

CHAPTER II: ANIMAL CONTROL AND REGULATION

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ABANDON. Includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care over a 48-hour period.

ANIMAL SHELTER. The facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

ANIMALS. All vertebrate and invertebrate animals, such as, but not limited to, bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

AT LARGE. To be outside of a fence or other enclosure that 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**.

BITE. Any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

CAT. Any member of the species felis catus, regardless of sex.

§ 2-101 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS OR VICIOUS ANIMAL. Any animal deemed to be dangerous or vicious per § 2-115.

DOG. Any member of the species canis familiaris, regardless of sex.

FOWL. All animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

HARBOR. Any person who shall allow any animal to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

HUMANE LIVE ANIMAL TRAP. Any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

HUMANELY EUTHANIZE. The proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

IMMEDIATE CONTROL. The regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

KENNEL. Any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding or otherwise harboring in an enclosure in one location only, more than 25 dogs.

LIVESTOCK. Includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

NEUTERED. Any male or female cat or dog that has been permanently rendered sterile.

OWN. Includes own, keep, harbor, shelter, manage, possess or have a part interest in any animal.

If a minor **OWNS** any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to **OWN** such animal for the purposes of this chapter.

OWNER. The one who owns, or his or her employee, agent or other competent person into whose charge an animal has been placed by the actual owner as described in the definition for “own” above.

VACCINATION. An injection of a vaccine, approved by the State Board of Public Health, and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

VETERINARIAN. A doctor of veterinary medicine licensed by the State of Kansas.

§ 2-102 ANIMAL CONTROL OFFICER; DUTY TO IMPOUND; CITATION ALTERNATIVE.

(a) (1) There is hereby created the position of Animal Control Officer for the city and such officer shall be charged with the enforcement of this chapter. Any person employed by the city as an Animal Control Officer and commissioned by the City Council of the city shall have such powers and authority as allowed by law in the enforcement of this chapter.

(2) All Animal Control Officers shall be subject to the supervision and direction of the Mayor of the city.

(b) Except as provided in division (c) below, it shall be the duty of the Animal Control Officer to take up and impound all animals found in the city in violation of the provisions of this chapter.

(c) As an alternative to the provisions of division (b) above, any law enforcement officer or the Animal Control Officer may issue a citation to the owner, harbinger or keeper of an animal in violation of this chapter, and the person receiving the citation shall, within ten days, appear in the Municipal Court of the city to answer the charged violation of this chapter.

§ 2-103 SAME; CAPTURE/DESTRUCTION.

When deemed necessary by law enforcement officers or the Animal Control Officer for the health, safety and welfare of the residents of the city, such officers and/or their agents may:

(a) Place a humane trap on public or a requesting resident’s property for the purpose of capturing any animal defined in this chapter as creating a nuisance in the city;

(b) Use any tranquilizer guns, humane traps or other suitable devices to subdue and capture any animal that is deemed by the Animal Control Officer, in his or her discretion, to be of a danger to itself or to the public health and safety; or

(c) Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in § 2-115 or any animal creating a nuisance as defined in § 2-111, where such animal is impossible or impractical to catch, capture or tranquilize.

§ 2-104 SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE.

(a) The Animal Control Officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter, to the extent allowed by law.

(b) It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties.

§ 2-105 RESERVED.

§ 2-106 RESERVED.

§ 2-107 CRUELTY TO ANIMALS.

(a) Cruelty to animals is:

(1) Knowingly abandoning any animal any place without making provisions for its proper care;

(2) Having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is need for the health or well-being of such kind of animal;

(3) Intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; or

(4) Intentionally causing any physical injury other than the acts described in subsection (a)(1).

(b) If a person is adjudicated guilty of the crime of cruelty to animals, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

(c) On first conviction, cruelty to animals is a Class A violation.

§ 2-108 SAME; EXCEPTIONS.

The provisions of this section shall not apply to:

(a) Normal or accepted veterinary practices;

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

(c) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Chapters 32 or Chapter 47;

(d) Rodeo practices accepted by the Rodeo Cowboys’ Association;

(e) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner

thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(f) With respect to farm animals, normal or accepted practices of animal husbandry including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(g) The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(h) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(i) Laying an equine down for medical or identification purposes;

(j) Normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x) and amendments thereto; or

(k) Accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the Animal Welfare Act, Public Law 89-544, as amended and in effect on July 1, 2006.

§ 2-109 KEEPING OF CHICKENS.

It shall be lawful for an approved applicant to possess and keep live chickens on their residential property subject to the following conditions:

(a) *Location of pens; enclosure required.* It shall be unlawful for any person to keep or maintain any chicken coop, or other pen, cage or enclosure for the housing of chickens from the rear of the single-family housing structure to the front yard lot line. Chicken hen facilities are to be located in the backyard only. Chickens so kept or maintained shall be enclosed on all sides and shall not be allowed to run or fly at large.

(b) *Control of odors.* Every coop, or other yard establishment shall be kept so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitants of the neighborhood.

(c) *Storage and disposal of manure.* Every coop, or other yard establishment shall be provided with a watertight and flytight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be emptied sufficiently often and in such manner as to prevent it becoming a nuisance. Such receptacle shall be securely covered at all times except when open during the deposit or removal of manure or refuse therefrom. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle, shall be buried with a covering of not less than six inches of earth, or, if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property.

(d) *Maintenance of enclosures for fowl; slaughtering, carcasses.* All enclosures shall be so maintained in order to protect chickens kept within from predators. No chickens may be slaughtered. All animal carcasses must be removed and properly disposed of within 24 hours.

(e) *Condition of enclosure; inspections.* Any structure, pen, coop or yard wherein fowl are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The person maintaining any such structure, pen, coop or yard in the city does by such act of maintenance authorize the city to at any time inspect any such structure or

premises and issue any such order as may be necessary to carry out the provisions of this section.

(f) *Number of animals or fowl; keeping of roosters.* It shall be unlawful for any person to keep or maintain, within 20 feet of the nearest portion of any dwelling or other building occupied by or in any way used by human beings except for a dwelling occupied by the owner or keeper of such animals, more than six chickens. No roosters shall be kept within city limits.

(g) *Authority to prescribe additional regulations.* As to the keeping and harboring of chickens, for whatever purpose maintained, the City Council shall have authority to promulgate regulations to provide that such shall be kept in such a manner as to prevent a nuisance or health hazard.

(h) *Violations.* Failure to comply with the permit application and ordinance regulations may result in punishment by a fine of not more than \$1,000; revocation of the permit; and/or declaration of a public nuisance.

(i) *Private nuisance action.* Nothing in this section is intended to preclude any person from filing a private nuisance action for any offensive use caused by keeping small animals and fowl. (Ord. 1010, passed 6-8-2017; Ord. 1012, passed 7-27-2017)

§ 2-110 ANIMAL TRAPS.

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

§ 2-111 NUISANCE; ANIMAL ACTIVITIES PROHIBITED.

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a nuisance.

(b) For the purpose of this section, *NUISANCE* is defined as any animal which:

(1) Molests or interferes with persons in the public right-of-way;

(2) Attacks or injures persons or other domestic animals;

(3) Damages public or private property other than that of its owner or harborer by its activities or with its excrement;

(4) Scatters refuse that is bagged or otherwise contained; or

(5) Causes any condition that threatens or endangers the health or well-being of persons or other animals.

(c) If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

§ 2-112 NOISY ANIMALS.

The keeping or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewing, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition, and if he or she fails to do so, the city may abate it by taking up, impounding and/or disposing of the animal at the expense of the owner.

§ 2-113 ANIMAL CONFINES; SHELTERS.

(a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) Excrement shall be removed at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding or rodent infestation. If excrement is stored on the premises by

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any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties in which an agricultural classification permit is held or where the barbed wire fence or electrically charged fence is protected by an exterior fence.

(f) All premises in which animals are kept shall be subject to inspection by the Animal Control Officer, duly authorized law enforcement officer or Public Health Official. If the Officer or Official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition that could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

§ 2-113A SAME; STOCKYARDS; COMMERCIAL HOLDING PENS.

Animal shelters owned or operated as a stockyard or commercial holding pen shall be adequately maintained and cleaned as often as is necessary, as determined by the Health Officer, to control fly breeding or to control other conditions adversely affecting the public health including the following:

(a) Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill, fertilizer processing plant or by proper dispersal on land used for agricultural purposes;

(b) Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins;

(c) Premises subject to the terms of this section shall be maintained free of rodent harborage and in accordance with Ch. VIII, Art. 6 of this code;

(d) Wherever reasonable, use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies;

(e) Wherever reasonable, use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings;

(f) Enclosures including fences where animals such as horses, cows, sheep and goats are maintained shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent such animals from breaking out or causing hazard to persons or property;

(g) The solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a residential classification permit as herein provided shall be stored in metal containers, with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week;

(h) Holding lots, pens and floors of sheds and buildings where animals are held and which are maintained by persons subject to a commercial, industrial or agricultural classification permit according to the terms of this chapter shall be surfaced with concrete or asphaltic materials and that the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste

from draining into watercourses and such drainage system shall be subject to the approval of the Health Officer. The Health Officer shall waive this standard for domestic animal holding operations where such animal holding is longer than 24 hours for any domestic animal involved or where dirt lots are more appropriate to the proper care of cattle, horses or sheep; and

(i) Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial or agricultural permit according to the terms of this chapter shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the Health Officer; provided, that all solid waste shall be properly disposed of at least once each week or as may be approved by the Health Officer.

§ 2-114 DEATH OF ANIMALS.

All dead animals shall be disposed of by the owner or keepers within 24 hours of the animal’s death, by burial, incineration in a facility approved by the Animal Control Officer, by rendering or by other lawful means approved by the Animal Control Officer. No dead animal shall be dumped on any public or private property.

§ 2-115 VICIOUS ANIMALS.

(a) *Prohibited.* It shall be unlawful for any person to keep, possess or harbor a vicious animal within the city. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the Animal Control Officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the Animal Control Officer or his or her agent to impound such animal.

(b) *Defined.* For purposes of this chapter a **VICIOUS ANIMAL** shall include:

(1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

(2) Any animal that attacks a human being or domestic animal without provocation;

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or

(4) Any animal that is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.

(c) *Complaint.*

(1) Whenever a sworn complaint is filed in the Municipal Court against the owner of an animal alleging that such animal is vicious and in violation of this section, the Municipal Judge shall hold a hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week before the hearing.

(2) In making a determination, the Municipal Judge shall consider the following:

(A) The seriousness of the attack or bite;

(B) Past history of attacks or bites;

(C) Likelihood of attacks or bites in the future;

(D) The condition and circumstances in which the animal is kept or confined; and

(E) Other factors that may reasonably relate to the determination of whether or not the animal is vicious.

(3) The Municipal Judge shall order the impoundment, the muzzling in accordance with division (d) below, and/or the confinement of the animal accused of being in violation of this section in a manner and location that will ensure that it is no threat to persons or other animals pending the

outcome of the hearing. If such impoundment, muzzling or otherwise safe confinement is not possible or if prior court orders to restrain such animal have gone unheeded, the Municipal Judge may order the animal immediately destroyed.

(d) *Vicious dogs to be muzzled.* It shall be the duty of every owner, keeper or harbinger of any dog in the city, which dog is vicious or has been known to bite, chase or run after any person or animal in the streets, alleys or any public place in the city, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping or harboring any dog within the city limits contrary to this section shall be guilty of a violation of this code.

(e) *Immediate destruction.* Nothing in this chapter shall be construed to prevent the Animal Control Officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(f) *Release of.*

(1) If a complaint has been filed in the Municipal Court against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the Municipal Judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter.

(2) The Municipal Judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter.

(3) Surrender of an animal by the owner thereof to the Animal Control Officer does not relieve or render the owner immune from the decision of the

Court, nor to the fees and fines which may result from a violation of this section.

§ 2-116 RUNNING AT LARGE.

It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the city. Any animal or fowl found at large shall be impounded as provided in §§ 2-117 or 2-207 (dogs).

§ 2-117 IMPOUNDMENT; FEE; NOTICE; RECORD.

(a) The Animal Control Officer or law enforcement officer shall impound any animal or fowl found at large in the city or constituting a nuisance or otherwise in violation of this chapter in a suitable pound or enclosure provided or contracted for by the city. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.

(b) The city shall be entitled to receive from such owner an impoundment fee, as set by the governing body, plus the actual cost of feeding and maintaining the animal while impounded.

(c) In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the Animal Control Officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding, and shall, thereupon, immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this code.

(d) The Animal Control Officer shall each month submit a report to the person designated by the city showing the number of animals impounded and disposed of, and the fees collected pursuant to this

article and shall pay those fees to the City Clerk for credit to the General Operating Fund.

§ 2-118 REDEMPTION OF IMPOUNDED ANIMALS.

At any time before the sale or destruction of any animal impounded under the provisions of this article, except for animals impounded under §§ 2-115 (vicious) and 2-119 (rabid), the owner thereof may redeem the animal by paying the Animal Control Officer or any person in charge, the impounding fee and all costs incurred as a result of such impoundment.

§ 2-119 IMPOUNDMENT OF RABIES SUSPECTS.

(a) Any law enforcement officer or local Health Officer may take up, upon private or public property, any animal that has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the local Health Officer shall determine whether or not such animal is suffering from a disease and, if not, the local Health Officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefor. The Health Officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. If in the opinion of the local Health Officer symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the State Board of Health.

(b) In lieu of the provisions of division (a) above, the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his or her findings in writing to the local Health Officer. If in the opinion of such veterinarian a microscopic

examination is justified, then the animal shall be turned over to the Animal Control Officer or any law enforcement officer to be killed and examination made by the State Board of Health.

(c) Any animal desired for observation by the local Health Officer under this section shall be delivered to the Animal Control Officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this section shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the Municipal Judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

§ 2-120 ANIMALS BITTEN BY RABID ANIMALS.

(a) Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local Health Officer and/or the Police Department.

(b) 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:

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

(2) If the bitten animal has a current vaccination, it shall be confined for 90 days;

(3) The bitten animal shall be released from confinement only upon written order from the local Health Officer, who declares the animal to be free of rabies; and

(4) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

§ 2-121 VEHICULAR ACCIDENTS INVOLVING ANIMALS.

Any person who, as the operator of a motor vehicle, strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the Animal Control Officer or any law enforcement officer.

§ 2-122 EMERGENCY; PROCLAMATION.

The Police Chief is hereby authorized, whenever in his or her opinion, the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the city to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of wherever found by any police officer or the Animal Control Officer of the city. The owner of such animal shall be prosecuted for such violation thereof.

§ 2-123 KENNEL LICENSES.

(a) No person or household shall own or harbor more than 25 dogs of six months of age or older or more than one litter of pups, or engage in the commercial business of breeding, buying, selling, trading, training or boarding cats or dogs or both cats and dogs, without having obtained a kennel license from the City Clerk.

(b) Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by the Animal Control Officer certifying approval of the kennel and compliance with the applicable laws of the city and the state, and a certificate by the Zoning Code Enforcement Officer has been issued certifying that the applicant for the kennel license is not violating zoning laws of the city. If the City Clerk has not received any protest against the kennel, the City Clerk may issue a renewal of an existing kennel license at the same location without any report from the Animal

Control Officer and Zoning Code Enforcement Officer. If the Animal Control Officer or the Zoning Code Enforcement Officer finds that the holder of any kennel license is violating any zoning law, or any other law of the state, or of the city, or is maintaining the facility in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the City Clerk, and the license shall not be renewed except after a public hearing before the governing body.

(c) The Animal Control Officer, the Zoning Enforcement Officer or any law enforcement officer shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall constitute consent to such entry and inspection.

(d) The governing body may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

(1) The kennel is maintained in violation of any applicable law of the state or of the city;

(2) The kennel is maintained so as to be a public nuisance; or

(3) The kennel is maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee shall be \$15. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this chapter.

(f) This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital.

ARTICLE 2: DOGS

Section

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- 2-202 Licensing dogs
- 2-203 Complaints about dogs at large
- 2-204 Definitions of “potentially dangerous dogs” and “vicious dogs”
- 2-205 Control of potentially dangerous dogs
- 2-206 Control of vicious dogs
- 2-207 Repeated violations

§ 2-201 KEEPING DOGS IN CITY LIMITS.

(a) No person shall own or keep any dog or dogs within the city, unless said dog or dogs are confined in a sufficient enclosure from which said dogs cannot escape, or said dog or dogs are fastened by means of chains on the premises of the owner or keeper.

(b) In the event any dog is found running at large, a law enforcement officer of the city may issue a citation to the owner or owners of such dog for violation of this article and, if found guilty of such violation in the Municipal Court of the city, such owner shall pay the court costs and the fine as hereinafter provided:

(1) First offense involving such dog or dogs: the sum of \$75 and all court costs;

(2) Second offenses involving such dog or dogs: the sum of \$150 and all court costs; and

(3) Third and subsequent offenses involving such dog or dogs: the sum of \$300 and all court costs. (Ord. 975, passed 6-25-2009)

§ 2-202 LICENSING DOGS.

(a) Any person or persons keeping or harboring any dog within the corporate limits of the city shall pay a tax of \$2 on each male dog and each spayed female and \$6 on each female dog, which will entitle said person to keep said dog within the corporate limits of the city until December 31 each year.

(b) Said license will be valid from January 1 until December 31 of the year purchased.

(c) Upon paying to the City Treasurer the specified sum and providing proof of current rabies vaccination, the name of the person purchasing the license shall be recorded and a tag for each dog as licensed given to said person.

(d) If said dog is under the age of six months, said owner thereof shall be granted a temporary license which shall expire upon said dog attaining the age of six months, and shall be reinstated as an annual license upon proving evidence of current rabies vaccination.

(Ord. 975, passed 6-25-2009)

§ 2-203 COMPLAINTS ABOUT DOGS AT LARGE.

All complaints relative to dogs being allowed to run at large in the city shall be submitted either to the City Clerk or a law enforcement officer employed by said city.

(Ord. 975, passed 6-25-2009)

§ 2-204 DEFINITIONS OF “POTENTIALLY DANGEROUS DOGS” AND “VICIOUS DOGS”.

(a) *POTENTIALLY DANGEROUS DOGS* are those dogs that have demonstrated aggressive behavior toward human beings, and which have been specifically identified by the Chief of Police of the city as a “potentially dangerous dog” following inquiry and investigation as hereinafter described.

(b) *VICIOUS DOGS* are those that have bitten a human being, causing physical injury and under circumstances that would indicate that the animal was responding in an unprovoked manner and there is a significant likelihood that the dog will bite others. (Ord. 975, passed 6-25-2009)

§ 2-205 CONTROL OF POTENTIALLY DANGEROUS DOGS.

(a) It shall be the duty of the Chief of Police of the city to investigate reports of “potentially dangerous dogs”. Upon receiving notice that a potentially dangerous dog may be located within the city, the Chief of Police shall make a reasonable inquiry and investigation of the matter and determine whether or not the dog’s behavior and size imposes a significant risk of injury to humans.

(b) In the event that the Chief of Police should determine that such dog is, in fact, a potentially dangerous dog, the Chief of Police shall document such conclusion and impose one or more of the following requirements:

(1) Notify the owner or keeper that such dog be confined or leashed at all times; and

(2) Require the owner or keeper to post conspicuous signs warning all those who may come upon the property that a “potentially dangerous dog” is on the property.

(c) In the event the potentially dangerous dog is found at large following an order of confinement being issued by the Chief of Police, then such animal

shall be destroyed “on sight” by any law enforcement officer employed by the city. In the event of destruction of such animal, the animal shall be destroyed as quickly and humanely as possible under the then existing circumstances. In the event that any owner of a potentially dangerous dog fails to satisfy any of the other requirements imposed by the Chief of Police, then the Chief of Police shall cause such animal to be destroyed in a humane manner. The owner or keeper of such potentially dangerous dog shall be cited by city law enforcement officers for allowing such dog to run at large, or for failing to so leash or confine such dog, or for failing to post said signs and, upon conviction, fined not less than \$300, plus court costs.

(Ord. 975, passed 6-25-2009)

§ 2-206 CONTROL OF VICIOUS DOGS.

Upon receiving notice that a “vicious dog” is located within the city, the Chief of Police shall make a reasonable inquiry and investigation of the matter and determine whether or not the dog is a “vicious dog”, as defined herein. In the event the Chief of Police should determine that such dog is, in fact, a vicious dog, the owner, keeper or harbinger of the dog involved shall be directed to immediately place the dog in a secure confinement of a minimum of ten days to a maximum of 15 days, at the discretion of said Chief, for observation for symptoms of rabies, and should said dog exhibit such symptoms during said confinement period, the dog shall be destroyed and testing done to determine whether the animal was in fact infected with rabies. The owner(s) shall be liable for all costs of such confinement and testing so incurred. If a “vicious” dog is found running at large, then such animal shall be destroyed “on sight” by any law enforcement officer employed by the city. In the event of such destruction, testing shall be done to determine whether the animal was infected with rabies. The owner(s) shall be liable for the costs of such testing, and the owner shall be cited, and in the event the owner(s) are found guilty in the municipal court of the city of the charge of allowing a vicious dog to run at large, a fine of \$350, plus court costs and the costs of such testing, shall be imposed. Vicious dogs for which an owner, keeper or harbinger

cannot be located shall be destroyed “on sight” by any law enforcement officer employed by the city. In the event of such destruction, testing shall be done to determine whether the animal was infected with rabies. Should the owner(s) of such dog subsequently be ascertained, such owner(s) shall be cited and, in the event the owner(s) are found guilty in the municipal court of the city of the charge of allowing a vicious dog to run at large, a fine of \$350, plus court costs and the costs of such testing, shall be imposed. (Ord. 975, passed 6-25-2009)

§ 2-207 REPEATED VIOLATIONS.

In the event that any person is convicted of three or more violations of this article within a 12-calendar-month period, that person shall forfeit his or her right to keep dogs in the city. Such person shall cause said dog or dogs to be removed from the city and, if he or she fails to do so within ten days following his or her third conviction, the city police may cause the animal to be destroyed as quickly and humanely as possible under the then existing circumstances. (Ord. 975, passed 6-25-2009)

ARTICLE 3: OTHER ANIMALS

Section

2-301 Exotic animals

(10) Constrictor snakes, six feet in length or more;

§ 2-301 EXOTIC ANIMALS.

(11) Coyotes;

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

(12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;

(13) Elephants;

(14) Game cocks and other fighting birds;

(15) Hippopotami;

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

(16) Hyenas;

(1) All poisonous animals including rear-fang snakes;

(17) Jaguars;

(18) Leopards;

(2) Apes: chimpanzees; gibbons; gorillas; orangutans; and siamangs;

(19) Lions;

(20) Lynxes;

(3) Baboons;

(21) Monkeys;

(4) Badgers;

(22) Ostriches;

(5) Bears;

(23) Pumas; also known as cougars, mountain lions and panthers;

(6) Bison;

(24) Raccoons;

(7) Bobcats;

(25) Rhinoceroses;

(8) Cheetahs;

(26) Skunks;

(9) Crocodilians, 30 inches in length or more;

(27) Tigers; and

(28) Wolves.

(c) The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions or medical institutions, if:

(1) Their location conforms to the provisions of the zoning ordinance of the city;

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors; and

(3) Animals are maintained in quarters so constructed as to prevent their escape.

(d) The Municipal Judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.