

CHAPTER II. ANIMALS AND FOWL

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ARTICLE 1. GENERAL PROVISIONS

2-101. DEFINITIONS. For the purpose 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) Animal: Any live vertebrate creature, domestic or wild.

(c) Animal Control Officer: Any person empowered by the city to enforce, or aid in the enforcement of this chapter.

(d) Animal Shelter: Haysville animal shelter, which is hereby designated by the city as the facility for the boarding and disposition of any animal impounded under the provisions of this chapter, or any city ordinance or law of the state of Kansas.

(e) Attack: any violent or aggressive physical contact with a person or domestic animal, or violent or aggressive behavior that confines the movement of a person, including, but not limited to, charging, cornering, chasing, or circling a person.

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

(g) Cat: Any member of the species felis catus, regardless of sex.

(h) Common Areas of Condominiums, Townhouses and Apartment Buildings: Includes, but is not limited to the yards, grounds, garden areas, play area, clubhouses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways, and driveways of condominiums, townhouses or apartment building complexes.

(i) Control of a Dog or any other animal: To physically restrain by means of an appropriate pen, or by a chain or leash held by a responsible person who possesses sufficient strength for physical control of the animal.

(j) Direct Control of a Dog: To physically restrain a dog by a substantial chain or leash by a responsible person who is 18 years of age or older and possesses sufficient strength for physical control of the animal.

(k) Dog: Any member of the species canis familiaris, regardless of sex. Such term shall not include hybrid breeds of dogs which have been bred to a wild animal.

(l) Guard Dog: Any dog placed within an enclosure for the protection of persons or the property by attacking or threatening to attack any person found within the enclosure patrolled by such dog.

(m) Harbor: The act of keeping or caring for an animal or providing premises to which the animal returns for food, shelter, or care.

(n) Harborer: See Owner, Keeper, Harborer.

(o) Humane Traps: Box-type, live type, which do not cause bodily harm to the animal intended to be captured or any animal or person coming in contact with such trap.

(p) Inhumane treatment: any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from the weather; endangers the safety, health or well-being of an animal from heat, cold or lack of adequate ventilation; any treatment such as overloading, overworking, tormenting; beating, mutilating, teasing or other abnormal treatment; or causing or allowing the animal to fight with any other animal.

(q) Keeper: See Owner, Keeper, Harborer.

(r) Livestock: Includes, but not limited to, cattle, horses, swine goats, sheep or other animals, commonly regarded as farm animals. Animals kept as house pets, such as pygmy goats or pot belly pigs, shall not be declared livestock if the animal resides on the property in living conditions commonly associated with the manner of maintaining a pet animal.

(s) Microchip: a passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system.

(t) Mistreatment: Includes every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

(u) Neglect: Includes the failure to provide food, water, protection from the elements, opportunity for exercise or for other normal, usual and proper care for an animal's health and well being.

(v) Neighbor: any person residing within 200 from the outermost property line of the property where a domestic animal is owned, kept or harbored.

(w) Nuisance Animal: means any repeated acts of an animal that irritates, perturbs or damages rights and privileges common to the public or enjoyment of private property or indirectly injures or threatens the safety of a member of the general public. Such actions include, but are not limited to:

1. Damage to public or private property including, but not limited to: breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flower bed, plant, shrub or tree in any manner;
2. Rips any trash bag or tips any solid waste collection container which spills or scatters trash, debris, refuse or waste.
3. Repeatedly defecates upon any public place or upon premises not owned or controlled by the animal's owner, keeper or harborer, provided that this definition shall not apply where such waste is immediately removed and properly disposed of by the owner of such animal.
4. Allowing or permitting an animal to be maintained in an unsanitary condition so as to be offensive to sight or smell.
5. Causes a condition which endangers public health or safety.

(x) Owner, keeper or harborer: any person who possesses, harbors, keeps, feeds, shelters, maintains, offers refuge or asylum to any animal, or who professes to keeping, owning or harboring of such animal. In addition, any person who signs a receipt as owner, keeper or harborer for the return of an animal from any shelter or animal holding facility, shall be presumed to be the owner, keeper or harborer of the animal. A parent or legal guardian shall be deemed to be an owner, keeper or harborer of animals owned, kept or harbored upon their premises by minor children who are less than 18 years of age. Such term shall also include any person who exercises control over or is in possession of any such animal. The term “Owner” when used in this Chapter shall be construed to include “Keepers” and “Harborers.”

(y) Person: any individual, firm, association, joint stock company, syndicate, partnership, corporation, other state franchised business entity such as a professional association, limited liability company, or limited liability partnership, or other organization of any kind.

(z) Pet Animal: Includes dogs, cats, rodents, birds, reptiles, pot belly pigs, pygmy goats and any other species of animal which is sold or retained as a household pet, but does not include skunks, and other species of the wild, exotic or carnivorous animals that may be further restricted in this chapter.

(aa) Picket: Means attaching a leash, rope, chain, lead, or other similar apparatus or device to the body of an animal and another object for the purpose of confining the animal or limiting the movement of the animal.

(bb) Rabbits, Poultry and Domestic Fowl: Includes; rabbits, pigeons, chickens, chicks, ducks, geese, turkeys, doves, squabs and all similar domestic fowl other than pet animals.

(cc) Running at Large: An animal off the premises of its owner, keeper or harbinger and not effectively controlled and restrained by means of a leash, cord, or chain not exceeding ten (10) feet in length. For the purposes of this definition, “the premises of its owner, keeper, or harbinger” shall not include common areas of the grounds of a condominium, townhouse or apartment, and unrestrained animals upon those areas shall be deemed to be running at large. The phrase “effectively controlled and restrained” does not exclude extendable leashes that are maintained at ten (10) feet of length or less. It shall be a question of fact whether an individual, due to age, ability, or attention was able to effectively control and restrain an animal by means of a leash, cord, or chain of any length. This Section shall not apply to working dogs authorized by the City, or animals inside a fenced dog park or designated off-leash area as described in Chapter 12, Article 4.

(dd) Temperature and Ventilation Standard: The City hereby adopts the standards promulgated by the American Society for the Prevention of Cruelty to Animals (ASPCA) in association with temperature and ventilation standards. The ASPCA has determined that when the outside temperature is 85 degrees the inside of a vehicle will reach 102 degrees within ten (10) minutes, even with the windows cracked. In half an hour, the temperature inside a closed vehicle will soar to 120 degrees, which can be lethal to an animal in minutes. Because animals can’t sweat, they can’t control their body temperature in intense heat, leading to extensive organ damage, heatstroke or suffocation.

(ee) Wild Animals: Includes all species of animals which exist in their natural unconfined state and the majority of such species are not domesticated.

(Code 1984; Ord. 851; Ord. 860; Code 2015; Code 2019; Ord. 1063)

2-102. RUNNING AT LARGE. (a) It shall be unlawful for the owner, harbinger or person of any animal other than a cat or cats to permit the same to run at large.

(b) Any owner of any animal, other than cats, found running at large within the corporate limits of the city shall be deemed guilty of a misdemeanor. Knowledge or intention on the part of the owner shall not be elements of this offense. The animal control officer may seize, impound and cause to be destroyed any such animal, pursuant to the provisions of K.S.A. 47-1701, et seq., and amendments thereto. The animal control officer may cause any such impounded animal to be returned to its rightful owner upon the payment of a service charge, a boarding fee for days spent in confinement at the shelter prior to return of the animal, and citations for the animal for running at large, and all other applicable citations for violation of this code.

(c) Any animal injured or found to be ill on public property while running at large shall be removed by an animal control or police officer who shall, if necessary, place such animal or animals in the custody of a doctor of veterinary medicine duly licensed by the state of Kansas for treatment of injury or illness, and the owner of any such animal or animals shall be liable for veterinary, impound or related expenses.

(d) The owner of an injured animal taken to a veterinarian by the animal control officer or a police officer is responsible for payment of charges for veterinary services related thereto. The owner shall reimburse the city for all expenditures the city may pay for veterinary services rendered to or on behalf of the owner's animal under this section, and the costs and fees may be ordered as restitution associated with any citation issued under this section.

(e) If any animal dies while running at large on public property, the owner shall be liable for disposal fees established by the animal shelter in addition to penalties for violation of this section as set out in the schedule of fees.

(Code 1984; Ord. 851; Code 2008)

2-102A. AGGRESSIVE ANIMAL OR DOG AT LARGE DEFINED; PENALTIES.

(a) An "aggressive dog at large" includes any dog that without provocation, exhibits aggression toward, attacks, or bites either 1) a person or 2) another domestic animal, while such aggressive animal or dog is running at large as that language is set forth in 2-101(cc). Aggression or combativeness implies an actual threatening act as judged by a reasonable person, and may include physical harm or emotional harm, when a human being is in reasonable apprehension of immediate bodily harm to themselves, or their minor child. It is not necessary that a human victim be attacked, bitten, or scratched by the aggressive animal at large. A victim animal's harm must be physical.

(b) Any person found guilty of owning an/any animal that commits an act as described in subsection (a) above shall be fined a minimum of \$100.00 and a maximum of \$500.00 for the first offense within a twelve (12) month period; a minimum of \$250.00 and a maximum of \$1,000.00 for a second or subsequent offense within a twelve (12) month period, or by imprisonment, for not more than 10 days, or by both such fine and imprisonment. The Municipal Judge shall have no discretion to suspend payment of the minimum fine associated with this offense, but may suspend the term of

imprisonment. The fine shall be in addition to any applicable court costs or impoundment fees. The impoundment facility shall not release an animal to an owner until the owner has paid the assessed fine and impoundment fees (accruing daily) in full and complied with all other terms of the adjudication.

(c) Following a conviction for a violation of this section involving a physical injury to either a domestic animal or a human being caused by a dog, the Chief of Police must follow the provisions of Article 2-301 et seq. of this Code regarding determination of the animal's status as "dangerous." Prior to any other type of animal found to have committed an act as described under section (a) being released to the owner, keeper, or harbinger, the municipal court judge may determine to hold the animal pending a review by the Chief of Police on the status of the animal as "dangerous" under the standards set forth in Article 2-301 et seq as applicable.

(d) Victims of an aggressive animal at large may submit veterinarian bills, medical bills, or any other bills detailing damages associated with the animal attack for possible court ordered restitution in the Haysville Municipal Court as determined by the court. Restitution shall not be ordered for emotional harms.

(e) Any other type of animal, owned or harbored within this City, may be impounded by the City pursuant to provisions of the nuisance code (e.g., see 7-401(g) or (i)). Any such impounded animal shall be turned over to an animal shelter or veterinarian for appropriate disposal if within seventy-two (72) hours of such animal's impoundment 1) the animal is not claimed by the owner/harbinger, 2) all fees paid in association with the impoundment, and 3) such nuisance situation corrected. (Code 2008)

2-102B. HABITUAL VIOLATOR; AGGRESSIVE ANIMAL AT-LARGE.

It shall be a separate offense for any person to receive two (2) or more citations for violation of Section 2-102A within a thirty-six month consecutive period. Such person shall be cited as a habitual violator. Violation of this section may be found when a single individual has been adjudicated guilty of a violation of section 2-102A regardless of the number of animals involved in such violations. Any person found guilty of a violation of this Section shall be fined a minimum of \$500.00 and a maximum of \$1,000.00 for each habitual violator citation. The Municipal Judge shall have no discretion to suspend the minimum fine or any portion thereof. A person cited for violation of this Section shall be required to appear in municipal court. In addition thereto, the Municipal Judge shall have the authority to sentence the individual to up to six (6) months in jail. It shall be a defense to an alleged violation of this Section for the defendant to have been adjudged not guilty of a charge of 2-102A, or that the charge was dismissed without a finding of, or admission of, guilt.

(Code 2008)

2-103. PROHIBITED ANIMALS. (a) The keeping, pasturing, housing, corralling, or maintaining within the city limits of any swine or other livestock is hereby declared to be a nuisance and is prohibited. Persons or entities keeping, pasturing, housing, corralling, or maintaining within the city limits any swine or other livestock on the effective date of this section may continue to do so provided that:

(1) The property is maintained in a manner that complies with the provisions of Chapters 2 and 7 of this code; and

(2) The number of animals does not increase and the type of animal being kept does not change; and

(3) When the keeping, pasturing, housing, corralling or maintaining of swine or livestock discontinues for a period of ninety (90) consecutive days or more, or the property upon which such keeping, pasturing, housing, corralling, or maintaining occurred is sold, the use of the property must thereafter comply with the provisions of this section.

(4) . Animals kept as house pets, such as pygmy goats or pot belly pigs, shall not be declared livestock if the animal resides on the property in living conditions commonly associated with the manner of maintaining a pet animal.

(b) The harboring, keeping, or maintaining within the city, except by a circus or sideshow duly licensed to conduct business within the city, of any nonhuman primate, poison reptile, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, coyote, wolf, skunk or bear or any hybrid of any of the aforementioned (whether or not domesticated) is hereby declared to be a nuisance and is prohibited. PROVIDED HOWEVER, it shall not be unlawful for any person to harbor a Rhesus Macaque primate. Any such Rhesus Macaque primate must be kept indoors at all times.

(c) The keeping, harboring or maintaining within the city of any animal, which by any sound or cry, causing of offensive odors, or the dangerous nature thereof shall disturb the peace, safety or comfort of any neighborhood, or interfere with any person in the reasonable and comfortable enjoyment of life or property, is hereby declared to be a nuisance and is prohibited.

(Code 1984; Ord. 702; Ord. 851; Code 2015)

2-104. HORSES. Horses are hereby prohibited on public sidewalks or in public parks except:

(a) In parking areas;

(b) In areas designated by special permits issued by the city; or

(c) In parades sponsored by or authorized by the city of Haysville.

(Code 1984; Ord. 851)

2-105. KEEPING LIVESTOCK; DISTANCE FROM HOUSES. (a) No person shall house, keep, harbor, or maintain any livestock for more than one (1) hour, within a twenty-four (24) hour time period, within one hundred (100) feet of a residence in use by or occupied by any human. This section shall not preclude the riding of horses upon any equestrian trail established and maintained by a governmental agency or on a public street in accordance with this chapter.

(b) The construction or occupancy of a new dwelling within one hundred (100) feet of a permanent structure, other than fences and corrals, in which a horse had been continuously kept for a period of more than six (6) consecutive months prior to such construction or occupation shall not require the removal of such permanent structure nor prevent the continued maintenance of a horse or horses there.

(c) No person shall keep any rabbits, poultry or domestic fowl, within thirty-five (35) feet of any residence or dwelling, other than the residence of the person keeping or maintaining such rabbits, poultry or fowl. Dwelling shall not include any school, hospital or similar institution.

(d) The construction or occupation of a new dwelling within thirty-five (35) feet of any location in or upon which rabbits, poultry, or domestic fowl have been continuously or customarily kept for a period of six (6) consecutive months prior to such construction or occupation of such dwelling shall not require the removal of such rabbits, poultry or domestic fowl from such location.

(Code 1984; Ord. 851)

2-106. SAME; CLEANLINESS OF PREMISES REQUIRED. It is hereby declared to be a nuisance and shall be unlawful for any person to maintain on any premises owned, occupied, or controlled by such person in the city, any chicken coop, rabbit hutch, corral, yard, kennel, stable, cow shed, horse shed, or horse picket line in a foul, offensive, noxious, or filthy condition.

(Code 1984, Ord. 851)

2-107. DISPOSITION OF WILD ANIMALS RUNNING AT LARGE. Animal control and police officers are hereby authorized to apprehend any wild animals that may be at large within the city and causing a public nuisance. Such wild animals may be impounded, released in wild areas outside the city or destroyed as such officers in their discretion shall determine, subject to applicable laws.

(Code 1984; Ord. 851)

2-108. DANGEROUS ANIMALS PROHIBITED. (a) It shall be unlawful for any person to bring an animal or animals within the city that have previously been declared aggressive, dangerous, or any similar status, by any other jurisdiction. Impoundment of animals who are the subject of any citation for violation of this section shall be at the discretion of any animal control or police officer. Any such animal which presents a clear and present danger to the public health and safety shall be immediately impounded or destroyed by an animal control or police officer.

(b) Impoundment: When the animal control officer has probable cause to believe that an animal poses a danger to the community, the animal control officer shall impound such animal.

(c) Immediate Destruction: Nothing in this Chapter or Article shall prevent or be construed to prevent animal control or police officers, or any law enforcement officer, from taking whatever action is reasonably necessary, including, but not limited to, immediate destruction of any animal declared to have an aggressive, dangerous, or similar status, without notice to the owner, to protect themselves or any other person from injury or danger.

(d) The Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Section to serve up to a maximum of six (6) months in jail and to pay a fine not to exceed \$1,000.00.

(Code 1984; Ord. 851; Code 2008; Code 2019)

2-109. CONFINEMENT OF ANIMALS IN HEAT. Any unspayed female animal in the state of estrus, commonly known as “heat,” shall be confined during such state in a house, building or secure enclosure so constructed that no other animal or animals may gain voluntary access to such animal except for purposes of planned breeding. Any animal in the state of estrus and not confined as required by this section, or any such animal that creates a neighborhood nuisance, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter and all expenses incurred by the city as a result of such removal shall be paid by the owner. Owners of such animal(s) removed to the animal shelter shall be charged at the rate as may be established from time to time by the animal shelter. Failure to comply with an order of the animal control officer with the respect to the confinement of animals in the state of estrus shall be a violation of this article and the animal shall be impounded pursuant to this chapter.

(Ord. 851)

2-110. DEATH OF ANIMAL. All dead animals shall be disposed of by the owner or keeper thereof, within twenty-four (24) hours of such animal’s death, by burial, incineration in a facility approved by the animal control officer, by rendering or by other lawful means approved by the animal control officer. No dead animal shall be dumped or left on any public or private property.

(Code 1984; Ord. 851)

2-111. DESTRUCTION, INJURY TO PROPERTY. (a) It shall be unlawful for any person to permit an animal, with or without the actual knowledge of such person or such animal’s owner, harbinger, or keeper, to destroy or damage or injure any property in which another person has an interest without such person’s authorization. Any animal permitted to engage in the activities prohibited by this section may be impounded as provided in section 2-211 and the owner, custodian, or keeper or such animal shall be subject to the provisions of section 2-211.

(b) Any animal, running at large and found causing destruction, damage or injury to property as described in section 2-111(a) or found running at large and creating a nuisance upon such property, may be humanely restrained by the owner or occupant of such property or by such owner’s or occupant’s agent, for a reasonable time, during which time such owner, occupant or agent shall (1) notify animal control of his or her possession of the animal and request the impoundment of the animal; or (2) notify the owner or keeper of his or her possession of the animal and release the animal to the owner or keeper, or (3) release the animal. Impoundment of the animal by the animal control officer will be at the officer’s discretion and subject to the provisions of section 2-211.

(Code 1984; Ord. 851)

2-112. CRUELTY TO OR NEGLECT OF ANIMALS. It shall be unlawful for any person to: (a) Commit or cause to be committed any intentional act of cruelty, abandonment, harassment, or torture to any animal or to intentionally cause any animal to be wounded, mutilated, strangled or inhumanely killed. Ownership of an animal shall not be a defense to such acts or to a violation of this section.

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

(1) Food. Food provided to animals shall be wholesome foodstuffs suitable for the animal, which is provided at suitable intervals, in a sanitary manner, in quantities sufficient to maintain good health of the animal considering its type, age and condition.

(2) Fresh Water. Pet owners/harborers must provide adequate fresh water to all animals owned or harbored, and must monitor that fresh water is and remains available to all such animals at all times, regardless of weather conditions.

(3) Outdoor Shelter. All animals kept outdoors shall have unobstructed access to a structurally sound, properly ventilated, sanitary and weatherproof shelter, suitable for the species of animal using such shelter, and appropriate to the condition and age of the animal. Such shelter must provide unobstructed access to shade from direct sunlight and precipitation, and provide protection from exposure to inclement weather conditions. .

(4) Health Care. *Adequate health care* means the provision to an animal of all immunizations and preventive care required to maintain good health; space adequate to allow the animal to rest and exercise sufficient to maintain good health; and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

(c) Without proper prior legal authorization, intentionally poison any domesticated animal or distribute or set out poison in any manner with the intent to poison such animal.

(d) Cause, instigate or encourage any animal to fight with another or to maintain any place where animals are permitted to fight for exhibition, for wager, or for sport.

(e) Leave any animal unattended in a vehicle when such vehicle does not have adequate ventilation and interior temperature to prevent the suffering, disability, or death of such animal. In any prosecution under this Chapter involving temperature or ventilation, the City hereby adopts those standards set forth by the American Society for the Prevention of Cruelty to Animals (ASPCA). Exceeding these standards shall be prima facie evidence of endangering an animal's safety.

(f) Prosecution of any part of this Section shall be based upon the legal standard of objective reasonableness.

(Code 1984; Ord. 851)

2-113. **VEHICULAR ACCIDENTS INVOLVING ANIMALS.** Any operator of a motor vehicle which strikes any pet animal shall immediately stop and report such event to the owner of such animal, or in the event that the owner cannot be ascertained and located, to the animal control officer or any police officer. The report required by this section shall include any information concerning the condition, injury or death of any animal involved.

(Code 1984; Ord. 851)

- 2-114. **AUTHORITY TO REMOVE ANIMAL.** (a) A law enforcement officer, animal control officer, firefighter, or first responder may take all steps that are reasonably necessary to remove an animal from any situation, including a motor vehicle, if the animal's safety, health or well-being appears to such officer to be in immediate danger from injury, heat, cold or lack of adequate ventilation, or any other form of cruelty or neglect. If the City's animal control officer is not present at the scene, such officer who has acted to remove an animal from a dangerous situation pursuant to this section will immediately contact the City's animal control officer to take control of the animal. The animal control officer will transport such animal to a veterinarian or public animal control facility for appropriate treatment and care.
- (b) Written notice bearing the contact information for the City's animal control officer shall be left at the scene from which the animal was removed.
- (c) Nothing within this section shall be interpreted as a mandate that an officer act pursuant to section (a), and an officer may choose not to act when such officer believes that such action will result in any form of harm to such officer. Additionally, nothing in this section shall be deemed to authorize any individual not identified in subsection (a) to act pursuant to subsection (a), except when such individual is acting at the direction of any such officer.
- 2-115. **VIOLATIONS.** Unless otherwise provided herein, any violation of this Chapter shall be punished in accordance with the General Penalty Provisions set forth in Chapter 1 of this Code.
(Code 2010)
- 2-116. **ENFORCEMENT.** Animal Control Officers and all members of the Police Department shall have the authority to sign complaints and serve notices to appear before the Municipal Court upon any person when the Animal Control Officer or Police Officer has probable cause to believe such person has or is violating a section of this Code. Such officer shall have the authority to issue, suspend or revoke licenses and permits as provided for by this Article.
- 2-117. **SUMMONS AND COMPLAINTS.** Every summons and complaint charging a violation or violations of this article signed by a citizen complainant shall state the name of the defendant, the code section number or numbers alleged to have been violated, the general type of the offense to which each section or ordinance relates, the date and place of each alleged violation and that the defendant is required to appear to answer the charges on a date and at a time and place designated in the complaint or summons. The complaint or summons shall be signed by the person alleging the violation.

ARTICLE 2.
DOGS AND OTHER ANIMALS

2-201. **DOG REGISTRATION AND RABIES VACCINATION REQUIRED.**

(a) All owners, harborers, or keepers of dogs of at least six (6) months in age which are kept, maintained or harbored within the city shall register the ownership of each such dog with the city. Such registration shall be done on an annual basis and all registration fees shall be paid as established by Chapter 17 of this code. It shall be unlawful for any such owner, harborer, or keeper to fail to register as required by this section, to fail to maintain current registration for each such dog or to fail to register such dog no later than thirty (30) days following the date upon which such dog was acquired or brought into the city. The failure to register within the time limits established by this section shall result in the assessment of the penalty fee established by Chapter 17 of this code and such fee shall be in addition to, and not in lieu of, the registration fees required by this section and any fines or penalties that may be assessed for violations of this article.

(b) There shall be collected by the city, pursuant to the means specified in this section and in the amounts established by Chapter 17 of this code, an annual registration fee for each neutered male dog, each spayed female dog, or a fee for each unneutered male dog or unsprayed female dog.

(c) The owner of any dog registered as a service dog for the disabled, which is trained to aid disabled persons, or which performs law enforcement or security functions for a government entity shall not be subject to the annual registration fees established herein, but shall remain subject to all other provisions of this article.

(d) The city may authorize any doctor of veterinary medicine holding a valid license to practice issued by the state of Kansas and who vaccinates dogs owned, kept or harbored within the city against rabies to collect, at the time of such vaccination, the payment required by this section. Any veterinarian who collects such fee shall certify the payment thereof by affixing the designation "PAID" to the forms described herein which shall be provided by the city, together with a stamp for affixing said designation. Fees collected by authorized veterinarians shall be forwarded to the city clerk within five (5) days after the last day of each month in which fees are collected. In lieu of tendering payment of such fees to an authorized veterinarian, owners of dogs may tender such fees to the city clerk, together with the forms prescribed by this section which shall have been completed by an authorized veterinarian and to which such veterinarian has affixed the designation "UNPAID" by use of a stamp provided by the city.

(e) A tag of durable material shall be issued to the owner of any dog vaccinated for rabies and which is subject to the annual license fee requirements of this article and for which such fees have been paid. Such tags shall also be issued to the owner of any animal expressly excepted from the fee requirement by any provision of this Chapter.. Any owner to whom such tags are issued shall thereafter cause such tags to be attached to a suitable collar or harness which shall bear an identification number unique to the tag and animal.

(f) The city shall provide to veterinarians authorized to collect the fees required by this section forms upon which the veterinarians shall record vaccinated animals' descriptions; the name, address and telephone number of the animal's owner; rabies vaccination date; number of the tag required by subsection (e) of this section; the name of

the vaccinating veterinarian of such veterinarian's clinic or hospital; the vaccinated animal's registration number; and whether such animal has been spayed or neutered. Such forms shall constitute, from and after payment of the fees required by this section, a license and certification of the rabies vaccination required herein.

(Code 1984; Ord. 146-L; 146-N; 146-M; Code 2003; Code 2004; Ord. 851; Ord. 860, Ord. 865)

- 2-202 RABIES CONTROL, IMMUNIZATION AND CONFINEMENT. (a) All dogs exceeding six (6) months in age and kept, maintained, or harbored within the city shall be inoculated by a licensed veterinarian against rabies no less frequently than once per year, or such veterinarian shall certify that it is injurious to the dog's health to receive such vaccination due to its age or health. An owner acquiring a dog shall have such dog inoculated against rabies within thirty (30) days after acquiring such animal or within thirty (30) days after such animal reaches six (6) months of age, whichever occurs last, and shall obtain a rabies vaccination tag in accordance with this article. Any person moving into the city from a location outside the city shall comply with this section no later than thirty (30) days after having moved to the city.
- (b) All owners of dogs kept, harbored or maintained within the city shall maintain upon each such animal they own a collar or harness to which its rabies tag shall be attached.
- (c) It is unlawful for any person to harbor any dog which has not been vaccinated for rabies as provided by this article or which cannot be identified as having a current vaccination against rabies.
- (d) No person shall affix to the collar or harness of any dog, or permit to remain so affixed, a tag evidencing inoculation for any other dog.
- (e) The owner of any domesticated animal other than a rodent, rabbit, fowl, or reptile that has bitten any person or animal so as to cause an abrasion of the skin shall immediately report such bite to the animal control officer or police officer. The officer to whom such report is made shall consult with a licensed veterinarian or the county health department and shall thereafter direct the confinement of such animal for a period, which shall not be less than ten (10) consecutive days, as deemed warranted by the consulting veterinarian or county health department. Such confinement may be on the premises of the owner if deemed by the animal control officer, but must be within the city. If confinement does not occur on the premises of the owner, confinement shall be at the animal shelter or in a veterinary hospital of the owner's choice. Any confinement shall be at the owner's expense. In case an animal whose owner cannot be located, such confinement shall be at the animal shelter.
- (f) The owner of any animal reported to have inflicted a bite on any person shall, on demand of the animal control officer or a police officer, produce the animal for examination and confinement, as prescribed by this section. The owner of any such animal who refuses to produce it shall be subject to immediate arrest if there is probable cause to believe the animal has inflicted a bite upon a person, and such owner is keeping or harboring the animal and willfully refuses to produce the animal upon demand. Such person shall be taken before a judge of the municipal court, who may order the immediate production of the animal. If the owner of any animal shall willfully or knowingly hide or refuse to produce such animal, each day of such refusal constitute a separate violation of this article. It shall

be unlawful to destroy or remove any such animal from the city before it can be properly confined pursuant to this article.

(g) Every physician or healthcare provider who treats a person for animal bites shall report such treatment to the animal control officer. Such reports shall include the identity and address of any person so treated, and information regarding the animal suspected of having inflicted the bite and the owner thereof.

(h) All owners, harborers, or keepers of dogs who present, or cause to be presented, any such animal to a veterinarian for vaccination against rabies shall notify such veterinarian if the animal is under confinement or subject to confinement pursuant to this article, or has bitten any person within the ten (10) calendar days immediately preceding such presentation. Whenever under any circumstance a licensed veterinarian shall determine that any animal is rabid, such veterinarian shall immediately report the diagnosis to the county health department. Such report shall include, but is not limited to, the animal's description and, if known, its location, the identity and address of such animal's owner, and the identity and address of any person believed to have been in contact with such animal. In the event any animal confined pursuant to this article shall die, the animal control officer, Chief of Police, or a designee, shall immediately cause a pathological examination and a search of the inoculation records of such animal to occur, arrange to receive a complete report of the results of such examination and search, and report the same to the county health department, together with any information concerning the identity and address of any person believed to have had contact with such animal.

(i) Animals known or believed to have been bitten or exposed to a rabid animal shall be immediately confined by the animal control officer or any law enforcement officer and shall thereafter be destroyed or released upon proof of immunization and booster injection given by a licensed veterinarian at the expense of the owner of such animal. The owner of any animal so released shall be required to keep the animal under quarantine for a period of six (6) months or such other period as may deemed necessary by the Chief of Police in consultation with a licensed veterinarian.

(Code 1984; Ord. 851; Code 2008)

2-203. TRAINED GUARD DOGS. No guard dog shall be placed, kept or maintained at any location within the city for the protection of persons or property unless:

(a) Such guard dog is under the complete control of its handler at all times, or such dog is confined to an enclosed area sufficient in design and construction to ensure such dog shall not escape; provided that any such dog placed, kept or maintained in a residential area shall be confined within a six (6) foot high fence with an enclosed top which is separated from any property line fence, and such enclosure has been approved by the Chief of Police, animal control officer, or designee; and

(b) Warning signs shall be conspicuously posted indicating the presence of guard dogs and such signs shall plainly identify a telephone number by which to contact at all times a person or entity responsible for controlling such guard dogs.

(Code 1984; Ord. 851)

2-204. DOG FECES. When any dog defecates upon any property not belonging to its owner or keeper, including common areas of condominiums, townhouses or apartments, it

shall be the duty of the owner or keeper of such dog to promptly remove and dispose of such feces.

(Code 1984, Ord. 851)

2-205. LIMITATIONS ON PET OWNERSHIP. Subject to the provisions of 2-206 of this Code, no person, entity, or household shall harbor more than a total of four (4) pet animals, including dogs, cats, pot belly pigs, and/or pygmy goats. This provision shall not apply to animals maintained in an aquarium, that do not exceed one (1) lb., in accordance with humane maintenance of such pets, including fish, small rodents, and small reptiles.

(Code 2015)

2-206. KENNEL LICENSES. (a) No person, entity or household shall own or harbor more than four (4) dogs individually exceeding six (6) months of age; more than four (4) cats individually exceeding six (6) months of age; in any combination, more than a total of four (4) dogs and cats individually exceeding six (6) months of age; or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having first obtained a kennel license from the city clerk.

(b) Kennel licenses shall be renewed annually. No kennel license shall be issued until an inspection certificate has been completed by the animal control officer certifying approval of the kennel license and compliance with all applicable laws, the code enforcement officer has issued a certificate verifying that the kennel for which the license is sought is not violating zoning laws of the city, and the annual kennel license fee established by Chapter 17 of this code has been paid. The city clerk shall issue renewals of kennel licenses from and after the initial issuance of such license to a licensee and upon such licensee's application to renew a kennel license if the kennel location has not changed, the clerk has not received any protest or information alleging that the kennel is in violation of any applicable law or that it is operated or maintained in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity of such kennel; the animal control officer finds, after inspection, that the kennel is in compliance with all applicable law; the code enforcement officer finds that the kennel does not violate any zoning code provision; and the annual kennel license fee established by Chapter 17 of this code has been paid. In the event the clerk receives such protest or information with respect to any licensed kennel, the animal control officer determines after inspection that the kennel is not in compliance with all applicable laws, or the code enforcement officer determines the kennel is in violation of any zoning code provision, no renewal of such license shall be made unless the governing body finds, after notice and public hearing, that such kennel is operated or maintained in compliance with all applicable laws and does not pose a detriment to the health, safety or peace of mind of any person residing in the immediate vicinity of such kennel.

(c) The animal control officer, the code enforcement officer, or any police officer shall have the right to inspect any premises licensed under this section at any time. Nothing shall prevent their entry onto private property for the purpose of making such inspection and all applicants for kennel licenses shall be deemed to have consented to such entry and inspection by virtue of, and from and after the time of, making application to the city for such license. In the event such entry for the purpose of making an inspection authorized

by this section is denied to the animal control officer, code enforcement officer or any police officer, the officer or officers so denied may apply to a court of competent jurisdiction for an order authorizing entry for the purposes of enforcing or administering this section including, but not limited to, inspection of such premises.

(d) The governing body may suspend or revoke a kennel license if, following notice and public hearing, it find that the licensed kennel:

- (1) is maintained in violation of any applicable law of the State of Kansas, or of the City;
- (2) is maintained so as to constitute a public nuisance; or,
- (3) is detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee established by Chapter 17 shall be payable in addition to, and not in lieu of, any and all licenses fees otherwise required under this article.

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

(Code 1984; Ord. 796; Code 2003; Ord. 851)

2-207. PICKET OR TETHERING OF DOGS. (a) No person, entity or household shall continuously picket a dog for more than one (1) continuous hour, except that picketing of the same dog may resume after a hiatus of three (3) consecutive hours, for up to three (3) hours total time on picket per day.

(b) For the purpose of picketing a dog, a chain, leash, rope or tether shall be at least ten (10) feet in length, but shall not be of a length to allow the dog to come within two feet of any property line.

(c) A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to picket a dog shall not weigh more than 1/8th of the animal's body weight or due to weight, inhibit the free movement of the animal within the area picketed.

(d) Dogs shall be picketed in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other man made or natural obstacles.

(e) It is unlawful to attach chains or other tether restraint implements directly to a dog without the proper use of a collar, harness or other device designed for that purpose and made from a material that prevents injury to the animal.

(Ord. 851)

2-208. ANIMAL CONTROL OFFICER. (a) The animal control officer shall have the duty and power to enforce all sections of this chapter.

(b) It shall be the duty of the animal control officer, Chief of Police, or designee, to keep or cause to be kept records of the impoundment and disposition of all impounded animals and of animal bites reported to such officer.

(c) Law enforcement is also authorized to enforce this Chapter.

(Code 1984; Code 2003; Ord. 851)

2-209. INTERFERENCE. No person shall willfully hinder, obstruct or otherwise interfere with any city official, city employee, or employee of the Sedgwick County Health Department in the discharge of his or her duties under this chapter.

(Code 1984, Ord. 851)

- 2-210. TRAPPING OF ANIMALS. (a) The owner or occupant of any property within the city upon which any animal is running at large or creating a nuisance may request the placement, by any animal control or police officer, of a humane trap or traps on such property for the purpose of capturing such animal. Thereafter, any animal control or police officer may place such traps if, at and within their discretion, they deem trapping to be necessary for the general health, welfare and safety of any person or persons.
- (b) Animal control or police officers shall remove dogs and wildlife caught in animal traps, however cats caught in the traps are the responsibility of the owner or occupant of the property to remove in a humane manner.
- (c) Animal control or police officers are authorized and empowered to use any tranquilizer gun, firearm, humane trap, or other suitable device to subdue, capture or destroy any animal that, at and within their discretion, they determine constitutes a danger to itself or to the general health, welfare and safety of any person or persons.
- (d) It shall be unlawful for any person or entity to set or cause to be set within the city any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing any wild or domesticated animal.
- (Code 1984; Ord. 851; Code 2020)

- 2-211. IMPOUNDMENT. (a) Any animal deemed by an animal control or police officer to be in violation of any provision of this code or other applicable law may be taken into custody and humanely impounded by such officer. No animal may be destroyed during the first seventy-two (72) consecutive hours of such impoundment unless a licensed veterinarian determines that the destruction is necessary by virtue of serious injury, illness, disease or suffering. The owner of any impounded animal may be charged impound fees and food fees established by Chapter 17 of this code together with any other costs associated with impound including, but not limited to, costs to the city for veterinary care, and all such fees and costs shall be paid to the city before an animal is released to the owner from impound.
- (b) The animal control officer or animal shelter shall take reasonable steps to identify the owner of any animal impounded pursuant to this article and shall notify such owner as soon as may be practical after impoundment.
- (c) No animal impounded pursuant to the provisions of this article shall be released until its owner has paid all fees and charges due and arising from such impoundment, including, but not limited to, impoundment, boarding and veterinary costs and fees.
- (d) Any animal remaining impounded after seventy-two (72) consecutive hours of impoundment and which the owner thereof has failed to claim and make release arrangements, including the payment of all costs and fees provided for by this article, may be disposed of as determined by the Chief of Police, or designee. Any such disposal shall be accomplished in compliance with all applicable laws. Disposal by euthanasia shall be accomplished in a humane manner. Any owner who fails to claim an impounded animal after it has been confined for seventy-two (72) consecutive hours shall not, by virtue of such failure, be released from liability for the payment of all fees and costs provided for by this article including, but not limited to, costs and fees arising from the disposal by euthanasia of such animal.

(Code 1984; Ord. 781; Code 2003; Ord. 851)

2-212. **BREAKING POUND.** It shall be unlawful for any person other than a duly authorized enforcement officer to 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 officer of this city any animal taken up by such officer pursuant to the provisions of this article, or to in any manner interfere with or hinder such officer in catching or taking up any animal.

(Code 1984; Sec. 2-117; Ord. 851)

2-213 **BARKING DOGS.** (a) It shall be unlawful for the owner, possessor or keeper of any dog to permit such dog, by loud and persistent or habitual barking, howling or yelping, to disturb any person or neighborhood, and the same is hereby declared to be a public nuisance.

(b) Either the animal control officer of a law enforcement officer may issue a citation for violation of subsection (a) above upon receiving two complaints within two weeks for excessive barking by the same dog, or upon receiving one complaint and personally observing such excessive barking.

(c) Complainants shall sign a written complaint noting the date and time of the barking, the length of the barking episode(s), the animal believed/known to be barking, and any additional relevant information concerning the excessive barking.

(d) Animals who are found to bark excessively following teasing or harassment by neighbors shall not be found to have violated this section.

(Code 1984, Ord. 851; Code 2008)

2-214 **VIOLATIONS.** Unless otherwise provided, any violation of this Chapter shall be punished in accordance with the General Penalty Provisions set forth in Chapter 1 of this Code.

(Code 2010)

ARTICLE 3. DANGEROUS DOGS

2-301. **DANGEROUS DOG DESIGNATION; DISPOSITION; APPEAL.**

(a) The Animal Control Officer, Chief of Police, or their designee, may declare a dog to be dangerous based on:

(1) The nature of any attack committed or wound inflicted by the animal;

(2) The past history and seriousness of any attacks or wounds inflicted by the animal;

(3) The potential propensity of the animal to inflict wounds or engage in aggressive or menacing behavior in the future;

(4) The conditions under which the animal is kept and maintained which could contribute to, encourage, or facilitate aggressive behavior, such as, but not limited to, allowing the animal to run at large, tethering in excess of legal limits as defined in this chapter, physical property conditions, presence of young children, the

elderly, or infirm within or residing near the home, any past violations of this chapter, and/or failing to provide proper care, food, shelter, or water.

(b) If the Animal Control Officer, Chief of Police, or their designee determines that the animal is dangerous, he or she will determine an appropriate disposition based on the known facts and consistent with the provisions of this Chapter. The Animal Control Officer, Chief of Police, or their designee may impound the dog and shall notify the owner/harbinger of such determination 1) by personal service at the person's usual place of abode by leaving a copy of the notice with some person of suitable age and discretion residing therein, or 2) by certified mail addressed to the owner's last known address, or addressed to the location where the dog is maintained/harbored. Service by certified mail, shall request return receipt, with instructions to the delivering postal employee to show to whom delivered, the date of delivery, and address where delivered. Service of process by certified mail shall be considered obtained upon the delivery of the certified mail envelope. If the certified mail envelope is returned with an endorsement showing refusal of delivery, or failure to serve the letter for any reason, the Animal Control Officer, Chief of Police, or their designee or designee shall send a copy of the notice to the defendant by ordinary, first class mail. This first class mailing shall be evidenced by a certificate of mailing. Service shall be considered obtained upon the mailing of this additional notice by first class mail. The owner of a dog declared dangerous may request an administrative review of the determination by filing a written request with the Animal Control Officer, Chief of Police, or their designee within ten days of receipt of such notification.

(c) The Chief of Police or designee will conduct a hearing within ten days of receipt of the owner's request for an administrative review of the decision to declare such dog a dangerous dog. At such hearing, testimony may be offered by the owner/harbinger of the dog, Animal Control Officer or law enforcement officer, victims of any bite or attack, neighbors or other affected persons, and veterinarians concerning the aggressive propensity of the dog. In making a determination, the Chief of Police or designee shall consider the factors listed in subsections (1) through (4) above. It shall be an affirmative defense that at the time of a bite, attack, or threatening behavior:

(1) The dog was actively being used by a Law Enforcement Official for legitimate law enforcement purposes; or

(2) The threat, injury, or damage was sustained by a person:

(i) Who was committing, at the time, a criminal trespass or other wrongful act upon the premises lawfully occupied by the owner/harbinger of the dog; or

(ii) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(iii) Who was committing or attempting to commit a crime; or

(3) The dog was responding to pain or injury.

(c) If the Chief of Police or designee determines that the dog is dangerous, he or she shall determine an appropriate disposition based on the facts determined at the hearing and the provisions of this chapter, and will notify the owner in writing of the outcome of the hearing within five business days. The owner may appeal the hearing outcome as provided for in subsection (d) below. During the appeal process, the owner, keeper or harbinger of

such animal shall be responsible for the cost of keeping such animal in the animal shelter. The owner, keeper or harbinger of such animal must file a renewable, non-refundable, cash or performance bond with the animal shelter where the animal is being held, within the ten day appeal period, in an amount equal to the cost of care and treatment of the animal for all days in which the animal has been held and for 30 subsequent days. Said cash or performance bond shall be renewable for an additional 30 days and each successive 30 days the animal is held by Animal Control during the pendency of the appeal. Payment of said renewal shall be within five days of the running of the previous 30 day period. If said cash or performance bond, or its renewal, is not tendered to the City within the time specified above, then the City, through its animal control agency, shall have immediate ownership of such animal and the Animal Control Officer, Chief of Police, or their designee shall determine the disposition of such animal. Absent such appeal, the Animal Control Officer, Chief of Police, or their designee may pick up and cause the animal to be destroyed, or in lieu of such destruction he or she may permit the confinement of the animal in a manner and location that he or she deems humane and appropriate, including turning the animal over to another animal control agency.

(d) APPEALS FROM ORDER. Any person affected or aggrieved by an order issued by the Chief of Police under the authority of this Article may, within five (5) days following service of the order, file a notice of appeal with the City Clerk, requesting an administrative review by the Mayor. Such administrative review shall occur within two weeks of the filing of the notice of appeal. The Mayor, shall determine, whether to uphold the decision of the Chief of Police, or may reverse or affirm partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as, in their determination, should be made and that decision shall have all powers of the order from which the appeal is taken. Such decision shall be the final administrative decision, and is subject to applicable appeal through the Sedgwick County District Court.
(Code 2019)

2-302. DANGEROUS DOG—FAILURE TO CONFINE—DESTRUCTION AND DEFENSES.

- (a) It is unlawful for an owner, keeper or harbinger of a dog designated to be a “dangerous dog” to permit the dog to be outside an approved or secure enclosure unless the dog is restrained by a substantial chain or leash and under physical restraint by a responsible person who is 18 years of age or older and possesses sufficient strength for physical control of the animal for the purpose of transportation to and from a veterinarian for medical treatment. In such event, the dangerous dog shall be securely muzzled and restrained with a chain or leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner, keeper or harbinger of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- (b) Secure or approved enclosures required under this section must be approved by the Animal Control Officer, Chief of Police, or their designee and be adequately lighted and kept in a clean and sanitary condition.

(c) The owner, keeper or harbinger shall allow the access to the property where the dangerous animal is being harbored to facilitate inspections and insure compliance for the duration of the life of the animal. Failure to allow access shall be prima facie evidence of a violation of this section.

(d) The owner, keeper or harbinger of any dog that has been determined to be dangerous shall be required to have the animal surgically sterilized by a licensed veterinarian within thirty days of the dangerous animal determination, at his or her own expense. For any animal required to be surgically sterilized, the owner, keeper or harbinger shall provide documentation of the sterilization upon completion. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.

(e) Any owner, keeper or harbinger failing to provide documentation of the sterilization procedure as required by this section shall be deemed guilty of a misdemeanor, and shall be required to immediately surrender such animal to the Chief of Police or designee.

(f) The owner, keeper or harbinger of any dog that has been determined to be dangerous shall be required to have a microchip, traceable to the dangerous dog and the current owner, inserted into the dog and copies of documentation of said procedure available for review by the Animal Control Officer, Chief of Police, or their designee. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.

Any owner, keeper or harbinger of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

(g) It is unlawful for anyone having prior felony convictions defined in Articles 34, 35, 36, and 43 of Chapter 21, and Article 41 of Chapter 65 of the Kansas Statutes Annotated to possess, harbor, own or reside on any premises with a dangerous dog.

(h) It shall be unlawful for any person to:

(1) Harbor, keep or maintain a dangerous dog on property not owned by such person without the written consent of the land owner; or

(2) Sell, barter or give away to another person a dog which has been deemed dangerous; or

(3) Own, keep or harbor more than one dog which has been declared dangerous by this Article.

(i) Should a previously determined dangerous dog be found running at large in violation of this Article, attack or inflict injury upon any person, the Judge of the Municipal Court shall, in addition to any other penalty provided in this Chapter, order the dog destroyed. Provided, however, the Judge of the Municipal Court may, at his or her discretion, consider whether the attack or injury was sustained by a person who, at the time, was committing a criminal trespass or other wrongful act upon the premises of the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, aroused, or assaulted the dog or was committing or attempting to commit a crime.

(Code 2020)

2-303. SIGNS REQUIRED. Upon determination by the Animal Control Officer, Chief of Police, or their designee, the owner of a dangerous dog shall display in a prominent place at the entrance to his or her premises a clearly visible warning sign indicating there is a dangerous dog on the premises. A similar sign is required to be posted on the secure enclosure in which the animal is harbored.

2-304. REGISTRATION AND INSURANCE.

(a) The owner, keeper or person harboring a dangerous dog shall annually register the dangerous dog with the City of Haysville on such forms as designated by the Chief of Police or designee, and shall have a microchip, traceable to the current owner of the dog, inserted into the dog. The owner, keeper or harbored shall complete an application and shall pay a \$100.00 annual registration fee to the City of Haysville and shall pay all costs associated with the microchip procedure. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.

The owner, keeper or person harboring a dangerous dog shall notify the City of Haysville in writing a minimum of seven days prior to any change in the address of the owner, keeper or person harboring the dog or the location of the dangerous dog. Any owner, keeper or harbored of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

(b) The owner, keeper or person harboring a dangerous dog required to be registered under this section shall be required to maintain liability insurance in the amount of \$100,000.00 dollars for such dog against the potential injury or damage liabilities and hazards associated with the ownership or possession of such dog. The owner or person harboring a dangerous dog shall file with the City of Haysville a certificate of insurance reflecting the required minimum insurance. Any owner, keeper or harbored of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

ARTICLE 4. MISCELLANEOUS

2-401. CONFLICT WITH OTHER PROVISIONS. Nothing in this chapter shall be construed so as to prohibit the passage of zoning regulations affecting this chapter. All provisions contained within this chapter are subject to any additional rights of prohibitions provided for in any city of Haysville zoning ordinance, including zoning ordinances with protective overlays.

(Ord. 851)