

CHAPTER II. ANIMALS AND FOWL

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ARTICLE 1. ANIMALS AND FOWL GENERALLY

2-101. SPECIAL ANIMAL PERMIT WITHIN CITY LIMITS.

- A. It shall be unlawful for any person to rear or keep any livestock including, but not limited to, cattle, sheep, goats and equine in the city.
- B. It shall be unlawful for any person to rear or keep any fowl including chickens, turkeys, ducks, geese, guinea or other domestic fowl in the city.
- C. It shall be unlawful for any person to rear or keep any swine in the city except for miniature Vietnamese potbelly pigs or similar miniature pigs which may be granted under the following conditions:
 - 1. It weighs less than 80 pounds;
 - 2. It is not used for breeding purposes;
 - 3. It is tested free of Pseudorabies;
 - 4. It is not for a food source;
 - 5. No household shall have more than one.
 - 6. It will not be allowed to make disturbing noises, including but not limited to, continued and repeated or untimely howling, barking, whining or other utterances causing unreasonable annoyance, disturbances or discomfort to neighbors and others in close proximity to the premises where the animals are kept, or otherwise be offensive or dangerous to the public health, safety or welfare by virtue of their behavior, type or manner of keeping;
 - 7. That the keeping of such animals will not cause fouling of the air by offensive odors and thereby create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animals are kept or harbored;
 - 8. A special animal permit needs to be kept current with city license applied and renewed annually; a new permit will need to be filed any time an animal is lost or replaced and the city notified when the permit is no longer needed.
- D. The City Clerk shall deny any permit where the applicant fails to show proof of the aforementioned requirements or upon investigation by the animal control division of the police department, reveals that in the opinion of the animal control division the applicant has failed to meet the requirements of this section. The animal control division shall submit a written report of its investigation stating the factual basis for its recommendation to grant or deny any application. The animal control division shall consider the comments of neighbors, past violations by applicant, the size, condition and location of the area where the animal will be kept, the size of the animal to be kept, past complaints concerning the applicant, or any other factors relative to the issue of keeping miniature Vietnamese potbelly pigs or similar miniature pigs.
- E. This section shall not apply to veterinary or animal hospitals operated by a doctor of veterinary

medicine licensed in the State of Kansas.

2-102. ANIMALS, KEEPING IN CITY.

A) It shall be unlawful for any person, firm, corporation or household to rear or keep more than two dogs at the same address in this city: Provided, that the City Clerk of this city may in his/her discretion grant permission to any person or persons to rear and keep a maximum number of three of the aforementioned animals. Factors to be considered in granting said permission shall include, but shall not be limited to:

- 1) That the animals will be kept or maintained at all times in a safe and sanitary manner.
- 2) Proximity of the said premises to adjacent properties;
- 3) Noise. That the animals will not make disturbing noises, including but not limited to, continued and repeated or untimely howling, barking, whining or other utterances causing reasonable annoyance, disturbance or discomfort to neighbors and others in close proximity to the premises where the animals are kept or harbored, or otherwise be offensive or dangerous to the public health, safety or welfare, by virtue of their behavior, type or manner of keeping.

That the keeping of such animals will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;

- 4) Odor. That the keeping of such animals will not cause fouling of the air by offensive odors and thereby create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animals are kept or harbored;
- 5) Condition of the premises being maintained so as not to be detrimental to the health, safety, or welfare of persons residing within the immediate vicinity.

B) The City Clerk shall deny any application where the applicant fails to show proof of the aforementioned requirements or an investigation by the animal control division of the police department, reveals that in the opinion of the animal control division the applicant has failed to meet the requirements of this section. The animal control division shall submit a written report of its investigation stating the factual basis for its recommendation to grant or deny any application. The animal control division shall consider the comments of neighbors, past violations by applicant, the size, condition and location of the area where the animals will be kept, the size of the animals to be kept, past complaints concerning the applicant, or any other factors relative to the issue of keeping additional animals.

C) The permission described in this section may be revoked by the City Clerk upon a showing that the animal's place of keeping constitutes a nuisance to the surrounding neighbors, that humane standards of care are not being met by the permittee, or that a violation of City zoning regulations has occurred, or that the permittee had provided false information in their application.

D) Appeal. Any person who is denied special permission to keep more than two dogs or who has his/her existing permission revoked may, within ten days thereafter, file a written notice or statement of appeal from said decision, ruling, action, or finding to the City Administrator.

(Ord. 2003-11)

2-103. RIDING FAST. Any person who shall be convicted of riding any horse, or other animal at a fast gait through or on any street or alley of this city so as to be likely to endanger the safety of any person, or any person who shall allow such animal to travel at a gait faster than an ordinary moderate trot in any street or alley, or who shall allow any animal to be ridden upon any sidewalk in this city shall be subject to the penalties set forth in Section 1-1101, and amendments thereto which is the General Penalty provision of the Spring Hill Municipal Code. (Ord. 2008-03)

2-104. DOMESTIC FOWL RUNNING AT LARGE. It shall be unlawful for any person, firm or corporation to allow chickens or other domestic fowl to run at large in the city. Any person convicted of violating this section shall be subject to the penalties set forth in Section 1-1101, and amendments thereto which is the General Penalty provision of the Spring Hill Municipal Code. (Ord. 2008-03)

ARTICLE 2. DOGS AND CATS

2-201. DEFINITIONS.

- a) POLICE OFFICERS shall include police officers animal control officers of the City and/or any other person, firm, partnership, or corporation designated by the Governing Body as an employee of said City or as an independent contractor for said City to perform and/or enforce the provisions of this ordinance and further providing that the Mayor of said City will also perform and enforce the provisions hereof.
- b) ANIMAL POUND- a place where dogs and cats are to be impounded, and such pound shall be at any place where designated by the Governing Body.
- c) HARBORERS OR OWNERS - See Section 2-209 herein.
- d) LICENSED VETERINARIAN - A veterinarian duly licensed to practice the profession by the State of Kansas and maintaining an office in the State of Kansas.
- e) DOGS AND CATS AT LARGE - See Section 2-211 herein.
- f) SPAYED AND NEUTERED DOGS OR CATS - See Section 2-207 herein.

(Ord. 95-03)

2-202. TAX ON OWNERS AND HARBORERS OF DOGS AND CATS.

- a) There shall be and there hereby is levied an annual tax upon the owner or harborer of each dog and cat of the age of six months or over reaching such age during the license year, within the corporate limits of the City of Spring Hill, Kansas. The amount of the annual tax shall be established by a resolution adopted by the Governing body of the City of Spring Hill, Kansas.
- b) The tax herein levied shall cover the period from January 1 to December 31 of each year, and shall be due and payable on or before March 1 of each year; PROVIDED, that the tax for a dog or cat subject to this ordinance brought into the city on or after the first day of March shall be due and payable within thirty (30) days after the date the same is brought into the City.

(Ord. 2002-06)

2-203. FRACTIONAL YEAR LICENSE. There shall be no provision for proration of the annual license tax on any dog or cat as a result of fractional year of ownership and/or fractional year of residency within the corporate limits. (Ord. 96-21)

2-204. PENALTY ON OVERDUE TAX. If the tax imposed and required to be paid by Section 2-202 is not paid within the time required, an overdue tax is hereby required to be paid for each calendar month or part thereof during which the same remains unpaid and delinquent from and after March 1 of any year. The amount of the overdue tax shall be established by resolution adopted by the governing body of the City of Spring Hill, Kansas. (Ord. 96-21)

2-205. DOG AND CAT REGISTRATION; TAGS. The owner or harborer of any dog or cat shall cause the

same to be listed or registered at with the City Clerk in a proper book or record provided for that purpose. The City Clerk shall, upon payment of the tax for such dog or cat, issue and deliver to the owner a suitable metal check or tag, bearing a number and stating the year for which issued. Such tag shall be securely affixed to the collar or harness of each dog or cat so registered in such manner that the same may at all times be easily visible to the police officers or animal control officer of the City. If such tag be lost, the City Clerk, upon request and satisfactory proof that the same has been lost, shall issue a duplicate tag upon the payment of the sum of Fifty Cents (50 cents). (Ord. 2008-03)

2-206. VACCINATION. No tag shall be issued until the owner or harborer shall furnish to the City Clerk a certificate signed by a registered veterinarian showing thereon that said dog or cat has been inoculated for rabies with either of the following:

- 1) Killed tissue vaccine (sometimes known as "one-year" vaccine) within the six (6) months previous to the date of the issuance of the tag.
- 2) With the modified live virus vaccine (sometimes known as "three-year" vaccine) within thirty (30) months previous to the date of the issuance of the tag.

(Ord. 2008-03)

2-207. SPAYED AND NEUTERED DOGS AND CATS. Before the City Clerk shall issue a tag showing the payment of any taxes for a spayed female dog or cat, or neutered male dog or cat, he shall require satisfactory evidence of such fact by the certificate of a licensed veterinarian or by a statement verified by affidavit; PROVIDED, that such evidence may be permanently filed or entered in the book of registration. (Ord. 2008-03)

2-208. CITY CLERK KEEPS RECORDS; ENUMERATION. The City Clerk shall keep a book or record in which he shall enter the names and addresses of the owners paying taxes for dogs and cats, the name, sex, if female whether spayed or not, if male, whether neutered or not, color, and description of the dog or cat, and such other information as may be deemed necessary; PROVIDED, that the Governing Body may require an annual enumeration during the month of February of each year, of all dogs and cats owned or harbored within the City, to be taken by some person appointed for the purpose. The enumeration shall account for the number, ownership, and sex of all dogs and cats owned or harbored and may be compared and corrected with the dog and cat assessment records of the city. (Ord. 2008-03)

2-209. THREE DAYS FOR OWNERSHIP. Any person owning, keeping, or harboring a dog or cat within the limits of the City for three consecutive days shall be deemed the owner thereof. (Ord. 2008-03)

2-210. ANNUAL NOTICE PUBLISHED & BROADCAST. Each year on or before the 15th day of February, it shall be the duty of the City Clerk to publish a notice of the requirements of this ordinance in the official city newspaper and on city website. Such notice may be published one or more times and shall notify owners or harborers of dogs or cats in the City that the annual dog or cat tax will be due and payable on or before March 1st following. Such other information as is pertinent may be included in said notice. (Ord. 2008-03)

2-211. DOGS AND CATS RUNNING AT LARGE; TIED. It shall be unlawful for the owner or person in charge of any dog or cat to permit any such dog or cat to run at large within the City of Spring Hill, Kansas; PROVIDED, that any dog or cat kept securely tied or kept within the owner's private premises, or led by a chain, strap, or rope by some person in charge of such dog or cat shall not be deemed to be running at large within the provisions of this ordinance. (Ord. 2008-03)

2-212. IMPOUNDING DOGS AND CATS AT LARGE; FEES, REDEEMING, DISPOSAL OF DOGS OR CATS.

- a) It shall be the duty of the police officers or animal control officers of the City to immediately take into

custody and impound the dog or cat found running at large in the City contrary to this chapter. If taken into custody and impounded, the dog or cat shall be kept for seven days, and if claimed by any person, shall be delivered to such claimant upon satisfactory proof that he or she is the owner or is entitled to possession thereof and upon the payment of the following fees and charges:

- 1) Impoundment/Board Fee.
- 2) Pick-Up Charge. The owner shall reimburse the City for the pick-up charge incurred by the City for the services of the independent contractor designated to perform pick-up services.
- 3) Veterinary Fees.
- 4) Redemption Fee.

If any dog or cat shall be claimed, the owner shall in addition to the payment of the license and fees set forth in Section 2-212 (a) (1), (2), and (3), pay a redeeming fee of \$20.00 for the first impoundment occurring in the immediately preceding twelve months; and a redeeming fee of Forty Dollars (\$40.00) for each impoundment thereafter occurring in the immediately preceding twelve (12) months.

For purposes of this section, the impoundment(s) occurring in the immediately preceding twelve months shall include impoundment(s) of all animals of the owner and shall not be limited to the impoundment(s) of a particular animal of the owner.

All payments shall be to the City Office, however, all funds received and receipted for shall be the responsibility of the City Clerk as provided by this ordinance. The City Clerk may issue duplicate tags upon payment of the actual cost thereof.

- (b) If any dog or cat shall not be claimed within seven days of the impounding of such animal, such dog or cat may be disposed of by the City's contractor or the Chief of Police or a veterinarian in a humane manner and/or may be offered for adoption, provided that any dog or cat found at large and impounded which is carrying a metal tag for the current tax year may be returned to the registered owner of the animal if claimed upon payment of the redeeming fee and impounding fee as hereinbefore provided, and if not, the animal may be disposed of as herein provided.

(Ord. 2008-03)

2-213. DEVICES OR METHODS OF CATCHING DOGS AND CATS. It shall be lawful for any officer or person designated to enforce the provisions of this ordinance to use any device, rope, net, or enticement now devised or hereafter devised or any other method to enforce such ordinance so long as such method is humane. (Ord. 2008-03)

2-214. ORDER TO MUZZLE. Whenever the Health Officer and/or the Mayor of the City of Spring Hill, Kansas shall deem it necessary for the protection and welfare of the inhabitants of the City, he shall issue an order requiring all dogs or cats or both kept within the City to be effectively muzzled for such length of time as may be specified in such order, so as to effectively prevent them from biting or injuring persons or animals, and such order shall be published in the official City paper or city website for such length of time as he may direct. (Ord. 2008-03)

2-215. NOISY DOGS AND CATS. It shall be unlawful for the owner of any dog or cat to carelessly, willfully, or maliciously permit such dog or cat to cause a disturbance of the peace or permit such dog to howl or bark and such cat to make noise so as to constitute a disturbance of the peace. (Ord. 2008-03)

2-216. ESTABLISHMENT OF ANIMAL POUND. There shall be and is hereby established a city designated kennel, or any other place as may be designated by the Governing Body of said City for the purpose of impounding and keeping dogs, cats, and other animals collected by the City, its agents, and employees. (Ord. 2008-03)

2-217. BREAKING POUND. It shall be unlawful for any person other than a duly authorized officer to break open or attempt to break open the pound, or to take or let out any dog, cat, or other animal placed therein by an officer of this City, or take or attempt to take from an officer of this City, any dog, cat, or other animal taken up by him under the provisions of this ordinance, or in any manner interfere with or hinder any officer of this City in catching or taking up any dog, cat or other animal. (Ord. 2008-03)

2-218. TAX TO GENERAL FUND. All taxes, fees, charges, and penalties paid to the City of Spring Hill at the City Hall location under the provisions of this ordinance shall be paid over to the City Treasurer and by him/her credited to the general operating fund of said City. Provided, however, that all boarding fees, and any fees obtained from the disposal of said animals in accordance with the provisions of this ordinance and the order of the City of Spring Hill, Kansas, shall be retained in the event the City is operating under the provisions hereof providing for a contractor to provide the impounding facilities.

- a) All redemption fees collected by the City of Spring Hill shall be paid over to the City Treasurer and by him/her credited to the general operating fund of said City.
- b) During the period of time the City of Spring Hill, Kansas is designating an impounding facility, then in such event all fees collected from any source whether the same be for boarding fees, redemption fees, or fees for the disposal of said animals, shall then be paid over to the City Treasurer of said City and by him/her credited to the general operating fund of said City.

(Ord. 2008-03)

2-219. ENFORCEMENT OF ORDINANCE. It is made the duty of the police officers or animal control officers of the City to enforce the provisions of this ordinance, and the Governing Body of the City may appoint some suitable person as a collector of dogs, cats, and other animals, whose duties it shall be to assist in the enforcement of this ordinance, and that the Governing Body of said City may appoint such other persons or contractors as enforcing officers under the provisions of this ordinance. Such appointments shall be confirmed by the Governing Body. (Ord. 2008-03)

2-220. GENERAL PENALTY PROVISIONS. Violations of any of the provisions of this ordinance shall be subject to the general penalty provisions of Section 1-1101 and amendments thereto, of the Spring Hill Municipal Code. (Ord. 2008-03)

ARTICLE 3. ANIMAL BITE

2-301. ANIMAL BITE PROCEDURE - GENERALLY. Except as provided in Section 2-305, a dog, cat, other domestic animal and any other warm-blooded animal which bites, scratches, or otherwise injures a person shall immediately be quarantined at the owner's expense by city personnel with a veterinarian whose place of business is within Johnson or Miami County, Kansas of the owner's choice or with the city's impounding agent, if the impoundment occurs during regular office hours, for a period of not less than ten days nor more than twelve days. If the initial impoundment is not during regular office hours, the city personnel shall immediately impound such dog, cat, other domestic animal or warm-blooded animal with a city-authorized impounding agent at the owner's expense for a period of not less than ten days nor more than twelve days. In the event the original place of impoundment is not the choice of the owner, the owner may cause the animal's place of impoundment to be changed to a licensed veterinarian, whose place of business is located within Johnson or Miami County, Kansas, of the owner's choice provided all other provisions of this title are complied with. The total period of confinement of the animal at the one or more locations is to be for a period of not less than ten days nor more than twelve days, from the date of the actual bite itself. Provided, however, that any animal which is not located, apprehended or picked up within the ten to twelve day period from the date of the bite, shall immediately upon apprehension, be taken to a qualified veterinarian for the purposes of testing or checking the animal for rabies or any other communicable diseases. Such tests or checks shall be made at the animal owner's expense. (Ord. 2008-03)

2-302. NOTICE OF IMPOUNDMENT OF BITING ANIMAL TO POLICE CHIEF AND CITY CLERK. In all cases of impoundment under this section, the veterinarian or city-authorized impounding agent with whom the dog, cat, other domestic animal or warm-blooded animal is impounded, shall give immediate written notice to the Chief of Police that such animal has been confined and will be confined not less than ten days nor more than twelve days. At the expiration of the aforesaid confinement period, the veterinarian or city impounding agency shall give immediate written notice to the City Clerk as to the health of such animal pertaining to the diagnosis of rabies. (Ord. 2008-03)

2-303. NOTIFICATION OF OWNER OF IMPOUNDED ANIMAL. If the address of the owner of the animal can be determined, the Chief of Police or animal control officer shall make reasonable effort to notify the owner that the animal is impounded under the provisions of Sections 2-301 through 2-305 and the owner has the right to redeem the animal at the expiration of confinement upon the payment of pound fees, any veterinarian fees and any license and penalty fees then due and owing the city. (Ord. 2008-03)

2-304. LIEN AGAINST ANIMAL IMPOUNDED - SALE OR DISPOSAL. The city shall have a lien against the animal for its keep and if, after the period of impoundment provided in Sections 2-301 through 2-305, the animal has not been redeemed by the owners, the city shall have the right to order disposal of the animal through sale to any private individual and apply the sale proceeds to the expense incurred in keeping the animal. If the animal is not redeemed or sold after the period of impoundment, it may be given away or humanely destroyed. (Ord. 2008-03)

2-305. ALTERNATIVES FOR CONFINED ANIMAL.

In the event the investigating officer determines:

- A. That the animal which injured the person did so while confined on a chain or leash on property under the control of the animal's owner or within a fence or building enclosing property under the control of the animal's owner;
- B. That the person injured was upon the property without the consent of the owner;
- C. That the animal had an effective rabies inoculation and was duly licensed under this title at the time of the injury, then, the animal need not be impounded in accordance with Section 2-301 but the following alternative procedure shall be followed:
 - 1. If the injured person, his parent, or guardian desires that the animal be impounded and agrees in writing to pay for its board during the period of impoundment, it shall be so impounded for the period specified in Section 2-301 notwithstanding any other provision of this title,
 - 2. If the injured party, his parent, or guardian is unwilling to agree in writing to pay for the animal's board during the period of impoundment, the animal shall be permitted to remain on the property of its owner or keeper; provided no animal shall be allowed to remain on the property of its owner or keeper under this section unless such person signs a written agreement to keep the period specified in Section 2-301 and further agrees to allow the animal to be examined periodically to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such agreement, the animal shall be immediately impounded in accordance with Section 2-301.

(Ord. 2008-03)

2-306. DESTRUCTION OF CERTAIN ANIMALS. Law enforcement officers or animal control officers of the City or anyone having the authority of an animal control officer, may kill any dog, cat, domestic animal or warm-blooded animal without notice to the owner thereof whether it bears the tag herein provided for or not, if

such dog, cat, domestic animal or warm-blooded animal is deemed by said officer to be a vicious animal, or injured severely with no apparent chance of survival, or in such pain as to warrant humane destruction. The remains of any such animal so destroyed shall be preserved by such officers to permit a test to be conducted for rabies. (Ord. 2008-03)

2-307. ENFORCEMENT. It is made the duty of the animal control officer, or anyone having the authority of animal control officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this title, and the city administrator or the police chief may appoint by and with the consent of the governing body some suitable person to be known as an animal control officer, whose duties it shall be to assist in the enforcement of this title and to work under the immediate supervision and direction of the police department. Anyone having the authority of an animal control officer is given the authority to seize any animal found outside the city limits when he has reasonable grounds to believe the animal committed any act within the city which is prohibited by the provisions of this title or which subjects the animal to seizure if found within the city. Any private person may, upon signed complaint, bring charges against any owner of a dog, cat, other domestic, and any other warm-blooded animal for the violation of any of the provisions of this title. (Ord. 2008-03)

2-308. GENERAL PENALTY PROVISIONS. Violations of any of the provisions of this ordinance shall be subject to the general penalty provisions of Section 1-1101 and amendments thereto, of the Spring Hill Municipal Code. (Ord. 2008-03)

ARTICLE 4. INHERENTLY DANGEROUS OR DESTRUCTIVE ANIMALS

2-401. LEGISLATIVE FINDINGS.

The Governing Body of the City of Spring Hill finds and determines:

- A. Warm blooded, carnivorous or omnivorous, wild or exotic animals; and poisonous animals.
 - 1. That said animals are inherently dangerous or destructive.
 - 2. That the possession of said animals with the city pose a significant threat to the public's health, safety and welfare.

- B. Pit Bull Dog.
 - 1. That as a breed of dogs, all pit bulls are inherently dangerous.
 - 2. That the possession of pit bulls within the City poses a significant threat to the public's health, safety and welfare.
 - 3. That numerous instances of attacks by pit bulls have occurred against members of this community and attacks by pit bulls in surrounding communities have resulted in serious injuries.
 - 4. That protective measures by pit bull owners are inadequate to protect the public from attacks by these animals.

(Ord. 2008-03)

2-402. PROHIBITED ANIMALS - GENERALLY.

It is unlawful to keep, harbor, own or in any way possess within the corporate limits of the city:

- A. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, including, but not limited to, nonhuman primates, raccoons, skunks, foxes and wild and exotic cats, but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes;

- B. Any animal having poisonous bites;

C. Any pit bull dog.

1) "Pit bull dog" means:

- a. The bull terrier breed of dog;
- b. The Staffordshire bull terrier breed of dog;
- c. The American pit bull terrier breed of dog;
- d. The American Staffordshire terrier breed of dog;
- e. Dogs of mixed breed or of other breeds than above-listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
- f. Any dog which has the appearance and characteristics of being predominantly of the breeds of Bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

2) Failure to Comply.

- a. Whenever law enforcement officers or animal control officers of the City or anyone having the authority of an animal control officer, has reasonable grounds to believe that any dog is in violation of this Section, the dog shall be subject to immediate seizure and impoundment.
- b. A prominent written notice shall be left on or in the premises occupied by the dog advising that the animal has been removed under the authority of this section and impounded.
- c. Upon a seizure and impoundment said animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.
- d. If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the Chief of Police may render said animal immobile by means of tranquilizers or other safe drugs or if that is not safely possible, then said animal may be killed.
- e. Any reasonable costs incurred by the Chief of Police in seizing, impounding and for confining any pit bull, shall be charged against the owner, keeper, or harbinger of such animal and shall be collected by the City of Spring Hill. Such charges shall be in addition to any fine or penalty provided for violating this ordinance.

(Ord. 2008-03)

2-404. VIOLATIONS AND PENALTIES.

1. Any person violating or permitting the violation of any provision of this ordinance shall, upon conviction in municipal court be fined in the sum of not less than two hundred dollars and not more than two thousand five hundred dollars (\$2,500). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed one hundred seventy nine (179) days. In addition, the court shall order the registration of the subject pit bull be revoked and the dog removed from the city. Should the defendant refuse to remove the dog from the city, the municipal court judge shall have the authority to hold the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. (Ord. 2008-03)
2. Each day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section. (Ord. 2008-03)

ARTICLE 5. DANGEROUS DOGS

2-501. DANGEROUS DOGS.

- 1) Other than when using a dog as a guard dog or when as a police officer using a dog for law enforcement, no person shall own, keep, harbor or allow to be upon any premises occupied by him or under his charge or control any dog of a cross, dangerous or ferocious disposition, which categories shall by definition include but not be limited to any dog which has bitten one or more persons within the prior twelve (12) months, without such dog being kept in compliance with the following restrictions:
 - A) Leash and Muzzle. No person shall permit the dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit the dog 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. The dog may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, the dog on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 - B) Confinement. The dog 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 the dog must be locked with a key or combination lock when such animals are within the 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 feet. All structures erected to house the dog 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.
 - C) Confinement Indoors. No such dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
 - D) Signs. The owner, keeper, or harbinger of the said dog within the city shall display in a prominent place on their premises a sign easily readable by the public, using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such dog.
 - E) Insurance. The owner, keeper or harbinger of the said dog must provide proof to the city clerk of public liability insurance in a single incident amount of \$50,000 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 dog. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days' written notice is first given to the city clerk.
 - F) Identification Photographs. The owner, keeper or harbinger of the dog must provide to the City Clerk two color photographs of two different poses of the dog clearly showing the color and approximate size of the dog.
 - G) Reporting Requirements. The owner, keeper or harbinger of the dog must within ten days of the incident report the following information in writing to the City Clerk, as required in this subsection:
 - 1) The removal from the city or death of the dog;
 - 2) The New address of the dog owner, should the owner move within the corporate city limits.
 - H) Failure to Comply.

- 1) It is unlawful for the owner, keeper or harbinger of the dog to fail to comply with the requirements and conditions set forth in the section. Failure to comply will result in the revocation of the license of such animal, resulting in the immediate removal of the animal from the city.
- 2) Whenever law enforcement officers or animal control officers of the City or anyone having the authority of an animal control officer, has reasonable grounds to believe that any dog is in violation of this Section, the dog shall be subject to immediate seizure and impoundment.
- 3) A prominent written notice shall be left on or in the premises occupied by the dog advising that the animal has been removed under the authority of this section and impounded.
- 4) Upon a seizure and impoundment said animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.
- 5) If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the Chief of Police may render said animal immobile by means of tranquilizers or other safe drugs or if that is not safely possible, then said animal may be killed.
- 6) Any reasonable costs incurred by the Chief of Police in seizing, impounding and for confining any dangerous dog shall be charged against the owner, keeper, or harbinger of such animal and shall be collected by the city attorney. Such charges shall be in addition to any fine or penalty provided for violating this ordinance.

2) Guard Dog.

- A) Any guard dog used in the city must be effectively physically restrained to the premises guarded; must be controllable by its keeper; and must not be used in a manner which, as determined by a police officer, endangers individuals not on the premises guarded. Any person operating a guard dog service in the city shall register such business with the City Clerk and shall list all premises to be guarded with the supervisor of animal control before such services begin.
- B) For purposes of this section "guard dog" is defined as a dog not owned by a governmental unit which dog is used to guard private commercial property or public property.

3) Dangerous Dogs--Killing permitted when.

The police officers of the city may kill any dog without notice to the owner, keeper or harbinger thereof, if such animal is suspected of being rabid whether it bears the tag provided for or not. The police officer or humane officer may kill any animal without notice to the owner, keeper or harbinger if such animal is deemed by the officer as a dangerous animal putting persons or property in immediate and reasonable danger.

(Ord.2008-03)

2-502. VIOLATIONS AND PENALTIES.

- a) Any person violating or permitting the violation of any provision of this article shall, upon conviction in municipal court, be fined in a sum of not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceeding thirty (30) days.
- b) Each day that a violation of this article continues shall be deemed a separate offense in addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article.

(Ord. 2008-03)

ARTICLE 6. DOGS PUTTING PERSONS IN FEAR

2-601. DOGS PUTTING PERSONS IN FEAR. No person shall own, keep or harbor any dog which by jumping upon or threatening any person upon any public property, street or sidewalk shall cause such person to be put in fear of injury. This section shall apply to any dog running at large and to any dog while being walked on a leash and the unprovoked attack by a dog on a leash upon any person shall constitute an assault or battery by the person holding the leash and failing to prevent unprovoked attack by such dog. (Ord.2008-03)

2-602. VIOLATIONS AND PENALTIES.

- a) Any person violating or permitting the violation of any provision of this ordinance shall, upon conviction in municipal court be fined in the sum of not less than two hundred dollars and not more than two thousand five hundred dollars (\$2,500). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed one hundred seventy nine (179) days. (Ord. 2008-03)
- b) Each day that a violation of this chapter continues shall be deemed a separate offense in addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section. (Ord. 2008-03)

(Ord. 2008-03)

ARTICLE 7- ANIMAL WELFARE

2-701. DEFINITIONS.

Whenever in this Article the following terms are used, each shall have the meaning respectively ascribed in this section:

- a) "Adequate care" is normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal;
- b) "Adequate food" is wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age and condition;
- c) "Adequate health care" is the provision to each healthy animal of all immunizations and preventive care required to maintain good health; space adequate to allow the animal 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;
- d) "Adequate shelter" is a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, conditions and age of the animal which provides access to shade from direct sunlight and regress from exposure to inclement weather condition;
- e) "Adequate water" is a continual access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal in sufficient amounts to maintain good health in the animal.
- f) "Commercial Animal Establishment" is any pet shop, grooming shop, boarding kennel, animal exhibit,

auction, riding school, stable carriage horse service, cattery, kennel, sentry or guard dog service, animal trainer, business keeping animals in stock for retail or wholesale trade or sale, or any establishment providing one or more of the principal activities of the aforementioned establishment.

- g) "Owner, keeper or harbinger" is any person who feeds, cares for, shelters or professes or exhibits ownership of an animal.

(Ord. 2008-03)

2-702. CRUELTY TO ANIMALS.

“Cruelty to animals” is:

- a) Intentionally killing, injuring, maiming, torturing, mutilating, beating, or overworking any animal; this includes, but is not limited to, administering any poisonous substance with the intent that the same shall be taken or swallowed by any animal;
- b) Acting or failing to act when the act or failure to act causes or permits pain or suffering to such animal;
- c) Abandoning or leaving any animal in any place or releasing or dumping an animal from a vehicle without making provisions for its proper care; in addition, “abandon” means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or resume custody; to leave an animal for more than 12 hours without providing adequate food and shelter for the duration of the absence; or to turn out or release an animal for the purpose of causing it to be impounded;
- d) Failing to provide adequate care, adequate food, adequate health care, adequate shelter, or adequate water; or
- e) Failing to provide veterinary care when needed to treat injury or illness unless the animal is promptly destroyed in a humane manner.

The provisions of this section shall not apply to:

- a) Normal or accepted veterinary practices;
- b) Bona fide experiments carried on by recognized research facilities;
- c) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated or as otherwise permitted in Chapter II;
- d) Rodeo practices accepted by the Rodeo Cowboys' Association.
- e) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a City or the owner thereof within a City if no animal shelter, pound or licensed veterinarian is within the City, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of any incorporated humane society, the operator of an animal shelter or pound, public health officer or licensed veterinarian seven business days following the receipt of any such animal at such society, shelter or pound;
- f) With respect to farm animals, normal or accepted practices of animal husbandry;
- g) The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing an immediate threat to any person, farm or domestic animal or property; or
- h) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.

(Ord. 2008-03)

2-703. SEIZURE AND DISPOSITION OF ANIMALS.

- A. Any animal control officer, law 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 herein and when failure to do so would result in further injury or pain and suffering to the animal. Such officer or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any use purpose, for humane killing.
- B. If a person is adjudicated guilty of the crime of cruelty to animals, as defined herein and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

(Ord. 2008-03)

2-704. ABUSE AND NEGLECT OF ANIMALS.

- A. No owner, keeper or harbinger of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise. This requires that an owner must offer some freedom from continuous chaining, stabling and tethering. All restraints placed on an animal must be such that it prevents the animal from being tangled or injured by the restraint. The area where animals are kept must be kept free from unsanitary conditions and vermin-harboring debris.
- B. No person shall offer to give a live animal as a prize or as a business inducement or any other form of gratuity.

(Ord. 2008-03)

2-705. INJURY TO A DOMESTIC ANIMAL.

“Injury to a domestic animal” is willfully and maliciously:

- a) Administering any poison to any domestic animal;
- b) Exposing any poisonous substance with the intent that the same shall be taken or swallowed by any domestic animal; or
- c) Killing, maiming, or wounding any domestic animal.

This section shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes, or other predatory animals, nor shall it apply to any licensed veterinarian who administers any such substance in the practice of veterinary medicine in accordance with the standards of the veterinarian profession.

(Ord. 2008-03)

2-706. RESCUE OF ANIMALS FROM VEHICLES.

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life as determined by a law enforcement officer or animal control officer, such is a violation of this

section and the law enforcement officer or animal control officer is hereby authorized to enter such 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. 2008-03)

2-707. COMMERCIAL ANIMAL ESTABLISHMENTS.

Standards: Any person operating a commercial animal establishment shall keep and maintain the animals, and all structures, pens, or yards, tanks, ponds, or other holding areas in which the animals are kept, in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury and illness to these animals. All holding areas must be properly sanitized so as to keep the animals enclosed therein free of diseases. All such animals shall be provided with a constant supply of wholesome food and water or in lieu of this, the proprietor shall prominently and publicly post and shall follow a schedule for adequate feeding and watering. A schedule shall also be posted for cleaning and maintaining cages and other holding areas at the facility. Any animal that is infected or diseased with an infectious agent shall be immediately isolated in such a manner as to prevent spread of disease to any other health animals, and it shall be treated immediately to prevent further condition of deterioration or euthanized, and if the owner or keeper fails or refuses to provide for such, the supervisor of animal control may remove each such animal to the animal shelter for disposition. All commercial animal establishments must permit inspection of their records, premises and the animals harbored therein by animal control officers of the City, law enforcement officers, and City officials.
(Ord. 2008-03)

2-708. UNLAWFUL TRAPPING.

"Unlawful trapping" is the utilization, except for display or exhibition purposes, of any trap, net, snare or other trapping device which does not painlessly capture or immediately kill its victim; or the utilization of any trap of the type commonly known as steel jaw, leg hold traps. (Ord. 2008-03)

2-709. UNLAWFUL TRADING IN ANIMALS.

- 1) The sale or giving away of chickens or ducklings younger than eight weeks of age in quantities of less than 25 to a single purchaser; or
- 2) The giving away of any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contest, game, or other competitions; or as an inducement to enter a place of amusement or business; or other such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(Ord. 2008-03)

2-710. VIOLATIONS AND PENALTIES.

- 1) Any person violating or permitting the violation of any provision of this Article 7 shall, upon conviction in municipal court be fined in the sum of not less than two hundred dollars and not more than two thousand five hundred dollars (\$2,500). In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed one hundred seventy nine (179) days.
- 2) Each day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Article 7 shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Article 7.

(Ord. 2008-03)

ARTICLE 8. CHAPTER ENFORCEMENT

2-801. CHAPTER ENFORCEMENT.

The City animal control officer or any police officer is authorized to enter upon public and private property for the purpose of enforcing this chapter. No person shall conceal any animal or otherwise interfere with the proper enforcement of this chapter.

That this Ordinance shall be construed as follows:

- a) Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.
- b) Savings Clause. The repeal of Ordinance sections, as provided herein below shall not affect any rights acquired fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance repealed is hereby continued in force and effect after the passage, approval and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and actions therefore.
- c) Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out in this Ordinance, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances.

(Ord. 2008-03)