Chapter 6

ANIMALS*

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any living beast other than a human being, whether such beast is mammalian or of some other species, and includes reptiles and fowl.

At large means that the animal is off the premises occupied by the owner (or its appointed keeper) and not under the immediate control and supervision of its keeper, the owner, his agent, or some member of any such person's family.

Confiscate means to seize an animal and take permanent custody.

Dangerous animal means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.

Dangerous dog means any dog:

(1) With a known propensity, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of human beings or domestic animals;

(2) Which has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property;

(3) Which, without provocation, approaches any person in a vicious or terrorizing manner or in an apparent attitude of attack upon any public or private property;

(4) Which, without provocation, bites a human being or domestic animal;

(5) Owned primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

(6) That has more than once severely injured or killed a domestic animal.

Notwithstanding the definition of a "dangerous dog" herein, when determining whether a dog is dangerous pursuant to this Code, the court may consider as mitigating factors whether any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises owned or occupied by the owner of the dog; was teasing, tormenting, abusing or assaulting the dog; was committing or attempting to commit a crime; or whether the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault. This definition shall not apply to police dogs.

Dog includes both male, female and neutered dogs and such members of the canine, vulpine, lupine and jackal families, and the young of all such species.

Domestic animal means any animal customarily kept as a pet or any animal maintained within, or as an adjunct to, any domestic household.

Exotic pet means any pet introduced from another country or area, not indigenous to the place where found, or strikingly or excitingly different or unusual.

Impound means to seize and hold an animal for a temporary period of time.

Livestock means any animal owned, kept or maintained for purposes of supplying food, directly or indirectly, or as a beast of burden, and specifically includes cattle, horses, sheep, goats, asses, mules, rabbits and fowl, or any kind or breed of animals utilized for sport or food.

Muzzle means a mouth guard made to prevent an animal from biting and shall be made of leather, nylon or steel.

Owner means any person, firm, association or corporation owning, keeping or harboring animals.

Tether or *tethering*, when used as a verb, means fastening a dog or cat to a stationary object, pulley run line or a stake, and when used as a noun, means a chain, leash, rope, cable, chain, string, leather or nylon strap, or any other material used to fasten a dog or cat to a stationary object, pulley run line or a stake.
(Code 1977, § 6-1; Ord. No. G-86-03, § 1, 7-28-1986; Ord. No. G-13-04, §§ 1, 2, 8-27-2013)

Secs. 6-2—6-20. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 6-21. City manager authorized to appoint animal control officer.

The city manager shall have the authority to appoint an animal control officer for the city under the terms that he deems reasonable and necessary.
(Code 1977, § 6-2)

Sec. 6-22. Chief of police to operate and control function of animal control officer.

The animal control officer shall report and be responsible to the chief of police of the city. The chief may impose such regulations as he deems necessary to adequately operate and control the functions of the animal control officer.
(Code 1977, § 6-3)

Secs. 6-23—6-47. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 6-48. Impoundment of animals required; notice; assessment of costs for impoundment.

(a) A law enforcement officer or the animal control officer or his assistant who seizes an animal found at large within the city or who seizes any animal found unlawfully kept, harbored, tethered, or maintained within the city, or upon the order of the municipal judge, shall forthwith impound the animal in the city animal shelter. If the animal is registered or tagged so as to be identified, the owner thereof shall be notified of the impoundment as soon as possible.

(b) The municipal judge shall have the authority, upon the sworn complaint of a law enforcement officer or the city attorney, charging that an animal is maintained in violation of this chapter or is being cruelly or inhumanely treated, to issue an order to the police chief requiring the described animal to be seized and impounded pending final determination of the matter. In the event of the person so charged being found guilty of such charge, the costs of maintaining such animal may be assessed against him as a reasonable administrative expense of the action, and in the event of the person so charged being found innocent of such charge, the costs of maintaining the animal shall, before the return of such animal, be assessed against and paid by the city.
(Code 1977, § 6-5; Ord. No. G-13-04, § 7, 8-27-2013)

Sec. 6-49. Obstructing, hindering or preventing impoundment.

No person shall:

(1) Willfully obstruct, hinder or prevent the impounding of any animal;

(2) Break open, destroy or damage the city animal shelter; or

(3) Without proper authority, take or drive, or attempt to take or drive, any impounded animals from the city animal shelter.

(Code 1977, § 6-6)

Sec. 6-50. Causing animals to be impounded prohibited.

No person shall drive or entice any animal from beyond the city limits into the city limits or aid, abet or assist in so doing, or let any animal out of any enclosure in which it may be confined, or unfasten any animal or aid, abet or assist in so doing, in order that such animal may be seized and impounded.
(Code 1977, § 6-7)

Sec. 6-51. Procedure for redemption of animals.

The owner or keeper of any animal which has been impounded pursuant to the provisions of this division may redeem such animal from the city at any time before the sale or disposal of the animal by:

(1) Establishing ownership of the animal;

(2) Paying all charges for the care and/or treatment of the animal by the city or anyone so caring for or treating the animal;

(3) Paying any and all damages caused by the animal while running at large;

(4) Paying any other charges deemed necessary by the chief of police; and

(5) Paying any fines that may be assessed by the municipal court.

(Code 1977, § 6-8)

Sec. 6-52. Methods of disposal of impounded animals.

Any animal impounded pursuant to the provisions of this division for whom no owner is ascertained within three calendar days following impoundment may be disposed of either by humane destruction or by sale or gift under such terms as the chief of police may provide; provided, however, any impounded animal which is injured or diseased beyond reasonable and humane hope of recovery may be forthwith and immediately humanely destroyed.

(Code 1977, § 6-9; Ord. No. G-13-04, § 8, 8-27-2013)

Sec. 6-53. Adoption of unclaimed impounded animals.

(a) An animal impounded by the city may be adopted in accordance with policies and procedures established by the custodian of such animal, and payment of all applicable adoption fees.

(b) No person who has impounded such animal or has caused such impounding by complaint shall be eligible to adopt such animal, either directly or indirectly, and no person, firm, corporation or association engaged in medical experimentation, vivisectional practices or other laboratorial experiments utilizing animals shall be eligible to purchase such animal for such purposes.

(Code 1977, § 6-10; Ord. No. 6-86-03, § 3, 7-28-1986; Ord. No. G-13-04, § 9, 8-27-2013)

Secs. 6-54—6-79. Reserved.

DIVISION 3. RABIES IDENTIFICATION AND CONTAINMENT

Sec. 6-80. Quarantine of biting animals.

(a) Any warm-blooded animal which bites a person shall immediately be quarantined for a period of ten days at the owner's, keeper's or harborer's expense with a doctor of veterinary medicine of the owner's, keeper's or harborer's choosing. The owner, keeper or harborer of such animal shall notify the police department of the city of the date and place of confinement and shall also give notice when such animal is released. Upon such release, the veterinarian shall mail a certificate showing the condition of the health of the animal insofar as rabies is concerned to the police department and to the person bitten.

(b) If any such animal is not immediately quarantined as required by this section for the balance of the ten-day period, then the chief of police or his authorized representatives are hereby authorized to deliver such animal to a doctor of veterinary medicine, or to a facility holding a current state pound and shelter license, to be so confined for the termination of the ten-day period. If such animal is not immediately quarantined, it shall nevertheless be quarantined for a full ten-day period, regardless of when the quarantine commences.

(c) If a doctor of veterinary medicine will certify that the animal was vaccinated with serum against the disease if rabies and that the same was in effect at the time of the bite, then the provisions of this section relating to quarantine will not apply.
(Code 1977, § 6-11; Ord. No. G-86-03, § 4, 7-28-1986; Ord. No. G-13-04, § 10, 8-27-2013)

Sec. 6-81. Costs of processing to be borne by animal owner, keeper or harborer.

It shall be the duty of the owner, keeper or harborer of any animal which bites any person to be responsible for the expenses incurred for the quarantine, regardless of who transports the animal to a doctor of veterinary medicine or facility holding a current state pound and shelter license. This includes medical expenses or damages, if any should occur, caused by this animal.
(Code 1977, § 6-11; Ord. No. G-86-03, § 4, 7-28-1986; Ord. No. G-13-04, § 10, 8-27-2013)

Secs. 6-82—6-105. Reserved.

DIVISION 4. DOG TAX AND REGISTRATION

Sec. 6-106. Applicability of registration and taxation provisions.

The provisions of this division relative to taxation and registration of dogs shall not apply to any dog temporarily in the city. For the purpose of this division, any period of time less than 30 days shall be considered temporary.
(Code 1977, § 6-28)

Sec. 6-107. License and registration required.

(a) The owner of any dog kept, harbored, or maintained within the corporate city limits shall register each dog over six months of age, or within ten days after the dog becomes six months of age, by filing an application provided for such purpose in the office of the city clerk or his designee.

(b) The owner shall state on the application his name and address, and the name, breed, color and sex of each dog owned or kept by him.

(c) A two-year dog license tag shall be issued by the city clerk or his designee upon payment of the required fee and presentation of proof of current rabies vaccination; provided that dogs given a one-year rabies vaccination shall be issued a one-year license.

(d) Violation of this section shall result in a fine of $25.00, and each day of violation shall constitute a separate offense punishable by the same penalty.
(Code 1977, § 6-29; Ord. No. G-79-09, § 2, 10-24-1979; Ord. No. G-92-01, § 1, 2-10-1992)

Sec. 6-108. License fees.

(a) At the time of registration, the owner shall pay an animal registration fee in accordance with the city fee schedule.

(b) The license fee required by this section shall be paid to the city clerk or his designee on or before the tenth day following the dog's rabies vaccination.
(Code 1977, § 6-30; Ord. No. G-86-03, § 10, 7-28-1986; Ord. No. G-92-01, § 2, 2-10-1992)

Sec. 6-109. Rabies vaccination required.

No dog shall be registered and licensed in the city unless the owner thereof presents to the city clerk or his designee, the certificate of a doctor of veterinary medicine certifying that the dog has been inoculated against rabies, which certificate shall further state the date of inoculation and the date the vaccine expires.
(Code 1977, § 6-31; Ord. No. G-92-01, § 3, 2-10-1992)

Sec. 6-110. Issuance; display of dog license tag.

Upon the registration of a dog and the payment of the license fee due as required by this division, the owner of the dog shall be issued a dog license tag by the city clerk or his designee. The tag shall be attached to the dog in some convenient way, and the tag shall be displayed at all times on the dog.
(Code 1977, § 6-32; Ord. No. G-92-01, § 4, 2-10-1992; Ord. No. G-13-04, § 6, 8-27-2013)

Sec. 6-111. Lost dog license tag.

In the event a dog license tag is shown to be lost, the city clerk or his designee shall issue a new tag to the record owner or keeper of the dog upon receipt of payment for a replacement tag per the city's fee schedule, if applicable.
(Code 1977, § 6-33; Ord. No. G-79-09, § 2, 10-24-1979; Ord. No. G-92-01, § 5, 2-10-1992)

Secs. 6-112—6-136. Reserved.

ARTICLE III. CARE AND CONTROL

DIVISION 1. GENERALLY

Sec. 6-137. Animals at large prohibited; impoundment; penalty.

(a) Any police officer (including the city animal control officer or his duly appointed assistant) or designee of the police chief shall have the right, and it shall be his duty, to seize and impound as necessary any animal found running at large in the city in violation of this chapter.

(b) Allowing an animal to run at large shall punishable by a fine of $50.00 for a first violation, $150.00 for a second violation, and $300.00 for a third and all subsequent violations. In addition to such fine, upon a third violation, the animal may be confiscated, and upon a fourth or subsequent violation, the animal shall be confiscated. For purposes of this section, only violations occurring within a one-year period shall be considered for enhancement purposes.
(Code 1977, § 6-4; Ord. No. G-86-03, § 2, 7-28-1986; Ord. No. G-04-06, § 1, 7-27-2004)

Sec. 6-138. Tethering.

(a) It shall be unlawful for any person to attach chains or other tethers, restraints or implements directly to a dog or cat without the proper use of a collar, harness, or other device designed for that purpose, and made from a material that prevents injury to the animal. No person shall:

(1) Continuously tether a dog or cat for more than 60 minutes without supervision;

(2) Use a tether that, due to weight, inhibits the free movement of the animal within the area tethered;

(3) Tether a dog or cat on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other manmade or natural obstacles;

(4) Tether a dog or cat without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether;

(5) Tether a dog or cat in an open area where it can be teased by persons, or an open area that does not provide the dog or cat protection from attack by other animals; or

(6) Tether a dog or cat in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

(b) Any person found guilty of violating the provisions of this section shall be punished by a fine of not less than $50.00 but not more than $500.00, or imprisonment for not more than 30 days, or both such fine and imprisonment. Each day that a violation continues is deemed to be a separate offense.
(Ord. No. G-13-04, § 4, 8-27-2013)

Sec. 6-139. Report of wounding, injury to or killing of animal.

It shall be the duty of any person not the owner or keeper of an animal who causes the death, wounding, injury or maiming of such animal within the city to immediately notify the police department or animal control officer of the occurrence of the incident and the whereabouts of

the animal as last known to him. Any person who is proven to have left the scene of the incident without giving the required information to either the animal's owner or keeper or the proper authorities shall be deemed guilty of an offense. No person shall be required, however, to stop in unsafe traffic conditions; such person shall report the incident as soon as he may safely stop. Violation of this section shall carry a penalty of a fine not to exceed $50.00.
(Code 1977, § 6-13; Ord. No. G-86-03, § 5, 7-28-1986)

Sec. 6-140. Disposal of dead animals.

(a) It shall be the duty of the owner or person having the custody of any dead animal to properly dispose of the body or carcass of such animal, which may include burying the same in an adequate opening in the ground which shall be, when covered, three feet beneath the surface of the ground. Any person failing to so dispose of such body or carcass as required by this section, shall be deemed guilty of an offense, the fine for which shall be a minimum of $50.00 and a maximum of $200.00.

(b) Nothing in this section shall be construed to permit or condone trespassing, or the burial or burning of a carcass on any property without the property owner's consent. Nothing in this section shall be construed to permit or condone illegal transportation of animal carcasses upon public highways in violation of K.S.A. 47-1201 et seq.

(c) If the owner, keeper or harborer of the carcass requests the city to dispose of the carcass, a fee will be assessed in accordance with the city's fee schedule. The fee is payable upon request of the service. It shall be the responsibility of the owner or custodian of the animal to dispose of its carcass in one of the permissible manners within 24 hours of the death of the animal. A request for the city's disposal service must be made to the city police department within 24 hours of the animal's death.
(Code 1977, § 6-14; Ord. No. G-86-03, § 6, 7-28-1986)

Sec. 6-141. Maintenance of livestock.

(a) Any person desiring to keep livestock within the city shall file a written application for a permit to do so with the city clerk. The application shall affirmatively show that the applicant has facilities for keeping such animals meeting the standards set by the animal control officer which will confine the animals within limits not closer than 100 feet to the exterior limits of any dwelling resided in by anyone other than the applicant.

(b) No permit shall be issued or be valid if issued for the permitting or keeping of a combined total of more than two horses, mules, asses and cattle or for more than four sheep or goats per acre or of such other limitation as the health officer shall prescribe.

(c) A permit issued pursuant to this section shall be valid and effective for the calendar year in which it is issued. The permit fee shall not be pro-rated.

(d) Such permits shall be conditioned upon the following:

(1) The keeper of such animals maintaining a distance of 100 feet between the exterior limits of the place where the animals are kept and the exterior limits of the nearest dwelling occupied by any person other than the permit holder or owner of such animals;

(2) Such animals being confined in an enclosure sufficient to prohibit their running at large, the enclosure being maintained in a clean and sanitary condition at all times, and an approved insecticide being used in such enclosure as often as deemed necessary by the county health officer; and

(3) A shelter or area of sufficient size which is conducive to good sanitation practices and adequate drainage being provided and litter and droppings being collected and disposed of in the manner designated by the health officer.

Failure to comply with the conditions enumerated in this subsection shall be cause for revocation of the permit by the animal control officer.

(e) The annual fee for such permit, in the amount set forth in the city fee schedule, shall be paid to the city clerk.

(f) Nothing contained in this section shall be construed to prevent the bringing of any animals to any stockyard, slaughterhouse, auction, community sale, or stock pavilion for the purpose of sale, shipment, slaughter or for show purposes, nor shall it be unlawful to keep, harbor or feed animals at any lawfully established stockyards, auction or community sale, provided that the animals are kept, harbored or fed in accordance with the regulations and requirements promulgated by the state office of livestock sanitary commissioner under authority of the Community Sales Law of Kansas.
(Code 1977, § 6-15; Ord. No. 5481, § 2, 6-25-1969; Ord. No. G-79-09, § 1, 10-24-1979; Ord. No. G-82-05, § 1, 5-12-1982)

Sec. 6-142. Animals to be caged or restrained; rabies immunization.

It shall be unlawful for any person to keep, harbor or maintain any animal, except as provided herein. Any animal kept, harbored or maintained in the city shall be caged, fenced or otherwise restrained to the keeper's property except when under the immediate control of such keeper or his agent or some responsible member of any such person's family. Further, no mature domestic animal of the canine, vulpine, lupine, feline or rodent families shall be kept unless provided with immunization adequate to prevent contraction or spread of rabies.
(Code 1977, § 6-16)

Sec. 6-143. Attending animal fights.

It shall be unlawful for any person to witness, participate in, or engage as a spectator at any animal fight. Violation of this subsection shall be punishable by a fine of $250.00 or 15 days in jail, or both, for a first offense, and by a fine of $1,000.00 or 30 days in jail, or both, for a second and all subsequent offenses.
(Code 1977, §§ 6-17—6-19; Ord. No. G-86-03, §§ 7—9, 7-28-1986; Ord. No. G-04-06, §§ 1—3, 7-27-2004)

Sec. 6-144. Procedure regarding animal cruelty violations.

The animal control officer or a law enforcement officer may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, pending further order of the court. If the subject animal has been impounded, a hearing shall be scheduled within ten business days from the date of impoundment to determine if the animal shall be returned to the owner, surrendered to an animal adoption agency, or euthanized. The owner shall be given reasonable notice of the hearing.
(Ord. No. G-13-04, § 5, 8-27-2013)

Sec. 6-145. Exotic animals.

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

(1) Badgers, raccoons and skunks.

(2) Bears.

(3) Bobcats, lynxes, pumas, cougars, mountain lions and panthers.

(4) Crocodilians, 30 inches in length or more.

(5) Elephants, hippopotami and rhinoceroses.

(6) Game cocks and other fighting birds.

(7) Jaguars, leopards, lions, tigers, cheetahs and hyenas.

(8) Ostriches, emus and rheas.

(9) All animals of the order Primate, including new world and old world monkeys and apes, which includes, but is not limited to, monkeys, chimpanzees, gibbons, gorillas, orangutans, siamangs and baboons.

(10) All poisonous reptiles and animals, including lizards, snakes and rear-fang snakes.

(11) Constrictor snakes, eight feet in length or more.

(12) Swine, except pot-bellied pigs.

(13) Ungulates, including all members of the deer family, elk, antelope, moose, bovine and bison.

(14) Wolves, wolf hybrids, domesticated dogs hybridized with wild canines, and coyotes.

(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 city zoning ordinance.

(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 to be confined, destroyed or removed from the city.
(Code 1977, § 6-38; Ord. No. G-86-03, § 14, 7-28-1986; Ord. of 8-25-2011)

Sec. 6-146. Certain dogs declared public nuisance; impoundment authorized.

Any adult dog for which the city tax has not been paid, or which is not registered, or any dog which is at large, or which wears a registration tag not assigned to it, or which is vicious, dangerous or has a communicable disease, is hereby declared to be a public nuisance and may be seized and impounded by the city.
(Code 1977, § 6-34)

Sec. 6-147. Noisy dogs.

No person shall knowingly keep or harbor within the corporate city limits any dog which is in the habit of barking or howling, by day or by night, in such a manner as to disturb the peace and quiet of any person or family within the city. Violation of this section shall result in a fine of not less than $50.00 nor more than $250.00.
(Code 1977, § 6-35; Ord. No. G-86-03, § 11, 7-28-1986)

Sec. 6-148. Maximum number of dogs per premises.

(a) It shall be unlawful to possess or have under control more than three dogs per household or premises. A kennel license may be issued to the keeper or owner of four or more animals, if the keeper or owner's premises are in a zoning district which allows such use of property.

(b) Violation of this section will result in a minimum fine of $100.00 and a maximum fine of $150.00.

(c) Nothing in this section shall be construed to prohibit or restrict the practice of veterinary medicine by a licensed doctor of veterinary medicine registered with the state pursuant to K.S.A. 47-814 et seq., or of pet shops licensed under K.S.A. 47-1703.
(Code 1977, § 6-36; Ord. No. G-86-03, § 12, 7-28-1986)

Secs. 6-149—6-179. Reserved.

DIVISION 2. DANGEROUS ANIMALS

Sec. 6-180. Keeping dangerous animals.

(a) *Prohibitions.* No person shall own or permit to be kept on such person's premises any dangerous animal. This subsection will not be construed to apply to zoological parks, performing animal exhibitions or circuses, bona fide licensed veterinary hospitals for treatment, or bona fide educational or medical institutions, or museums where they are kept as live exhibits or for study.

(b) *Seizure and impoundment.* If the animal control officer or a law enforcement officer has probable cause to believe that a person owns a dangerous animal on premises in the city, the animal control officer or law enforcement officer shall cause the animal to be immediately seized and impounded, or euthanized, if seizure and impoundment are not possible without risk of serious physical harm or death to any person. Upon seizure and impoundment, the animal may be euthanized or delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals. In lieu of seizure and impoundment, the animal control officer or law enforcement officer may order the animal immediately removed by the owner, if the officer has reason to believe that the owner can safely and promptly provide for the removal of the animal. The owner must provide the animal control officer or law enforcement officer with proof confirming the safe relocation of the animal upon request.

(c) *Costs.* Any reasonable costs incurred in seizing, impounding, euthanizing or confining any dangerous animal shall be the responsibility of the owner of such animal. Such costs shall be in addition to any fine or penalty provided for violation of this chapter. Failure to pay the costs within ten days after receipt of a written notice of the amount due shall be a violation of this section.
(Code 1977, § 6-37; Ord. No. G-86-03, § 13, 7-28-1986; Ord. No. G-04-06, § 4, 7-27-2004; Ord. No. G-13-04, § 3, 8-27-2013)

Sec. 6-181. Dangerous dogs.

(a) If the animal control officer or a law enforcement officer has probable cause to believe a dog is dangerous, as defined in section 6-1, the city attorney may file a petition with the municipal court, verified by the animal control officer or law enforcement officer, seeking a determination that the dog is dangerous. If the city intends to seek an order from the court that the dog be euthanized, the petition shall specifically identify that as the remedy requested.

(b) The city attorney shall provide the owner of the dog with a copy of the petition, and written notice of the date, time, and location of the hearing.

(c) When the animal control officer or a law enforcement officer has probable cause to believe that the subject dog may pose a threat of serious harm to human beings or other animals, the officer is authorized to seize and impound the dog pending the hearing and/or any appeal. If the subject dog has been impounded, the matter shall be scheduled for a hearing within ten business days from the date of impoundment. If the dog is not impounded, the hearing shall be held within 30 days from the date the petition is filed in the municipal court. These deadlines may be extended by the court for good cause shown.

(d) The hearing shall be conducted by the municipal judge, who will sit as an administrative judge for purposes of this section. As administrative judge, he is empowered to hold hearings, subpoena witnesses, take the testimony of persons under oath, and require the production of any evidence relating to any matter being heard.

(e) At the hearing, all interested parties shall be given an opportunity to present testimony and relevant materials on the issue of whether the dog in question is dangerous. The testimony and relevant materials may include, but not be limited to, animal control reports, the facts, circumstances, and seriousness of any attack or wound, past history of wounds inflicted by the dog in question, and the potential propensity of the dog to inflict wounds in the future. The hearing shall be civil in nature, informal in the presentation of the testimony, and open to the public.

(f) If the court, after hearing the testimony and reviewing the relevant materials, determines that the city has proven by a preponderance of the evidence that the dog meets the definition of dangerous dog, the dog shall be deemed dangerous. In addition, the court has the authority to order the dog removed from the city, or destruction of the dog, as it deems appropriate. Future compliance hearings and/or the requirement to post bond to ensure compliance or to perfect an appeal may be ordered at the discretion of the court. If the owner fails to comply with the provisions of this section within the time frame ordered, unless stayed by the filing of an appeal, the dog shall be ordered destroyed.

(g) If the dog is ordered to be removed from the city, the owner shall pay all applicable impoundment and boarding fees, before the dog may be released. If the owner appeals the court's decision, the dog shall be impounded pending the determination on appeal, and all associated boarding costs shall be the responsibility of the owner. If the dog is determined not to be dangerous, it may be released to its owner immediately upon payment of all impoundment and boarding fees.

(h) Hearing.

(1) The failure of an owner to appear at a hearing, or the removal of the dog from the city prior to the scheduled hearing, does not preclude the court from holding a hearing

and/or determining that the dog is dangerous. In addition to any other order, the court may order the owner to provide animal control with the exact location, address, and contact information for the new owner of the dog (if moved), and require that the animal not be returned to the city.

(2) If an owner desires to contest the court's determination that a dog is dangerous, he may appeal to the district court. The owner shall file a notice of appeal with the municipal court clerk within ten days of the court's determination. If the dog has been impounded, the court may require that the owner post a bond in an amount sufficient to pay for the animal's current impoundment and boarding fees, and a minimum of 30 additional days boarding, which shall also be required within ten days of the court's determination. The dog shall remain impounded until a final determination is made on appeal. The municipal court clerk will prepare the record on appeal, similar to an appeal from a municipal court pursuant to K.S.A. 12-4602 and 22-3609, and amendments thereto, and submit the record to the district court. The district court shall review the matter de novo, and the city's burden of proof shall be the preponderance of the evidence.

(3) The owner of a dog subject to a petition seeking a dangerous determination may waive his right to a hearing and enter a stipulation that the dog is dangerous, or a stipulation that the evidence would be sufficient to sustain a finding that the dog is dangerous. Any such stipulation shall be reduced to writing and signed by the owner. A stipulation shall have the same legal effect as a determination by the court that the dog is dangerous.

(i) For purposes of this chapter, a dog that is stipulated to be dangerous under this section shall be synonymous with a dog determined to be dangerous by the court. Further, entering into a stipulation is not an appealable order.
(Ord. No. G-13-04, § 3, 8-27-2013)

Sec. 6-182. Failure to comply.

Each day that a deemed violation of this article continues shall be a separate offense. In addition to any penalty, any person who violates this article shall pay all expenses, including shelter, food, handling, and veterinary care necessitated by the enforcement of this article.
(Code 1977, § 6-39; Ord. No. G-86-03, § 15, 7-28-1986)

Secs. 6-183—6-202. Reserved.

ARTICLE IV. DOG KENNELS

Sec. 6-203. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dog kennel means any quarters of any description utilized commercially for the keeping, maintenance or breeding of dogs.
(Code 1977, § 6-49)

Sec. 6-204. Compliance with article required.

It shall be unlawful for any person to operate a dog kennel within the city except as provided in this article.
(Code 1977, § 6-50)

Sec. 6-205. Licensing requirements.

(a) Any person desiring to maintain a dog kennel in the city shall file a written application for a license to do so with the city clerk. The application shall affirmatively show that the applicant has facilities for keeping such animals in quarters meeting the standards set by state law and, in addition thereto, shall include the following:

(1) Confinement of the animals within limits not closer than 50 feet to the exterior limits of any dwelling resided in by anyone other than the applicant;

(2) Animals shall be confined in an enclosure sufficient to prohibit their running at large;

(3) The enclosure shall be maintained in a clean and sanitary condition at all times, and an approved insecticide shall be used as often as deemed necessary by the animal control officer;

(4) A shelter or area of sufficient size to be conducive to good sanitation practices and adequate drainage for the shelter or area shall be provided, and litter and droppings shall be collected and disposed of in a suitable and sanitary manner designated; and

(5) The area in which such kennel is to be maintained is zoned for such purpose.

(b) Any violation of the provisions of this article as shown by a certified abstract of conviction from the appropriate court submitted to the city clerk, or failure to comply with conditions set forth in this section as shown by a sworn affidavit of the animal control officer, shall be cause for revocation of the permit by the city.

(c) The annual fee for a license required by this section shall be as set forth in the city fee schedule, and shall be paid to the city clerk during the month of January of each year. The permit fee shall not be pro-rated.

(d) The licensing provisions of this section shall not apply to any kennel maintained in a proper zone and operated by a licensed doctor of veterinary medicine.
(Code 1977, § 6-51; Ord. No. G-79-09, § 3, 10-24-1979; Ord. No. G-82-05, § 2, 5-12-1982)

Chapter 7

RESERVED