

ORDINANCE NO 997

AN ORDINANCE RELATING TO THE KEEPING OR HARBORING OF ANIMALS, REGISTRATION AND LICENSING OF ANIMALS, VACCINATION OF ANIMALS, STRAY ANIMALS, PENALTIES FOR VIOLATION OF THIS ORDINANCE, REPLEAING ORDINANCE NO. 798 AND CONFLICING ORDINANCES, AND CHAPTER 2, ARTICLE 1 OF THE CODE OF THE CITY OF COTTONWOOD FALLS, KANSAS 2016 AND ADOPTING ALTERNATIVE PROVISIONS THEREFOR.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COTTONWOOD FALLS, KANSAS (“City”):

SECTION 1. DEFINITION OF ANIMAL. For the purposes of this ordinance, the term animal shall mean any dog or cat, six (6) months of age or older, whether domesticated or wild.

SECTION 2. LICENSE REGULATIONS, TAGS, AND FEES.

- (a) On a yearly renewable basis, the owner of any animal shall cause the same to be listed or registered at City Hall in a proper book or record provided for that purpose. All registrations issued by City Hall shall be valid for one (1) calendar year from the issuance of the license. New residents of the City or persons acquiring an animal that attains age requiring registration shall have 30 days in which to register such animal at the regular fee. The City shall issue and deliver to the owner of such an animal a tag of metal, or other durable substance, bearing a number corresponding to the number of the registration record. The metal tag issued for such animal shall be securely affixed to the collar or harness of each animal so registered in such a manner that the same may at times be easily visible. If such a tag is lost, the City upon request and satisfactory proof that the same has been lost and the payment of the sum of ONE DOLLAR (\$1), shall issue a replacement tag, for each animal so registered.
- (b) Prior to the registration of any animal, the owner thereof must present to City Hall a valid certificate issued by a licensed veterinarian showing that such animal has been vaccinated for rabies for the current registration period. Proof that an animal has been neutered or spayed must be presented to City Hall at the time of registration. There shall be an annual registration fee of TWO DOLLARS (\$2) for animals that have been spayed or neutered, and FIVE DOLLARS (\$5) for unaltered animals.
- (c) The City Council may, by majority vote, agree to allow for a period of free registration during which the payment of the annual fee would be waived. Such free registration period may not exceed thirty (30) days per calendar year.

SECTION 3. CITY RECORDS. The City Clerk shall keep a book or record in which shall be entered the following information: owner’s name, phone number, and address AND color, breed, sex, and name (if any) of the animal.

SECTION 4. OWNER OF ANIMAL DEFINED. To “own” means to own, keep, harbor, shelter, control, manage, possess or have part interest in any animal.

SECTION 5. RUNNING AT LARGE PROHIBITED; PENALTY. It shall be unlawful for the owner of any dog to permit such dog to run at large within the city limits of the City of Cottonwood Falls at any time. Any dog shall be deemed to be running at large when found off the real property or premises of the owner and not under restraint. To promote the general safety and well-being of the citizens and employees of the City, any unattended dog kept by line or leash that allows for the dog to leave the real property or premises of the owner will be considered at-large. "Under restraint" is defined as meaning when controlled either by fence or other structure or by line or leash nor more than 15 feet in length, when the line or leash is held by a competent person; when at "heel" of a competent person; or within an attended vehicle. A "competent person" means a person who is in control. It shall be lawful for the animal control officer, law enforcement officer or other person duly appointed by the City Council of the City of Cottonwood Falls, to have the right of entry onto any lots or lands for the purpose of enforcing the provisions of this section. Provided, however, the authorized individual shall not have the right of entry to enclosed dwellings used for residential purposes, except for the purpose of examining or obtaining any animal suspected of having rabies, having been exposed to rabies or having bitten a person or other animal. Any person who violates this Section shall be fined \$25 on the first conviction; \$75 on the second conviction within 5 years; and \$200 for a third or subsequent conviction within 5 years. The person shall also pay court costs as imposed by the City.

SECTION 6. IMPOUNDING DOGS AT LARGE. Whenever any dog shall be found running at large within the corporate limits of the City of Cottonwood Falls, any such dog may be taken up or captured by the animal control officer, law enforcement officer, or other person duly appointed by the City Council of the City of Cottonwood Falls, and such dog shall be held at the shelter provided for such purpose. The owner of such dog so held or cited shall show proof of registration and current rabies vaccine and shall pay to the person in charge of such shelter house, any shelter fees or board bills due, and upon payment of same, any such dog shall then be released to the owner. Any impounded dog which has not been claimed within the three day limit, as hereinafter provided may be disposed of by sale or destruction.

SECTION 7. IMPOUNDING NOTICE. When any animal is impounded under the provisions set forth in this Ordinance, the City Clerk shall cause notice to be posted at the property and a copy mailed to the owner of such animal if such animal is registered and licensed; if such animal is not registered and licensed, then notice shall be posted on the public bulletin board adjacent to the city offices at 220 Broadway, Cottonwood Falls, Kansas, of the fact that such animal has been impounded. Such notice shall contain a description of the animal, license number (if same is affixed to the collar of the animal) and instructions for redeeming said impounded animal.

SECTION 8. IMPOUNDING OR CONFINEMENT OF RABIES SUSPECTS. Any animal as defined by this ordinance, which is suspected of having rabies, or has bitten a person and has thereby caused the laceration of the skin of such person, shall be confined at the cost of the owner in a veterinary hospital or animal shelter for a period of ten (10) days; provided, however, the period of confinement may be shortened at the discretion of the veterinarian. All expenses incurred during such period of confinement in a veterinary hospital or animal shelter shall be born to the owner.

However, if the City's animal control officer, law enforcement officer or another duly appointed representative of the city caused the impoundment or confinement of the dog suspected of rabies under

this paragraph, then the City shall reimburse the veterinary hospital or animal shelter for all its expenses incurred during such confinement if said dog owner fails to pay the same within thirty (30) days.

It shall be unlawful for the owner to fail to confine any such dog in a veterinary hospital or animal shelter after receiving notice from City's animal control officer, law enforcement officer or another duly appointed person by the City Council of the City of Cottonwood Falls, that confinement is required.

In the event the City pays the veterinary hospital or animal shelter for the costs of confinement the City shall be entitled to pursue any and all legal remedies to seek reimbursement of said costs from the owner of the animal that is responsible for said costs under this ordinance.

SECTION 9. DEFINITION OF VICIOUS ANIMALS.

- (a) The following words, terms and phrases, when used in this article, shall, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- i. *Vicious animal* means any animal:
 - a. That has attacked a human or a domestic animal without provocation, including snapping or biting at a human or domestic animal, and whether or not such attack was completed or any injury inflicted; or
 - b. That has such a vicious propensity that it is determined by a law enforcement officer that it creates an unreasonable hazard or danger to the general public in the event of its release or escape from confinement.
 - ii. *Provocation* means the willful and intentional teasing, harassment, injuring or abuse of an animal; or the entry into a fenced or enclosed area or building in which an animal is lawfully kept or harbored, other than areas open to the general public during the hours of such public access; or threatening actions or conduct taken against, or battery of, a person, without legal cause or justification, and done in the presence of an animal which is owned, kept or harbored by such person or by a member of such person's immediate family or household.

SECTION 10. CONFINEMENT AND CONTROL OF VICIOUS ANIMALS.

- (a) Required. No animal determined to be a vicious animal pursuant to this ordinance shall be maintained by any person within the City, or returned to its owner, keeper or harbored residing within the City limits, or sold or given away or its possession otherwise transferred to another person residing within the city limits, unless the animal is confined and controlled by such person in the manner set forth in this division; provided, however, that through any written agreement with an owner, keeper or harbored of an animal determined to be a dangerous animal a law enforcement officer shall be authorized to modify or waive any of the following requirements with a law enforcement officer determines to be unnecessary under the circumstances for the general safety and welfare of the public.
- (b) Leash and muzzle. No person shall permit such an animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such animals to be kept on a chain, rope or other type of leash outside its kennel or pen unless a competent person is in physical control of the leash. Such animal may

not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, any such animal on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

- (c) Confinement. All such animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in section 10(b). Such pen, kennel or structure must have secure sides and a secure top attached to the sides and must be locked with a key or combination lock when such animal is 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 not less than two feet. All such structures erected to house such animal must comply with all zoning and building regulations of the city. Such structure must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (d) Confinement indoors. No such animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- (e) Signs. All owners, keepers, or harborers of such animals 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" or such other words of warning as shall be designed by a law enforcement officer. In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (f) Identification photographs. All owners, keepers or harborers of such animals must file with the City Clerk two current color photographs of each animal which have the date of the photographs marked thereon and which clearly show the color, markings, and approximate size of the animal. Further, all owners, keepers and harborers of such animals must provide two current replacement photographs meeting such specifications in relation to the renewal of the license for such animal, or not less than annually as to animals which are not required to be licensed.
- (g) Reporting requirements. All owners, keepers and harborers of such animals must report the following information in writing, and within ten days of the occurrence, to the City Clerk as required hereafter:
 - i. The removal from the city or death of any such animal.
 - ii. The new address of the owner, keeper or harborer thereof, should such person move to another location within the corporate city limits.
- (h) Restrictions on sale or transfer of ownership. No person shall sell, barter or in any other way dispose of such animal to any other person within the city, unless the recipient person resides permanently in the same household and on the same premises, or unless the person buying or otherwise receiving or taking possession of such animal first files with the City Clerk and Law Enforcement his written agreement to confine and control such animal as herein provided.
- (i) Failure to comply. It shall be unlawful for the owner, keeper, or harborer of such animal to fail to comply with the requirements and conditions set forth in this division. Any animal

found to be the subject of a violation of this division shall be subject to immediate seizure and impoundment. Such animal shall then be sold, given away or destroyed, at the discretion of a city official or law enforcement officer.

- (j) Any Homeowner or Renter in possession of a vicious animal shall be required to maintain an insurance policy of at least \$25,000 that covers the animal.

SECTION 11. CARE OF ANIMALS AND POUND. The City shall provide for the maintenance and repair of the city animal pound. All animals, while impounded shall be provided with sufficient food and water. The City shall cause the pound to be cleaned regularly so as to prevent the spreading of disease and the maintenance of a health hazard.

Alternatively, the City may contract with a licensed veterinarian for the impoundment of animals.

SECTION 12. MONEYS, FUNDS. All funds obtained by the city under the provisions of this ordinance for licensing animals and fees charged for any capture, care or impounding provided for herein shall be credited to the general operating fund of the city.

SECTION 13. VICIOUS ANIMAL PENALTY. Any person, residence, firm, or corporation violating the provisions of this ordinance shall be fined the sum of fifty dollars (\$50) upon the first conviction and one hundred fifty dollars (\$150) upon the second and subsequent convictions. Upon a second conviction of a vicious animal violation, the animal shall be destroyed unless the municipal court determines by clear and convincing evidence that there is sufficient safeguards to protect the public from further occurrences.

SECTION 14. EFFECTIVE DATE. This ordinance shall take effect from and after its publication in the official City newspaper, The Council Grove Republican..

PASSED, APPROVED AND ADOPTED this May 7, 2024



William C Sisson, Mayor

ATTEST:



Bree Larkin, City Clerk