

**AN ORDINANCE AMENDING CHAPTER II, ARTICLES 1,2,3,4 AND 5 OF THE CITY CODE OF THE CITY OF GREENSBURG. ANIMAL CONTROL AND REGULATION.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GREENSBURG, KANSAS:**

**SECTION 1.** Chapter II, Animal Control and Regulation of the City code of the City of Greenburg is hereby amended to read as follows:

CHAPTER II. ANIMAL CONTROL AND REGULATION

Article 1. General Provisions

Article 2. Dogs and Cats

Article 3. Other Animals

Article 4. Pit Bull Dogs

2-101 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall mean:

(a) 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.

(b) Animals - means 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.

(c) Animal Shelter - means the facility or facilities operated or used 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.

(d) At-large - means to be outside of a fence or other enclosure which restrains the animals to a particular premise 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.

(e) Bite - means 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.

(f) Cat - means any member of the species felis catus, regardless of sex.

(g) Dangerous or Vicious Animal - means any animal deemed to be dangerous or vicious per section 2-115.

(h) Dog - means any member of the species canis familiaris, regardless of sex.

(i) Fowl - means all animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

(j) Habitual Violator – means any person who is the owner, keeper or harbinger of any animal or animals which have been impounded by the Animal control officer on three or more occasions within any

36 month period each incidence of an impoundment being regarded as a separate occasion, regardless of whether one or more animals were impounded at the same time and regardless of whether the impoundment was as to the same or different animals on each occasion; or who was the owner, keeper or harbinger of any animal or animals which have on two or more occasions within any 36 month period attacked a human or a domestic animal without provocation including snapping or biting at a human or a domestic animal and whether or not such attack was completed or any injury inflicted, each incidence of an attack being regarded as a separate occasion regardless of whether the attack was by the same or a different animal on each occasion; or who has been fined or convicted for three or more violations under this Article, which violations occurred within any 60 month period; or who fails to confine or control in accordance with the provisions of this Article, any animal that has been determined to be a dangerous animal.

(k) Harbor - means any person who shall allow any animals to habitually remain at large 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.

(l) Humane Live Animal Trap - means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

(m) Humanely Euthanize - means 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. .

(n) Immediate Control - means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(o) Kennel - means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than five dogs.

(p) Livestock - includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

(q) Neutered - means any male or female cat or dog that has been permanently rendered sterile.

(r) Own- means and includes own, keep, harbor, shelter, manage, possess, or have a part ownership 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.

(s) Owner - means 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 subsection (q) above.

(t) Vaccination - means 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.

(u) Veterinarian - means a doctor of veterinary medicine licensed by the State of Kansas.

(Code 1986, 2-101; Code 2007)

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

(a) 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 law enforcement of the city shall have such powers and authority as allowed by law in the enforcement of this chapter.

(b) Except as provided in subsection (c), 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 subsection (b) of this section, 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, appear in the Municipal Court of the city on the date and time stated in the citation to answer the charged violation of this chapter. (Code 2007)

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 property 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.

(c) Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in section 2-115, or any animal creating a nuisance as defined in section 2-111, where it is impossible or impractical to catch, capture or tranquilize such animal. (Code 2007)

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.

(b) It shall be unlawful for any person to interfere with the animal control officer in the performance of his or her duties. (Code 1986, 2-104; Code 2007)

2-105. MUNICIPAL ANIMAL SHELTER ESTABLISHED. A municipal animal shelter shall be established to carry out the provisions of this chapter. Such animal shelter may be operated by a contractor and all services required herein may be provided by a contractor. When so contracted, the animal shelter shall have the following services and facilities as a minimum:

(a) Adequate pickup and impounding of all stray and ownerless dogs and cats and animals otherwise in violation of the provisions of this chapter.

(b) Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this chapter.

(c) Individual isolation facilities for sick, biting, rabid and suspected rabid animals.

(d) Facilities for the humane destruction of animals. (Code 1986, 2-105; Code 2007)

2-106. BREAKING ANIMAL SHELTER.

(a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the animal shelter, or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of this city any animal taken up by him or her under the provisions of this chapter, or in any manner interfere with or hinder any authorized officer or employee of this city in catching, taking up, or impounding any animal.

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals. (Code 1986, 2-106; Code 2007)

2-107. CRUELTY TO ANIMALS. It shall be unlawful for any person to:

(a) Willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; mutilate, poison, burn or scald with any substance; or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off rabid or vicious animals;

(b) Drive or work any animal cruelly or work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;

(c) Have, keep or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition except as provided in section 2-108.

(d) Sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than 12; or to sell, offer for sale, barter, give away, or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color.

This section shall not be construed to prohibit the sale of animals or fowls as specified in this subsection, in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;

(e) Promote, stage, hold, manage, or in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal;

(f) Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter or protection from the elements as necessary for health and well-being of such kind of animal.

(g) Abandon any animal.

(h) These provisions shall not apply to the exceptions sanctioned under section 2-108.

In addition to the penalties provided in section 1-116 of this code, the Municipal Court Judge may order a person convicted of violation under this section to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible. (Code 2007)

2-108. SAME; EXCEPTIONS. The provisions of section 2-107 shall not apply to:

(a) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;

(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 Chapter 32 or Chapter 47 of the Kansas Statutes Annotated;

(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 by an authorized agent such as a licensed veterinarian, at the request of the owner;

(f) The humane killing of an animal by the animal control officer, a public health officer or a law enforcement officer in the performance of his or her official duty;

(g) The humane killing of an unclaimed animal after three full business days following the receipt of such animal at the municipal animal shelter or an incorporated humane society shelter by the owner, operator or authorized agents of such establishments. (Code 2007)

2-109. KEEPING ANIMALS. It shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the city to possess and maintain any animal or fowl within the city or permit to be maintained thereon any stable, shed, pen or other place where horses, mules, cattle, sheep, goats or swine, or undomesticated animals are kept. This provision shall not apply to:

(a) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(b) The maintaining of dogs or cats which are regulated by Article 2 of this chapter;

(c) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as, hamsters, rabbits, parakeets, and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with section 2-112 of this chapter;

(d) The transporting of animals through the city by ordinary and customary means;

(e) A permit shall not be required for people keeping livestock at the time of the passage of this code; provided, this exception to registration will terminate if there is a change in livestock or property ownership in which case a permit shall be required.

(f) Animals subject to a special exception authorized in accordance with Section 15.8 of the Sustainable Zoning Ordinance. (Code 1986, 2-107; Code 2007)

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. The use of animal traps that are designed to trap and hold animals without injuring the animals are permitted. (Code 2007)

2-111. NUISANCE ANIMALS. It is unlawful for the owner of any animal or fowl to keep or maintain such animal or fowl in the City so as to constitute a nuisance. For the purpose of this section, "nuisance" is defined as any one or more animals or fowl which: molest or interfere with persons in the public right-of-way; run at large; attack or injure persons, or other domestic animal; damage public or private property other than that of its owner or harbinger by its activities or with its excrement; scatters refuse that is bagged or otherwise contained; causes any condition which threatens or endangers the health or well-being of any person or other animals; or engages in loud, frequent and habitual barking, howling, yelping, mewling, roaring or screeching noises, by day or night or otherwise disturbs the peace and quiet of any person or family in the city. (Code 1986, 2-111; Code2007)

2-112. 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 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 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 shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All shelters and board fences confining animals shall be maintained in good repair, and all 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 for which an agricultural classification permit is held or where the barbed wire fence or electrically charge fence is protected by an exterior fence.

(f) All premises on 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 which could endanger the public

or animal health or create a health nuisance may be impounded. Animals shall be released after impoundment fees are paid and cause for impoundment has been corrected. (Code 2007)

2-113: 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. (Code 1986, 2-113; Code 2007)

2-114. 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; or

(2) Any animal which 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;

(4) Any animal which 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: 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 prior to the hearing. In making a determination, the municipal judge shall consider the following:

(1) The seriousness of the attack or bite;

(2) Past history of attacks or bites;

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

(4) The condition and circumstances under which the animal is kept or confined;

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

The Municipal Judge shall order the impoundment, the muzzling in accordance with subsection (d) and/or the confinement of the animal accused of being in violation of this section in a manner and location that will insure 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 or removed from the City.

(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: 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. 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. 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. (Code 2007)

#### 2-115. IMPOUNDMENT; FEE; NOTICE; RECORD.

(a) The animal control officer or law enforcement officer shall impound any animal or fowl found engaging in conduct constituting a nuisance or otherwise in violation of this chapter in the animal shelter. 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 of \$25.00 plus \$10.00 per day after the first day while impounded plus any additional costs incurred by the city including but not limited to veterinary charges or medicine.

(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 provide the information to the City Clerk. 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 impoundment 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 city council 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. (Code 2007)

2-116. 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 sections 2-114 (vicious) and 2-117 (rabid), the owner thereof may redeem the animal by paying the animal control officer or any person in charge, the impoundment and other costs as allowed by 2-115(b)

2-117. IMPOUNDMENT OF RABIES SUSPECTS.

(a) The animal control officer, any law enforcement officer or local health officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in the animal shelter, 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 impounding fee. 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 subsection (a), 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 provision 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. (Code 2007)

2-118. ANIMALS BITTEN BY RABID ANIMALS. Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local health officer and/or the police department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

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

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

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

(d) If the animal is found to have contracted rabies during confinement, it shall be humanely euthanized. (Code 1986, 2-116; Code 2007)

2-119.           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. (Code 1986, 2-117; Code 2007)

2-120.           EMERGENCY; PROCLAMATION. The mayor 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. (Code 1986, 2-118; Code 2007)

2-121.           KENNEL LICENSES.

(a) No person or household shall own or harbor more than four dogs of six months of age or older or more than one litter of pups, or more than four cats of more than six months of age or more than one litter of kittens, or more than a total of four dogs and cats more than six months of age in any combination, 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 of Kansas, 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 of Kansas, 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 of Kansas, or of the city.

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

(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 \$250.00. 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. (Code 1986, 2L208; Code 2007)

2-122. PENALTIES, Except as otherwise specifically provided in any section of Chapter II of this code the penalty for violation of any provision of Chapter II shall be as provided in Chapter I Article I Section 1-116.

2-123. HABITUAL VIOLATORS. It shall be unlawful for any person to be a habitual violator as defined in subsection (j) of Section 2-101 or this Article. In addition to any other penalties or sanctions which may be separately provided, any person convicted of being a habitual violator under this Article shall upon his or her first conviction thereof in Municipal Court be fined a sum of not less than \$500.00 and not more than \$1,000 and shall upon his or her second or subsequent conviction thereof in Municipal Court be fined a sum of not less than a \$1,000 and not more than \$2,000. In addition to the fine imposed the Court may upon the first conviction sentence the defendant to imprisonment in the county jail for a period not to exceed 60 days and may upon the second or subsequent conviction sentence the defendant to imprisonment in the county jail for a period not to exceed 90 days. In addition, the Court shall order the registration of the subject animal revoked, the Court shall order the impoundment of the subject animal or animals by the animal control officer for such disposition in accordance with the provisions of this Article and the Court may revoke any other animal licenses held by such person and may order the impoundment and disposition of any other animals owned, kept or harbored by such person. In addition to the foregoing penalties, any person who violates any provision of this Article shall pay all expenses, including but not limited to shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Article.

## ARTICLE 2. DOGS and CATS

### 2-201. REGISTRATION AND VACCINATION REQUIRED; FEE.

(a) Every owner of any dog or cat over six months of age shall annually register with the city clerk his or her name and address with the name, sex and description of each dog or cat owned and kept within the city. It shall be unlawful for the owner of any newly acquired dog or cat or any dog or cat brought into the city to fail to register such animal within 30 days from acquisition or bringing the dog or cat into the city. It shall be unlawful for the owner of any previously registered dog or cat to fail to maintain current registration of such dog or cat.

(b) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog or cat over six months of age to fail to maintain effective rabies immunization of such dog or cat.

(c) The owner or harbinger of any dog or cat shall, at the time of registering such dog or cat, present to the city clerk a certificate from an accredited veterinarian showing that a male dog or cat has been neutered or a female dog or cat has been spayed, if the dog or cat has been neutered or spayed.

(d) The city clerk shall collect an annual registration fee of \$3.00 for each neutered male dog or cat and for each spayed female dog or cat, and \$15.00 for each unneutered male dog or cat and for each unsplayed female dog or cat.

(e) The registration year shall be from January 1st through December 31<sup>st</sup> of each year. The fee shall be payable before March 1st of each year without penalty.

Registration fees as enumerated above may be prorated for newly acquired dogs or cats or for dogs or cats owned by a person or persons moving to and establishing a home in the city during a calendar year. Every owner or harbinger of a dog or cat, or dogs or cats, who shall fail to register the same prior to the 1st day of March of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of two times the annual registration fee. (Code 1986, 2-201; Code 2007)

2-202. DOG and CAT TAGS. It shall be the duty of the city clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep, in a book suitable for the registration of dogs or cats, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or keeper of the dog or cat a certificate in writing, stating that the person has registered the dog or cat and the number by which the dog or cat is registered, and shall also deliver to the owner or keeper of the dog or cat a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the dog or cat so registered. When any' tag has become lost during a registration period, the owner of the dog or cat may request a duplicate tag for the remainder of the registration period. When so requested, the city clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of a \$ 2.00 fee. It shall be unlawful for any

person to take off or remove the city registration tag from any dog or cat belonging to another, or remove the strap or collar on which the same is fastened. (Code 1986, 2-202; Code 2007)

2-203. SAME; COUNTERFEIT TAG. It may be unlawful for any person to place on any dog or cat a tag issued for any other dog or cat or to make or use any false, forged or counterfeited tag or imitation thereof (Code 2007)

2-204. EVIDENCE OF VACCINATION. It shall be unlawful for the owner of any dog or cat kept within the city to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such dog or cat within two years, when requested by the animal control officer or any law enforcement officer. (Code 2007)

2-205 VISITING DOGS OR CATS. The provisions of this article with respect to registration shall not apply to any dog or cat owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs or cats shall be kept under restraint by the owner thereof at all times. (Code 1986, 2-204; Code 2007)

2-206. IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.

(a) Any dog or cat found in violation of the provisions of this Article 2 shall be subject to impoundment by the city.

(b) A record of all dogs or cats impounded shall be kept by the city containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment.

(c) No dog or cat impounded under this section shall be disposed of until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the dog or cat through time periods ordinarily accepted as usual business hours. During such time of custody, the city shall attempt to notify the owner or custodian of any dog or cat impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog or cat may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such dog or cat was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog or cat is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the dog or cat, then the dog or cat may be sold, euthanized or otherwise disposed of.

(d) Any time before the sale or euthanization of any dog or cat impounded under the provisions of this article, the owner of an impounded dog or cat may redeem the dog or cat, by the payment of impoundment fee and costs allowed and required by Section 2-115(b) and all registration fees owed. This section shall not apply to any dog or cat alleged as being vicious under section 2-115 or suspected of rabies under section 2-119 of this code.

(e) Any dog or cat impounded may not be released without a current rabies vaccination.

(f) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder. (Ord. 901, Sec. 2; Code 1986, 2-207; Code 2007)

2-207. DISPOSITION OF UNCLAIMED DOGS OR CATS.

(a.) If any dog or cat is not redeemed by its owner or harborer within the time allowed for redemption as specified in section 2-206 thereof, the animal control officer, any authorized law enforcement officer, any authorized veterinarian or any duly authorized pound personnel may destroy such dog or cat or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year.

(b) No dog or cat may be transferred to the permanent custody of a prospective owner unless:

(1) Such dog or cat has been surgically spayed or neutered before the physical transfer of the dog or cat occurs; or

(2) The prospective owner signs an agreement to have the dog or cat spayed or neutered and deposits with the city not less than the lowest nor more than the highest cost of spaying or neutering in the community as determined by the city. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog or cat has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the dog or cat, the city shall keep the deposit and may reclaim the unspayed or unneutered dog or cat.

(c) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by the city and which may be claimed by its rightful owner within the holding period established in section 2-207. (Code 2007)

2-208. CONFINEMENT OF DOGS OR CATS IN HEAT. Any unspayed female dog or cat in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other dog or cat or dogs or cats may gain voluntary access to the confined animal except for purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisances, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals removed to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement. (Code 2007)

2-209. MUZZLING. Whenever the mayor shall deem it necessary for the protection and welfare of the inhabitants of the city, he or she shall issue an order requiring all dogs or cats kept within the city to be effectively muzzled for such length of time as may be specified in the order, to prevent them from

biting or injuring persons or animals. Such order shall be published in the official newspaper of the city for such period of time as the mayor may deem necessary. (Code 2007)

### ARTICLE 3. OTHER ANIMALS

#### 2-301 EXOTIC ANIMALS

(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.

(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:

- (1) All poisonous animals including rear-fang snakes.
- (2) Apes: Chimpanzees; gibbons; gorillas, orangutans; and siamangs.
- (3) Baboons.
- (4) Badgers.
- (5) Bears.
- (6) Bison.
- (7) Bobcats.
- (8) Cheetahs.
- (9) Crocodilians, 30 inches in length or more.
- (10) Constrictor snakes, six feet in length or more.
- (11) Coyotes.
- (12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- (13) Elephants.
- (14) Emu
- (15) Game cocks and other fighting birds.
- (16) Hippopotami.
- (17) Hyenas.
- (18) Jaguars
- (19) Leopards.
- (20) Lions.
- (21) Lynxes.
- (22) Monkeys.
- (23) Ostriches.
- (24) Pumas; also known as cougars, mountain lions and panthers.
- (25) Raccoons.
- (26) Rhinoceroses.

(27) Skunks.

(28) Tigers.

(29) 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.

(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. (Code 2007)

#### ARTICLE 4. PIT BULL DOGS

2-401. RESTRICTED ANIMALS; DEFINITION. It shall be unlawful to keep, own, or in any way possess, within the corporate limits of the City of Greensburg, Kansas:

(a) Any Pit Bull dog. Pit Bull dog is defined to mean:

(1) The bull terrier breed of dog;

(2) The Staffordshire bull terrier breed of dog;

(3) The American Pit Bull terrier breed of dog;

(4) The American Staffordshire terrier breed of dog;

(5) The dog of mixed breed or of other breeds than above listed which breed than above listed which breed or mixed breed is known as Pit Bulls, Pit Bull dogs or Pit Bull terriers;

(6) Any dog which has the appearance and characteristics of being predominately of the breeds of bull terrier, Staffordshire bull terrier, American Pit Bull terrier, American Staffordshire terrier; any other breed commonly known as Pit Bulls, Pit Bull dogs or Pit Bull terrier; or a combination of any of these breeds. (Ord. 2006-295, Sec. 1; Code 2007)

2-402. FAILURE TO COMPLY.

(a) It shall be unlawful for the owners, keepers or harborer of Pit Bull dogs, within the City of Greensburg to fail to comply with the requirements and conditions set forth in this article. Any Pit Bull found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such Pit Bull resulting in the immediate removal of the Pit Bull from the city.

(b) The city reserves the right to destroy, quarantine or remove Pit Bulls from the City as needed to protect city employees, the public or other animals in the animal shelter.

(Ord. 2006-295, Sec. 3; Code 2007)

2-403. PENALTY. Any person violating or permitting the violation of any provision of Chapter II, Article 5 of this ordinance shall, upon conviction in Municipal Court, be fined a sum not less than \$100.00 and not more than \$1,000.00 for each day a violation has continued. In addition to the fine imposed, the court may sentence the owner, keeper or harbinger to imprisonment for a period not to exceed thirty (30) days. Should the owner, keeper or harbinger refuse to remove the Pit Bull from the City, the Municipal Court Judge shall find the owner, keeper or harbinger in contempt and order the immediate confiscation and impoundment of the Pit Bull. Each day that a violation of this article continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including impoundment fees and other expenses authorized by Section 2-115(b). (Ord. 2006-295, Sec. 4; Code 2007)

**SECTION 2.** That this ordinance shall take effect and be in force from and after its passage and publication in the official city paper, The Kiowa County Signal.

Passed by the Council and approved by the Mayor this 6<sup>th</sup> day of May, 2013.

\_\_\_\_\_  
Robert A. Dixon, Mayor

ATTEST:

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Christy Pyatt, City Clerk