling, church, school, or business structure located on any other parcel.

d) Standards of Care; Feed; Waste.

- (1) Chickens shall be provided with adequate care, adequate food, adequate health care, adequate shelter, and adequate water, as defined in this Article.
 - (2) All feed and other items associated with the keeping of chickens shall be protected from or to prevent rats, mice, or other rodents or other vermin from gaining access to or coming into contact with the feed. The owner and persons responsible for the chickens shall take such actions as are necessary to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
 - (3) Odors from chickens, chicken manure, chicken waste, chicken feed, or other substances related to the keeping of chickens shall not be perceptible beyond the property lines of any lot. Noise from chickens shall not be loud enough at the property lines of any lot as to disturb persons of reasonable sensibilities.
 - (4) Owners and persons responsible for chickens shall handle the care and disposal of any chicken waste. The coop, yard, and tractor, and the whole of any lot, must be kept free from trash and accumulated waste or droppings. Any composting of droppings/manure must comply with the provisions of Chapter XV, Article 2, of the city code, including but not limited to as to aggregate size of any compost pile which may contain chicken waste.
 - (5) Notwithstanding any provision or exception contained under Section 2-128 and the Kansas animal cruelty act, K.S.A. 21-6411 *et seq.* (incorporated in part into Section 11.11 of the 2019 Uniform Public Offense Code for Kansas Cities as adopted by the city), as any of the foregoing may be amended from time to time, no person shall kill or slaughter any chicken on such person's lot.
 - (6) The provisions of this Article, including but not limited to Sections 2-125 (Public Nuisance), 2-126 (Unlawful to Harbor or Keep any Animal without Proper and Necessary Precautions), 2-128 (Cruelty to Animals), 2-137 (Disease Control), 2-138 (Removal of Animal Feces), and 2-139 (Removal of Dead Animal) shall otherwise apply as to the keeping of chickens as described in this Section.
- e) Application of Dangerous Animal Regulations. Notwithstanding anything in this Article to the contrary, the attack or killing of a chicken by an animal shall not, by itself, cause such animal to be classified as a dangerous animal, a potentially dangerous animal, or a vicious animal.
 - f) Enforcement. Violations of this Section shall be handled by either the City building inspector, code enforcement, animal control, the director of solid waste management, or through police action, as may be necessary given the nature of the violation.

(Ord. 2421, Sec. 2, 2020)

2-144 VIOLATION – PENALTY

- a) It is unlawful for any person to violate any of the provisions of this Chapter. Any person convicted of the violation of any provision of this Chapter where a specific penalty is not otherwise prescribed shall be fined up to \$1,000 or 30 days imprisonment, or a combination of fine and imprisonment. Upon conviction, the Municipal Court may order restitution be paid to the victim of the violation.
- b) Each day any violation of this Chapter to which this penalty applies continues constitutes a separate offense.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

2-145 NUISANCE, INJUNCTION

In addition to any other relief provided by this Chapter, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Chapter. Such application for relieve may include the seeking of temporary and permanent injunctive relief.

2-146 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)