

ARTICLE 1. GENERAL PROVISIONS**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 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) "Control" means that the animal is on a leash not more than eight (8) feet in length; is within a securely fenced area, or, is secured within a vehicle being driven or parked.

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

(i) "Domestic Animal" includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

(j) "Euthanasia" means death brought about by any method which produces rapid loss of consciousness leading to a painless death.

(k) "Foster Home" means any person or residence where four (4) to seven (7) animals over the age of 120 days are harbored or kept, and is duly associated with a licensed pound or shelter under K.S.A. §47-1704.

(l) "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.

(m) "Harborer" means any person who shall allow any animals 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 for three (3) or more consecutive days.

(n) "Humane Live Animal Trap" or "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.

(o) “Impound” means to seize summarily, confine, or restrain in custody.

(p) “Kennel” means any establishment where four (4) to seven (7) animals over the age of 120 days are harbored or kept; provided, however, this definition shall not apply to animal shelters or to animal hospitals operated by veterinarians duly licensed under the laws of the State for treatment or boarding.

(1) “Private Kennel” means a kennel kept by the owner and/or resident of the property upon which animals are housed and not for commercial purposes.

(2) “Commercial Kennel” means a kennel where animals over the age of 120 days are harbored or kept for a fee, breeding, or sale, or other commercial purpose.

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

(r) “Neutered” means any male or female cat or dog that has been permanently rendered sterile.

(s) “Own” means and 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.

(t) “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 (s) above.

(u) “Permit Year” means the calendar year any permit is issued under this Chapter.

(v) “City Registration Tag” means a tag issued annually by the City evidencing a registered animal.

(w) “Registered Animal” means an animal registered in compliance with this Chapter.

(x) “Serious Physical Harm” means any of the following:

(1) Any physical harm that carries a risk of death;

(2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, incapacity;

(3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(4) Any physical harm that involves acute pain of a duration that results in suffering or any degree of intractable pain.

(y) When used as a verb, “tether” or “tethering” shall mean fastening a dog or cat to a stationary object, pulley run line or a stake. When used as a noun, “tether” or “tethers” shall mean 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.

(z) “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.

(aa) “Veterinary Hospital” means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury of animals.

(Ord. 1492, Sec. 5.02.020; Code 1989; Code 2014; Ord. 2487)

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 the Chief of Police, or his or her designee, shall have such powers and authority as allowed by law in the enforcement of this Chapter. All Animal Control Officers shall be subject to the supervision and direction of the Chief of Police of the City.

(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, harborer 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 to answer the charged violation of this Chapter.

(Ord. 1492, Art. 5.04; Code 1989; Code 2014; Ord. 2487)

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, law enforcement, or Animal Control Officers 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.

(c) Use firearms or other suitable weapons to destroy any rabid animal, or any animal defined in Sections 2-301, 2-302, 2-303, or 2-304 where such animal is impossible or impractical to catch, capture or tranquilize.

(Ord. 1492, Art. 5.04; Code 1989; Code 2014; Ord. 2487)

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) The Animal Control Officer or any Law Enforcement Officer shall have the right of entry upon any private unenclosed lots or lands to investigate cruelty to animals.

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

(Ord. 1492, Art. 5.04; Code 1989; Ord. 2487)

2-105 Municipal Pound Established.

A municipal pound shall be established to carry out the provisions of this Chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor or as established by contract with private groups or individuals such as veterinarians and humane societies. When so contracted, the pound shall have the following services and facilities as a minimum:

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

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

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

(d) Facilities for the humane destruction of animals

(Code 1989; Ord. 2487)

2-106 Breaking and Entering of Pound.

(a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound, 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 1989; Ord. 2487)

2-107 Cruelty to animals.

It shall be unlawful for any person to:

(a) Cruel acts and conditions enumerated:

(1) It shall be unlawful for any person:

- i. To willfully or maliciously kill, maim, disfigure or torture, strike, hit or beat with a stick, board, chain, club or other object; mutilate, burn, or scald with any substance; or drive over any domesticated animal, or cruelly set an animal upon another animal, except that reasonable force may be employed to drive off vicious or trespassing animals; or
- ii. By any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with harmful or poisonous substances (it is not the intent of this subsection to prohibit the use of poisonous substances for the control of vermin of significance to the public health); or
- iii. To fail, refuse or neglect to provide any animal in the person's charge or custody as owner or otherwise, with proper food, drink, shade, care, or structurally-sound weatherproof shelter appropriate for the type, age and/or size of the animal; or
- iv. To drive or work any animal cruelly; or
- v. To abandon any animal within the City limits; or
- vi. To leave any animal confined in a vehicle in extreme weather conditions, defined as less than thirty (30) degrees Fahrenheit or more than eighty (80) degrees Fahrenheit; or
- vii. To transport an animal in the trunk of a vehicle or unsecured in the open bed of a truck; or

- viii. To cause, instigate, stage, or train any animal to fight or permit any fight between any animal and another animal or human; or
 - ix. To give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade; or
 - x. To attach chains or other tethers, restraints or implements directly to an animal 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; or
 - xi. To use a chain, leash, rope, collaring device, tether, or any other assembly or attachments to picket an animal that shall weigh more than one-eighth (1/8) of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area picketed; or
 - xii. To picket an animal in such a manner as to cause injury, strangulation, or entanglement of the animal on fences, trees, or other manmade or natural obstacles.
 - xiii. To tether an animal outdoors to a stationary object or to a mobile device, including, but not limited to, a trolley or a pulley, when a weather advisory or warning is issued by local, state or federal authorities or when outdoor environmental conditions, including, but not limited to, extreme heat, cold, wind, rain, snow or hail, pose an adverse risk to the health or safety of such animal based on such animal's breed, age or physical condition, unless tethering is for a duration of no longer than 15 minutes.
- (2) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report any injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.
- (b) Exceptions: Nothing in subsection (a) of this section shall:
- (1) Be deemed to prohibit any action by a licensed veterinarian done in accordance with accepted standards of veterinary medicine, or any action taken by a law enforcement officer pursuant to the interests of public health and safety; or,
 - (2) Be interpreted as prohibiting any act done in self-defense or done to defend another person.

(Ord. 2487)

2-108 Procedures for Cruelty to Animals; Fines.

- (a) Any public health officer, law enforcement officer, code enforcement officer, or licensed veterinarian may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined by Section 2-107; provided that entry upon private property shall only be accomplished with the assistance of a law enforcement officer. Such officer, agent or veterinarian may inspect, care for, or treat such animal or place such animal in the care of any facility with which the City has contracted for animal sheltering services or a licensed veterinarian for treatment, boarding or other care or, if an officer of such animal sheltering facility or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane destruction.
- (b) The owner or keeper of an animal destroyed pursuant to subsection (a) shall not be entitled to recover damages for the destruction of such animal unless the owner proves that such destruction was unreasonable and unwarranted.
- (c) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to subsection (a) pending prosecution of the owner or keeper of such animal for the crime of cruelty to animals as defined in Section 2-107 shall be assessed to the owner or keeper as a cost of the case if the owner or keeper is adjudicated guilty of such crime.
- (d) If a person is adjudicated guilty of the crime of cruelty to animals as defined in Section 2-107 and the court determines that such animal owned or possessed by such person would be in the future subject to any cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society, animal shelter or control or licensed veterinarian for sale, adoption or other disposition.
- (e) Unless the animal obtained pursuant to this section is the evidentiary subject of a pending prosecution, the owner or keeper of the animal shall have a maximum of four (4) business days after the animal is taken into custody to obtain the animal from the veterinarian or the animal sheltering facility having custody of the animal. The veterinarian or the animal sheltering facility shall notify the owner or keeper of the animal, if known or reasonably ascertainable. The failure of the owner or keeper to obtain custody of the animal in the time provided shall provide the authority for the Municipal Judge to declare that the animal be disposed of by the veterinarian or the animal sheltering facility by adoption or destruction.
- (f) Violation of Section 2-107 shall be a municipal offense for which a mandatory court appearance is required, and upon conviction, the defendant shall be fined the fee set by the Municipal Judge plus applicable court costs, per offense. The Municipal Judge shall not have authority to suspend the minimum fine. In addition, the Municipal Judge shall have authority to impose a fine of not less than \$500.00 and not greater than \$1,000.00, and impose a jail sentence in the County Jail of not more than six (6) months.

(Ord. 2487)

2-109 Compliance with Federal Regulations.

It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or sub-species of mammal, bird, amphibian, or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969.

(Ord. 1492, Sec. 5.08.120; Ord. 2487)

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 any trap specifically designed to kill rats, mice, gophers or moles, with the consent of the owner or occupant of the property where the trap is set, and to the use of cage-type, live traps employed for the control of nuisance animals as long as the traps employed are tended every 12 hours.

(Ord. 1492, Secs. 5.08.070:5.08.080; Code 1989; Ord. 2487)

2-111 Animal Confines; Shelters.

(a) No animal house, pen or private kennel shall be maintained closer than forty (40) feet to any apartment house, residential condominium, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which the animals are kept.

(b) 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.

(c) 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 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.

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

(e) All animals' shelters and fences confining animals shall be maintained in good repair. Barbed wire fences and above ground 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 fees are paid and cause for impoundment has been corrected.

(Ord. 1492, Sec. 5.08.090:5.08.100; Code 1989; Ord. 2487)

2-112 Death of Animals.

(a) The Animal Control Officer shall be responsible for the removal of all dead animals found on public property within the City.

(b) All dead animals shall be removed by the owner or proprietor of the premises within 12 hours of the animal's death. If not so removed, the animals shall be removed by the Animal Control Officer, and the costs arising therefrom charged to the animal's owner or custodian or property owner or proprietor.

(c) On occupied property, the owner and/or tenant thereof shall provide easy access to the subject animal for purposes of its removal.

(Ord. 1492, Sec. 5.08.130; Ord. 2487)

2-113 Running at Large.

(a) 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.

(b) Any animal or fowl found in violation of this Section shall be impounded as provided in Section 2-115 and 2-116.

(c) It shall not be unlawful under the regulations of this Section for any person to allow dogs to run at large within the posted leash free areas of the City limits.

(Ord. 1492, Sec. 5.10.080; Ord., 1753, Sec. 1; Code 1997; Code 2014; Ord. 2487)

2-114 Tethering.

(a) It shall be unlawful for any person to attach chains or other tethers, restraints or implements directly to an animal 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) Picket or tie any animal in any park, street, public right-of-way, alley or public property; or
- (2) Use a tether or any assembly or attachments thereto to tether an animal that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or
- (3) Tether an animal 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; or
- (4) Tether an animal without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether; or
- (5) Tether an animal in an open area where the tether allows for the animal to be within 4 feet of a public right-of-way including but not limited to sidewalks, streets, or other's private property.
- (6) Tether an animal outdoors to a stationary object or to a mobile device, including, but not limited to, a trolley or a pulley, when a weather advisory or warning is issued by local, state or federal authorities or when outdoor environmental conditions, including, but not limited to, extreme heat, cold, wind, rain, snow or hail, pose an adverse risk to the health or safety of such animal based on such animal's breed, age or physical condition, unless tethering is for a duration of no longer than fifteen minutes.

(Code 2014; Ord. 2487)

2-115 Impoundment; Notice; Fee.

(a) The Animal Control Officer is authorized to receive and dispose of donated or gift dogs, cats or other small animals, and to impound, offer for adoption or euthanize any animal running at large in violation of this Chapter or any animal impounded for any other reason. The animals may be taken up or impounded even though no citizen makes a complaint and even though the Animal Control Officer issues no notice to appear. Impoundment shall be subject to the following:

- (1) The Animal Control Officer shall notify the owner of an impounded animal, identifiable by a tag or other approved method, by telephone or personally, followed by direct mail notification to the owner's last known address.
- (2) The animal shall be confined in an approved shelter for a period of at least four (4) business days beginning at 9:00 a.m. of the morning following its capture. If the owner does not reclaim his or her animal during this period, or if the Animal Control Officer is unable to locate and notify the owner after making a good faith effort, then the Animal Control Officer may offer for adoption or euthanize the animal.
- (3) Adopted animals shall be licensed in accordance with this Chapter if adopted by a resident of the City.
- (4) All animals euthanized under the provisions of this Section shall be euthanized by a licensed veterinarian.

(b) No animal shall be euthanized or placed for adoption unless the following shall have occurred:

- (1) The Animal Control Officer shall post a notice in a conspicuous place that describes the animal and the time and place of capture;
- (2) The notice shall remain posted for a minimum period of 72 hours;
- (3) A copy of the notice shall be mailed to the owner of the animal, if known, by United States Mail to the owner's last known address;
- (4) or shall be personally contacted by telephone or in person, if reasonably possible.

(c) Any dog or cat licensed or unlicensed may be claimed by its owner upon the payment of impoundment fees and boarding fees established by the City Council. The period to determine the impoundment fee is the 12 month period prior to each current impoundment.

(Ord. 1492, Sec. 5.12.010; Code 1989, Ord. 2195, Ord. 2218, Ord. 2331; Ord. 2487)

2-116 Redemption of Impounded Animals.

At any time before the sale or destruction of any animal impounded under the provisions of this Article, the owner thereof may redeem the animal by paying the Animal Control Officer or any person in charge, the impounding fee, boarding fee, all costs incurred as a result of such impoundment, including necessary veterinary care, and upon compliance with the registration and licensing provisions of this Chapter.

(Ord. 1492, Sec. 5.12.010; Code 1989; Ord. 2487)

2-117 Impoundment of Rabies Suspects.

(a) When any animal subject to rabies has bitten or attacked any person, or when an animal is suspected of having rabies, it shall be the duty of any person having a knowledge of the facts to report the same immediately to the Police Department.

(b) Licensed dog or cat.

- (1) The owner or harbinger of a properly vaccinated biter dog or cat shall have the dog or cat examined by a licensed veterinarian, of their choice, who shall submit a report to the Animal Control Officer within 24 hours of the incident.
- (2) The biter dog or cat may be impounded upon the licensed premises by the owner or harbinger. Impoundment shall mean within a structure or secure enclosure or upon a leash only upon the premises of the owner or harbinger. The period of impoundment shall be 10 days.
- (3) The owner or harbinger of a properly vaccinated biter dog or cat shall have the dog or cat examined by a licensed veterinarian again on the 10th day of impoundment. A written report by the veterinarian that the biter dog or cat is not affected by rabies, filed with Animal Control Officer, shall terminate impoundment.

(c) Unvaccinated dog or cat.

- (1) The owner or harbinger of a biter dog or cat which has not been vaccinated shall have it examined immediately by a licensed veterinarian who shall submit a report to the Animal Control Officer within 24 hours of the incident.
- (2) The animal shall be confined for a period of 10 days. It shall be unlawful for any person to release from confinement any animal or remove any animal from its place of confinement to another place without the consent of the Animal Control Officer. The confinement of the animal shall be at the expense of the owner or custodian of the animal. Following consultation with a licensed veterinarian, if the Animal Control Officer has reasonable cause to believe the animal is diseased, or upon exigent circumstances, the Animal Control Officer shall be empowered to order examination of the animal to determine whether it may have rabies. It shall be unlawful for any person to refuse to surrender any animal for quarantine when demand is made by the order of the Animal Control Officer. If the animal dies or is killed, a laboratory examination of the head shall be made, at the expense of the animal's owner or custodian.

(Ord. 1492, Sec. 5.10.100; Ord. 2487)

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 a licensed veterinarian 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 (3) 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 a licensed veterinarian, who declares the animal to be free of rabies; and
- (d) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

(Code 1989; Ord. 2487)

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.

(Ord. 1492, Sec. 5.08.020(i); Ord. 2487)

2-120 Animal Care While Owner Disabled; Procedure; Disposal.

(a) Whenever it is deemed necessary for any persons to be removed from their living accommodation for any purpose, and they shall have any animals that will not be properly cared for as a result of their absence from their home, then the following procedure shall be followed:

- (1) The person so removed shall be contacted to determine his or her desires concerning the care of the animal or animals;
- (2) Any known friends or relatives of the owner shall be contacted to determine if they will care for the animals; and
- (3) If the individuals mentioned above are unable or unwilling to provide for the animals, the City shall remove the animals to the animal shelter. The owner of the animal or animals shall be required to pay any fees for the keeping of the animals before he or she may remove them from the animal shelter.

(b) If the owner of any animal detained by the City shall fail to make arrangements to care for the animal within thirty (30) days of the time the City takes possession of the animal, the City shall notify the owner in writing that, if the owner does not make arrangements to care for the animal within five (5) days, the animal will be placed for adoption or destroyed as an abandoned animal. The five (5) days shall be counted from the date of mailing. If the owner fails to make the arrangements within such time, the animal shall be placed for adoption or destroyed in accordance with the provisions of this Chapter.

(Ord. 1492, Sec. 5.08.050:5.08.060; Code 1989; Ord. 2487)

2-121 Kennel Permits/Foster Homes.

(a) It shall be unlawful for any person to keep, operate or maintain a commercial kennel without first obtaining a building permit, business license, and any other requirements of the City.

(b) A commercial kennel permit is required when a person shall have, hold, maintain or house more than a combined total of seven (7) animals over six (6) months of age within the City.

(c) A private kennel permit is required when the person in charge of a residence or residential premises or household shall have, hold, maintain or contain more than a combined total of three (3) dogs and cats over six (6) months of age within the City. No residential kennel permit shall be issued for more than seven (7) animals. Application for a kennel permit shall be filed with the City. The application shall state the name of the person desiring to keep or maintain any kennel, the location of the premises where the kennel is to be kept and maintained and any other information that the City may desire. The application shall be signed by the applicant and shall bear the date that application is made.

(d) An annual fee established by the City Council shall be charged for a private kennel and a commercial kennel permit. No permit shall be transferable from one person to another or from one premise to another.

(e) Any permit issued under this Section may be canceled if the holder fails to comply with any notice given him or her pursuant to violations to this Article. No person who had a permit canceled shall be permitted to make application for another permit within one (1) month from the date of the cancellation of a previous permit.

(f) A foster home shall register once a year and show proof of association, licensing, or authorization as a foster home from a State licensed pound or shelter to the Bonner Springs Police Department who shall record the name, address, phone number and retain a copy of the proof presented. Foster homes in residential areas shall not have more than seven (7) animals.

(Ord. 1492, Sec. 5.06.110, Ord. 2331; Code 2014; Ord. 2487)

2-122 Custody of Animals; Disposition.

(a) Any public health officer, Animal Control Officer or Law Enforcement Officer may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in Sections 2-107 or 2-114 during a pendency of a matter before a court of competent jurisdiction. The officer or agent may inspect, care for or treat the animal or place the animal in the care of a duly incorporated humane society, licensed veterinarian or animal shelter for treatment, boarding or other care or if it appears to a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose, for humane killing.

(b) If the owner or custodian is charged with a violation of this Section, the animal shelter, veterinarian or boarding facility where the animal is held may petition the Municipal Court to be allowed to place the animal for adoption or euthanize the animal at any time after 21 days after the owner or custodian is notified that the animal is no longer of evidentiary value as living evidence, or if the owner or custodian is not known or reasonably ascertainable, after 21 days after the animal is taken into custody, unless the owner or custodian of the animal files a renewable cash or performance bond with the City Clerk in an amount equal to not less than the cost of care and treatment of the animal while the animal was held.

(c) Expenses incurred in the destruction, care, treatment or boarding of any animal taken into custody pursuant to Subsection (a) of this Section, pending prosecution of the owner or custodian of the animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of the crime.

(d) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by the person will be subject to cruel or unlawful treatment in the future, the animal shall not be returned to the person. The animal may be turned over to a duly incorporated humane society or licensed veterinarian for adoption or other disposition.

(Ord. 1492, Sec. 5.08.040; Code 1989; Code 2014; Ord. 2487)

2-123 Injured or Ill Animals.

Whenever the Animal Control Officer or any other Law Enforcement Officer encounters a stray or abandoned animal suffering pain, he or she shall take the animal to a veterinarian approved by the City where the cost of any care or treatment shall be borne by the owner. If the ownership of the animal cannot be determined, the Animal Control Officer shall treat the animal as one impounded under Section 2-115. If the animal appears to be diseased or disabled beyond recovery for any useful purpose, the officer shall treat the animal under Section 2-124.

(Ord. 1492, Sec. 5.08.140; Ord. 2487)

2-124 Diseased Animals.

It shall be unlawful for the owner of any domestic animal to knowingly ship or remove the animal from the owner's premises when afflicted with a contagious or infectious disease except under the supervision of the Health Officer. It shall be the duty of the Health Officer to order the disposition of any diseased animal

and treatment of the affected premises to prevent the communication and spread of contagion or infection except in cases where the State veterinarian is empowered to act and does act.

(Ord. 1492, Sec. 5.10.040; Ord. 2487)

2-125 Rescue of Animals from Vehicles

Whenever any animal is found confined in a motor vehicle in a public place under extreme weather conditions that endanger its life as determined by an animal control or law enforcement officer, such is a violation of this section and any animal control officer is hereby authorized, with assistance from the police, to enter such a vehicle and rescue such animal and thereafter impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded.

(Ord. 2487)

ARTICLE 2. DOGS AND CATS

2-201 Registration, Vaccination Required, Spay/Neuter Required and Fee.

(a) Every owner of any dog or cat over six (6) months of age shall annually register with the Bonner Springs Police Department his or her name, address and telephone number with the name, sex, age, breed, color and rabies inoculation certificate number, date and administering veterinarian. It shall be unlawful for the owner of any newly acquired dog or cat over six (6) months of age or any dog or cat over six (6) months of age brought into the City to fail to register such animal within thirty (30) days from acquisition or bringing the dog or cat into the City.

(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 (6) months of age to fail to maintain effective rabies immunization.

(c) The owner or harbinger of any dog or cat shall, at the time of registering such dog or cat, present 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.

(d) A City registration tag shall be issued after payment of an annual registration fee established by the City Council for each dog or cat. It shall be unlawful to own, possess or keep in the City any dog or cat over the age of six (6) months that is not spayed or neutered, except as provided below:

- (1) If a licensed veterinarian states in writing that an animal is unfit to undergo the required surgical procedure because of an extreme health condition of the animal. Such extreme health condition shall include, but not be limited to, severe cardiovascular compromise, bleeding disorder, respiratory disease or hepatic disease. The old age of animal shall not, of itself, constitute an extreme health condition for purposes of this Section. Animal owners shall pay the standard annual license fee provided for in Subsection (d) above as established by the City Council.
 - (A) A licensed veterinarian examines the animal annually.
 - (B) A licensed veterinarian annually vaccinates the animal for rabies or other common diseases.
 - (C) The Animal Control Officer confirms there have not been more than two violations of the provisions of this Chapter in the prior twenty-four months.
 - (D) The owner pays a separate breeding license fee established by the City Council for each unneutered male dog or cat and for each un-spayed female dog or cat.
- (2) If an owner of an animal wishes to obtain a breeding license from the City for an animal that is not a spayed or neutered animal and does not meet the extreme health condition regulations in Subsection (d)(1) above, the license shall only be issued if they meet the conditions listed below.
 - (A) A licensed veterinarian examines the animal annually.
 - (B) A licensed veterinarian annually vaccinates the animal for rabies or other common diseases.
 - (C) The Animal Control Officer confirms there have not been more than two violations of the provisions of this Chapter in the prior twenty-four months.
 - (D) The owner pays a separate breeding license fee established by the City Council for each unneutered male dog or cat and for each un-spayed female dog or cat.
- (3) If an animal is temporarily in the City to participate in a show or event sponsored by a sanctioned animal organization.
- (4) If an animal is owned or kept in the City for less than thirty days in a one year period.

(e) 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. The license year shall be from January 1 through December 31 of each year. The fee shall be payable before March 1 of each year without penalty.

(f) Every owner or harbinger who shall fail to register the dog or cat in accordance with Paragraphs (a) and (e) shall pay in addition to the registration fee a penalty fee for late registration as established by the City Council.

(g) Section 2-201 is not applicable to animals in foster homes which are owned by the associating or authorizing State licensed shelter or pound.

(h) The Bonner Springs Police Department, Animal Control Officer, or his or her authorized representative or any licensed veterinarian practicing within the City is authorized to issue City registration tags.

(Ord. 1492, Art. 5.06; Code 1989, Ord. 2195, Ord. 2331; Code 2014; Ord. 2487)

2-202. Animal Tags.

It shall be the duty of the Animal Control Officer, upon receipt of a current rabies immunization and the registration fee, to keep an electronic data base of each license issued to include the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid. The City or local veterinarian who issues each license shall provide the owner or keeper of the dog or cat a receipt as proof of each registered dog or cat and the registration number for each dog or cat and shall provide the owner or keeper a tag with the registration number and the registration year thereon. The owner or keeper shall attach it to the collar or harness for each dog or cat so registered that must be worn at all times when off the premises of the owner.

If a tag is lost during a registration period, the owner of the dog or cat shall obtain a duplicate tag for the remainder of the registration period. Upon presentation of the registration receipt, a duplicate of such tag shall be issued upon payment of a fee established by the City Council. It shall be unlawful for any person to take off or remove the City registration tag from any dog or cat that belongs to another, or remove the strap or collar on which the same is fastened.

(Ord. 1492, Sec. 506.090:100; Code 1989 Ord. 2331; Ord. 2487)

2-203. Same; Counterfeit Tag.

It shall 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.

(Ord. 1492, Sec. 5.06.090; Code 1989; Ord. 2487)

2-204. Evidence of Vaccination.

It shall be unlawful for the owner, keeper or harbinger 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 one (1) year, when requested by the Animal Control Officer or any Law Enforcement Officer.

(Ord. 1492, Sec. 5.06.050; Code 1989; Ord. 2487c)

2-205. Visiting Dogs and 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 thirty (30) days. However, such dogs or cats shall be kept under restraint by the owner thereof at all times.

(Ord. 1492, Sec. 5.06.020; Code 1989: Ord. 2487)

2-206. Reserved For Future Use.**2-207. Adoption.**

The City's main concerns with respect to the adoption of a cat or dog from the shelter are: (a) the animal is in good health; that it is immunized against rabies, licensed, and not vicious by nature, and (b) it will be placed in a good home under the control of a responsible person.

The location or residence of the proposed owner is immaterial; however, if within the City limits it will be subject to inspection by a representative of the City with respect to suitability of accommodations for the adopted animal.

(Ord. 1492, Sec. 5.12.020; Ord. 2487)

2-208. Same; Dogs.**(a) Qualifications for adoption:**

- (1) Good health.
- (2) Immunized.
- (3) Licensed (when place of residence is within the City).
- (4) Not vicious.
- (5) If the animal is too young to be immunized, the adoption fee shall include the fee for immunization which will be accomplished at a later date when the veterinarian feels it can be done safely.
- (6) In the case of a licensed dog or cat turned in at the shelter by the owner of record or its authorized representative, the owner or representative must give a release, in writing, for the animal's disposal or adoption.
- (7) In case of a licensed dog or cat picked up by the Animal Control Officer as a stray, while running at large, or in response to a complaint, the dog or cat will not be available for adoption (other qualifications being met) until the prescribed waiting period of seven (7) days has expired and the owner of record has failed to claim it; or the owner has given written consent for its adoption; or the adopter (after the waiting period) certifies that efforts to locate the owner were unsuccessful.
- (8) In the case of an unlicensed dog picked up by the Animal Control Officer as a stray, while running at large, or in response to a complaint, the dog will not be available for adoption (other qualifications being met) until the prescribed waiting period of four (4) business days has expired and the owner has failed to claim it.

(b) The adopter will be required to pay the following fees. All payments received by the animal shelter or licensed veterinarian shall be turned over to the City Clerk.

- (1) A license fee equal to the amount required in Section 2-201.

- (2) An adoption fee established by the City Council. The adoption fee and immunization requirement is waived for not-for-profit organizations that adopt animals provided they immunize and spay/neuter the animal within a reasonable period of time and before they offer the animals for adoption.

(Ord. 1492, Sec. 5.12.030, Ord. 2331; Ord. 2487)

2-209. Reserved For Future Use.

2-210. Confinement of Females in Heat.

Any un-spayed 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 male animal 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 nuisance, 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.

(Ord. 1492, Sec. 5.10.030; Code 1989; Ord. 2487)

2-211. Guard Dogs.

(a) It shall be unlawful for any person to leave any guard or attack dog unattended in any place in or out of any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present.

(b) No guard dog or attack dog shall be unattended in any place except inside a building or out of doors in a fenced yard, with a fence adequate to prevent the dog from leaving the yard.

(c) Any person operating a guard dog service in the City shall register the business with the Chief of Police and shall list all premises to be guarded with the Chief of Police before the services begin.

(d) For purposes of this Section "guard dog" or "attack dog" is defined as an animal not owned by a governmental unit, which animal is used to guard private commercial property or public property and to attack intruders.

(Ord. 1492, Sec. 5.10.090, 5.10.110; Code 1989; Ord. 2487)

ARTICLE 3. OTHER ANIMALS

2-301. Prohibited Animals.

(a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her control within the City any native wild animal, venomous or dangerous wild animal or reptile.

(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 species of Apes and/or Monkeys.
- (2) Badgers.
- (3) Bears.
- (4) Bison.
- (5) Bobcats and/or Lynxes.
- (6) Large Cats such as lions, Cheetahs, Leopards, Tigers, Jaguars, or Pumas, also known as Cougars, Mountain Lions, or Panthers.
- (7) Constrictor snakes over eight (8) feet in length.
- (8) Coyotes.
- (9) Crocodilians and/or Alligators.
- (10) Deer; includes all members of the deer family, for example, White-Tailed Deer, Elk, Antelope and Moose.
- (11) Elephants.
- (12) Hippopotami.
- (13) Hyenas.
- (14) Opossums.
- (15) Raccoons.
- (16) Rhinoceroses.
- (17) Roosters, guinea fowl, peacocks, and/or other birds that by nature exhibit loud calls.
- (18) Skunks.
- (19) Wolves.
- (20) All poisonous animals including rear fang snakes
- (21) Constrictor snakes

(c) Complaint; Notice.

Upon the complaint of any person that a person owns or is keeping or harboring a prohibited animal(s) on premises in the City, the Chief of Police or his or her designee, shall cause the matter to be investigated. If after investigation, the facts indicate that the person named in the complaint is in fact the owner or is keeping or harboring any prohibited animal(s) in the City, the Chief of Police, or his or her designee, shall send written notice to the person, requiring the person to safely remove the animal from the City within three (3) days from the date of the notice. Notice as herein provided shall not be required where prohibited animal(s) have previously caused serious physical harm or death to any person, or has escaped and is at-large, in which case the Chief of Police, or his or her designee, shall immediately seize and impound, or kill the animal, if seizure and impoundment are not possible without risk of physical harm or death to any person. Notice of seizure shall be given to the owner or harbored of the animal as herein provided.

(d) Failure to Comply; Impoundment; Costs.

- (1) The Chief of Police, or his or her designee, shall cause to be seized and impounded any prohibited, nuisance, dangerous or vicious animal where the person owning, keeping or harboring the animal has failed to comply with the notice sent pursuant to Subsection (c). Upon a seizure and impoundment, the animal shall be delivered to an animal shelter.
- (2) If, during the course of seizing and impounding any animal, the animal poses a risk of serious physical harm or death to any person, the Chief of Police or his or her authorized representative may render the animal immobile by means of tranquilizers or other safe drugs or if that is not safely possible then the animal may be killed.
- (3) Any costs incurred by the City in seizing, impounding and confining any prohibited, nuisance, dangerous or vicious animal shall be charged against the owner, keeper, or harbored of the animal. The charges shall be in addition to any fine or penalty imposed for violating this Chapter.

(e) Performing Animal Exhibitions.

- (1) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
- (2) All equipment used on a performing animal shall fit properly and be in good working condition.

(Ord. 1492, Sec. 5.10.070; Ord. 1580, Sec. 1; Code 1992; Code 2014; Ord. 2487)

2-302. Keeping Domestic Animals

- (a) **Prohibition:** Except as otherwise provided by this section, it shall be unlawful to keep, cause to be kept, harbor or maintain any domestic horse, donkey, mule, or other equine; sheep; goat; swine; cow, ox or other bovine; or large ratite in a residential zone of the city.
- (b) **Exceptions:** The prohibitions of subsection (a) of this section, provided the property is zoned by the City for agricultural use, shall not apply to the following:
 - (1) Not more than one of the animals listed at Section 2-302(a) may be kept, harbored, owned or possessed on premises that are between two acres contiguous gross land area and less than three acres of contiguous land area;

- (2) One additional animal per acre, above the number allowed in section 2-302(b)(1) may be kept, harbored, owned or possessed on premises that consist of contiguous land area that is three acres or larger; i.e., two of the above-listed animals on four acres or more, three on five acres or more, four on six acres or more, etc.
 - (3) In the event the exceptions herein conflict with any other ordinance or statute limiting the number of animals, the provisions of such other ordinance or statute shall control.
- (c) Permit: Any person wishing to keep an animal not otherwise authorized by subsection (b) of this section or wishing to keep additional animals other than those so authorized by such subsection, may make application for a special written permit. Such special permit shall be issued only after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby. In determining whether a nuisance will be created by the granting of a permit, consideration will be given to whether such animals were being lawfully kept on such property prior to the enactment of this section, the size of the lot or acreage involved, conditions under which the animals will be kept, and distances from other premises.

Application for such permit will be to the City Clerk or Bonner Springs Police Department and a permit fee shall be paid at the time of making such application. The City Clerk or Bonner Springs Police Department shall, upon receipt of an application for permit, cause the city officer or employee designated by the City Manager to conduct the investigation as required hereby and if the result of such investigation meets the requirements of this section shall issue the permit.

In the event of a denial of such permit the City Clerk or Bonner Springs Police Department shall immediately notify the applicant by first class mail and the applicant shall then have ten (10) calendar days in which to appeal such determination to the City Council. The City Council shall determine whether such permit should be issued and if so, under what conditions the keeping of such animals will be authorized under the provisions of this section.

Any permit issued under the provisions of this section may be revoked or canceled by the City Manager or his or her designee at any time during the term thereof; provided, that such officer or employee as designated by the City Manager shall first send a notice to the permittee outlining the violation of this chapter determined to be in existence with respect to the property and notifying the permittee that if such violations are not abated within ten (10) days of such notice., then the permit will be revoked.

Any permits issued shall be issued for a period of one year. No new permit may be issued without reapplication and inspection as provided herein.

- (d) Goats/Sheep: Owners of goats and sheep shall ensure that male goats over the age of four weeks are neutered.
- (e) Pigs: Owners of pet pigs shall ensure that male pigs over the age of four weeks are neutered and females over the age of 120 days are spayed. Additionally, adult pigs shall not exceed 200 pounds.
- (f) Animal or Fowl Pens; Shelters.
 - (1) It shall be unlawful to maintain any stable, shed, yard, pen or other place on which any number of animals or fowl shall be kept in such a manner as to be or become offensive to those residing in the vicinity or annoying to the public or, except as otherwise provided, to fail to meet and maintain the following requirements:
 - i. No animal house, pen or kennel shall be maintained closer than forty (40) feet to any apartment, house, residential condominium, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes, or residence other

than that occupied by the owner or occupant of the premises upon which the animals are kept.

- ii. Fencing for the keeping of livestock shall not be closer than twenty five feet (25') from the front lot line;
- iii. Fencing for any animals must be constructed in such a manner that animals may not reach legs, necks, wings, or any body part onto neighbors' property or to any plant or shrub growing on the neighbors' property;
- iv. All animal shelters and fences confining animals shall be maintained in good repair. 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 charged fence is protected by an exterior fence.
- v. Manure shall not be allowed to accumulate and must be cleaned up on a regular basis;
- vi. Any pen/coop or other building upon a lot for the purpose of confining or housing the animal must be constructed of such material and in such manner that they can be kept clean and sanitary at all times;
- vii. Every pen, cage or other yard establishment where an animal is kept shall be maintained so that no debris, garbage, water or excrement accumulates and so that no offensive, disagreeable or noxious smell or odor will arise therefrom to the injury, annoyance, or inconvenience of any neighbor. Any violation of this subsection shall be deemed a nuisance.
- viii. Animal pens must be adequately sized. Adequate size shall be based on the length of the animal being held. Space must be three times the length of the animal squared; i.e. a dog measuring three feet in length would require a pen that is at least $(3\text{ft} \times 3\text{ft})^2 = 81$ Sq. ft.
- ix. 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 fees are paid and cause for impoundment has been corrected.
- x. Animals held in a pen either full-time or for short durations, shall be provided with shade and protection from weather.

(2) Limitations for the keeping of Poultry

- i. Keeping of poultry is allowed with a permit
- ii. Number of poultry: Up to six (6) hens per acre
- iii. Roosters are prohibited
- iv. Slaughtering of poultry on the property is prohibited

- v. Allowing chickens to roam at large is prohibited
- vi. Coop standards: A coop is required to house poultry. Coops must be constructed and maintained to meet the following minimum standards
 - A. Located in the rear or side yard.
 - B. Set back at least five (5) feet from the rear or side property lines
 - C. Interior floor space – four (4) square feet per bird.
 - D. Interior height – adequate room to allow access for cleaning and maintenance
 - E. Doors – one (1) door to allow humans to access the coop and one (1) for birds (if above ground level, must also provide a stable ramp)
 - F. Climate control – adequate ventilation and/or insulation to maintain the coop temperature between 32-85 degrees Fahrenheit
 - G. Nest Boxes – one (1) box per every three (3) birds
 - H. Roosts – Shall be sufficient for the number of birds in the coop
 - I. Rodent Proof – Coop construction and materials must be adequate to prevent access by rodents.
 - J. Coops shall be of sturdy construction and well maintained.
 - K. Substrate: Composed of material that can be easily raked or regularly replaced to reduce odor and flies
- vii. Poultry Run: A run or exercise yard is required. Runs must be constructed and maintained to meet the following minimum standards:
 - A. Location: rear or side yard
 - B. Size: ten (10) square feet per bird, if access to a fenced exercise yard is also available; sixteen (16) square feet per bird, if access to an exercise yard is not available. If the coop is elevated two (2) feet so the poultry can access the space beneath, that area may count as a portion of the minimum run footprint.
 - C. Height: Adequate room to allow access for cleaning and maintenance.
 - D. Cover: Adequate to keep poultry in and predators out.
- viii. Permit

The officer shall grant a permit for poultry after the applicant has obtained the written consent of at least 60% of the owners or occupants of privately or publicly owned real estate that are located adjacent (i.e. sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicants property lines are one hundred fifty (150) feet or more from any house or business
- ix. Application

Any person desiring a permit required under the provisions of this article shall make written application to the Bonner Springs Police Department upon a form prescribed by and containing such information as required by the City Clerk and officer. Among other things, the application shall contain the following information:

- A. A description of the real property upon which it is desired to keep the poultry.
- B. The number of poultry to be kept on the premises
- C. A site plan of the property showing the location and size of the proposed poultry coop and run, setbacks from the poultry coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the poultry in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.
- D. Statements that the applicant will at all times keep the poultry in accordance with all of the conditions prescribed by the officer, or in modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.

x. Permit conditions

If granted, the permit shall be issued by the City Clerk or Bonner Springs Police Department and shall state the condition, if any, imposed upon the permittee for the keeping of poultry under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the officer for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall be effective after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such poultry.

xi. Term

Permits issued under this division shall have a duration period of two years. The first two years of a permit shall require an annual inspection after year one. The expiration date of such permit is as may be imposed, set, established and fixed by the City Clerk, from time to time. A permit renewal application shall be filed with the office of the City Clerk prior to the expiration date.

xii. Revocation

The City Manager may revoke any permit issued under this ordinance if the person holding the permit refuses or fails to comply with this ordinance, with any regulations promulgated by the City Council pursuant to this ordinance, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all poultry being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

(Code 2014; Ord. 2487)

2-303. 2-303 Falconry; License Required.

Any person designated and licensed as a falconer by the Kansas Wildlife and Parks Department must first obtain a permit from the City Clerk or Bonner Springs Police Department before owning a raptor within city limits. This permit is in addition to any required permits under state or federal laws. Any person desiring a permit under this section must file with the City Clerk or Bonner Springs Police Department an application for permit showing a copy of applicable state and/or federal licenses or permits, along with a fee. Permits must be renewed yearly

(Code 2014; Ord. 2487)

2-304. Falconry; Additional Restrictions

Mews used to house raptors must be locked at all times during which the raptor is inside. Any person authorized to own a raptor within city limits shall not allow it to fly within city limits.

(Code 2014; Ord. 2487)

2-305. Nuisance Animals.

(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. For the purpose of this Section, "nuisance" is defined as any animal which:

- (1) Without provocation, molests, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles;
- (2) Damages public or private property other than that of its owner or harbinger by its activities;
- (3) Scatters refuse that is bagged or otherwise contained;
- (4) Threatens or endangers the health or well-being of persons or other animals, or injures other animals;
- (5) Creates noxious or offensive odors;
- (6) Defecates upon any public or private property, other than the property of the owner of the animal, unless promptly removed by the animal owner or harbinger. This Section shall not apply to a blind person while walking his or her dog;
- (7) Creates an insect breeding or attraction site due to an accumulation of excreta;
- (8) Is ridden on public property and obstructs or interferes with vehicular or pedestrian traffic;
- (9) Creates excessive noise, including barks, howls, whines, brays or cries, which cause an unreasonable annoyance, disturbance or discomfort to the complainant.

(b) No animal may be declared a nuisance if, at the time of violations (a)(1) or (9), a person or animal was teasing, tormenting, abusing or assaulting the alleged nuisance animal. No animal may be declared a nuisance if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

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

(d) It shall be a separate offense under this Subsection for any person owning, keeping or harboring any animal deemed a nuisance animal to permit, or allow the animal to run at large within the City.

(Code 2014; Ord. 2487)

2-306 Dangerous Animals.

(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 dangerous animal. A dangerous animal is any animal which has done any of the following:

- (1) Caused injury, other than killing or serious physical harm, to any person;
- (2) Killed another animal;
- (3) Been the subject of a second or subsequent violation of Section 2-305(a)(1) or (4).

(b) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous if any injury or damage is sustained by a person or animal who at the time such injury or damage was sustained, was upon premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(c) Any dangerous animal which is in the custody of an Animal Control Officer and which in the judgment of the Chief of Police, or his or her designee, would constitute a menace to the health, safety or welfare of the public if released from custody, may be held pending a hearing on any charges or complaints filed in the Municipal Court to determine the disposition of the animal.

(d) Any violation of this Section shall be punishable pursuant to the provisions of this Section, except that the minimum fine for violation of any provision of this Section shall be \$250. Upon conviction, the Court may order that the animal be humanely euthanized and direct the Chief of Police, or his or her designee, to insure that the order is enforced.

(e) Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution be paid to the victim of the violation of Section 2-3036(a)(1) or (2).

(f) Upon conviction of keeping a dangerous animal, and the animal returning to its owner, the animal shall be kept subject to the following standards:

- (1) **Leash and Muzzle.** No person shall permit a dangerous animal to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate object such as trees, posts, buildings, etc. in addition, all dangerous animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.
- (2) **Confinement.** All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house dangerous animals must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

- (3) **Confinement Indoors.** No dangerous animal may be kept on a porch, patio or in a part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- (4) **Signs.** All owners, keepers or harborers of dangerous animals within the City shall within 10 days of conviction, display in a prominent place on their premises a sign easily readable by the public using the words Beware of Dog or Beware of Dangerous Animal, whichever is applicable.
- (5) **Insurance.** All owners, keepers or harborers of dangerous animals must within 10 days of conviction provide proof to the Animal Control Officer of public liability insurance in a single incident amount of \$1,000,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. The insurance policy will provide that no cancellation or changes of the policy will be made unless 10 days written notice is first given to the Animal Control Officer.
- (6) **Identification Photographs.** All owners, keepers or harborers of dangerous animals must within 10 days of conviction provide to the Animal Control Officer two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.
- (7) **Microchip.** All owners, keepers or harborers of dangerous animals must within 10 days of conviction microchip the animal and provide microchip information to the Animal Control Officer to register the animal as dangerous.
- (8) **Spaying/Neutering.** All owners, keepers or harborers of dangerous animals must within 10 days of conviction spay or neuter the animal and provide proof of sterilization to the Animal Control Officer.
- (9) **Sale or Transfer of Ownership Prohibited.** No person shall sell, barter or in any other way dispose of a dangerous animal registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; provided that the registered owner of a dangerous animal may sell or otherwise dispose of a registered dog to persons who do not reside within the City.
- (10) **Failure to Comply.** It shall be unlawful for the owner, keeper or harborer of a dangerous animal to fail to comply with the keeping requirements and conditions set forth in this Article. Any animal found to be the subject of a violation of this Article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the provisions of this Article is deemed a separate offense. Upon conviction, the Court shall order the revocation of the license of such animal resulting in the immediate removal of the animal from the City. In addition to the foregoing penalties, any person who violates this Article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Article.

(Ord. 2487)

2-307

Vicious Animals.

- a) (a) An animal may be declared to be vicious by the Animal Control Officer or Law Enforcement officers, under the following guidelines:

- An animal which, in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person or other animal upon the streets, sidewalks or any public grounds or places; or
 - An animal which, on private property, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mail carrier, meter reader, serviceman, journeyman, delivery man or other employed person, or any person or animal who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property.
- b) It shall be unlawful to keep, possess, or harbor a vicious animal within the City limits. A vicious animal means any animal which has killed or caused serious physical harm to any person.
 - c) The owner of a vicious animal shall be responsible for all costs associated with impoundment, removal or for any other associated costs.
 - d) Upon second conviction of a violation of 2-306, the Court shall order that the animal be removed from the City or humanely euthanized, and direct the Chief of Police, or his or her designee, to insure that the order is enforced.
 - e) Upon conviction of keeping a vicious animal, the Municipal Court Judge may order restitution be paid to the victim up to the maximum amount allowed by law.
 - f) The owner of a vicious animal shall pay all costs associated with impoundment, removal, or euthanasia of said animal. The owner shall pay any other associated costs incurred.

(Ord. 2487)

2-308 Exceptions.

The provisions of this Article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(Ord. 2487)

2-309 Exceptions to Declaration.

- (a) The provisions of this Article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.
- (b) No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

(Ord. 2487)

2-310 Violation Requirements.

If a vicious animal has been running at large, or bites a person or bites another animal, the animal shall be seized by the city or its agents using such means as are necessary and summon the owner to appear in court to show cause why this animal shall not be destroyed. If the animal cannot be captured, it may be as reasonably possible humanely destroyed.

(Ord. 2487)

ARTICLE 4. ENFORCEMENT AND PENALTIES

2-401. Administration; Appeals.

(a) The City Manager is authorized to develop administrative regulations necessary to implement the provisions of this Chapter, including procedures for animal enumerations, animal shelter operation, and the fees required, but not specified, by this Chapter.

(b) If for some reason a license is not issued by the Bonner Springs Police Department at the request of the animal owner, the owner may appeal the decision in writing to the City Manager. The appeal will be heard by the City Council.

(Ord. 1492, Sec. 5.14.010; Ord. 2487)

2-402. Enforcement.

The Animal Control Officer and all police officers of the City are hereby empowered to issue notices to appear for violations of this Chapter to the owners of any animal. The Municipal Court Clerk is empowered to provide citizens the necessary complaints for notices to appear to be issued for animal owners in violation of the Chapter.

(Ord. 1492, Sec. 5.14.020; Ord. 2487)

2-403. Hearings and Procedures.

The Municipal Court Judge is hereby empowered to hold any hearings required in the enforcement of this Chapter and to render judgments and penalties as therein outlined in accordance with the appropriate Kansas Statutes governing the operation of the Municipal Court.

(Ord. 1492, Sec. 5.14.020; Ord. 2487)

2-404. Injunction.

Any violation of this Chapter is declared to be a municipal offense. In addition to any relief provided by this Chapter, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Chapter. The application for relief may include a temporary restraining order, a temporary injunction and permanent injunction.

(Ord. 1492, Sec. 5.14.020; Code 2014 Ord. 2487)

2-405. Penalties.

The Animal Control Officer and all police officers of the City are hereby empowered to issue notices to appear for violations of this Chapter to the owners of any animal. The Municipal Court Clerk is empowered to provide citizens the necessary complaints for notices to appear to be issued for animal owners in violation of the Chapter.

(Ord. 1492, Sec. 5.124.030; Code 2014; Ord. 2487c)

2-406. Severability.

If any section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Chapter.

(Code 2014; Ord. 2487)

