



EL DORADO CITY COMMISSION - WORK SESSION AGENDA
CITY HALL – 220 E. FIRST AVENUE
February 12, 2025 - 5:00 PM

Work Session Discussion Items:

- a. Downtown Rejuvenation Plan
- b. Animal Control Ordinance Review

Reports:

- a. City Commission Reports
- b. City Manager Report
- I. Executive Session
 - a. Commissioner _____ moved to recess into executive session pursuant to the non-elected personnel exception under K.S.A. 75-4319(b)(1) for the purposes of discussing non-elected personnel and succession plans and to reconvene the meeting at _____ p.m. in the City Commission Room.

Commissioner _____ seconded the motion.

TO: City Commission
FROM: Sam Cooper, Intern
SUBJ: Animal Control Ordinance Review
DATE: February 12, 2025

Summary:

Since the adoption of Chapter 6 of the municipal code, the City has changed the way it organizes animal control services. Additionally, the City has made efforts to move all fees from being individually codified to being codified in a fee schedule. The updates to this chapter seek to reflect these changes and efforts.

Attachments:

1. Overview of Changes to Chapter 6
2. Animal Ordinance Update - NOTES
3. Chapter 6 - Animals

Funding Source:

Staff recommends adopting the updates to the ordinance.

Operation Impact:

Options/Alternatives:

N/A

Staff Recommendation:

Staff recommends adopting the updates to the ordinance.

Commission Action:

This item is for discussion purposes at this time; no action will be taken. The item will be scheduled for the February 17 regular meeting if the City Commission decides to schedule it for this meeting.

Overview of Changes to Chapter 6 – Animals

- Fee References
 - Removed references to specific fee amounts
 - Referred all fee amounts to the fee schedule (Section 1.15.010)
- Pitbull Section
 - Eliminated reference to an additional \$50 fee for the ownership of any pitbull
- Organizational References
 - Modified language to reflect current administrative arrangements
 - Changing “animal control division” to “animal control officer”
 - Modified language to allow flexibility of future changes to administrative arrangements
 - (e.g.) Changing language from “Department X shall” to “City shall”

- **6.04.050 – Violation – Penalty**
 - This has references to specific dollar amounts that the municipal court may levy as fines.
- **6.08.030 – Impoundment Procedure and Disposition**
 - Language modified to redirect fee amounts to Section 1.15.010.
- **6.08.050 – Redeeming Impounded Animals**
 - Removed language specifying fee amounts and added language to refer fee amounts to Section 1.15.010.
- **6.08.061 – Adoption of Animals**
 - Minor grammatical corrections.
- **6.08.080 – Animal Dealers – State Law Adopted by Reference**
 - Added “et seq.” To cover any potential future changes in state law.
- **6.08.081 – Commercial Animal Enterprise.**
 - Language modified to redirect fee amounts to Section 1.15.010 instead of Appendix A.
- **6.08.085 – Facility Requirements for permits to board, house or otherwise keep animals**
 - Language modified for organizational clarity
- **6.08.100 – Other Nondomestic Animals and Issuance of Permit to Operate Circus or Zoo**
 - Language modified for organizational clarity
 - Minor grammatical correction
 - Language modified to redirect fee amounts to Section 1.15.010 instead of Appendix A.
- **6.08.110 – Violation of Sections Regarding Prohibited Animals**
 - Language changed to refer references to specific penalty amounts and instead refer to Section 1.15.010
- **6.12.020 – Vaccination Required**
 - Minor grammatical correction
 - Language modified to redirect fee amounts to Section 1.15.010 instead of Appendix A.
- **6.12.030 – Licensing Period and Procurement**
 - Language modified to redirect fee amounts to Section 1.15.010 instead of Appendix A.
- **6.12.050 – Licensing Fees**
 - Language modified to redirect fee amounts to Section 1.15.010.
- **6.12.055 – Guard Dogs**
 - Language modified to redirect fee amounts to Section 1.15.010 instead of Appendix A.
- **6.12.070 – Kennels – Permit Requirements**
 - Language modified for organizational clarity
- **6.12.080 – Permit period and issuance**
 - Language modified for organizational clarity
 - Copied over text from recent update and crossed out what I copied from the website.
- **6.12.090 – Kennels Regulated – Location**
 - Language modified for organizational clarity
- **6.12.100 – Revocation**
 - Language modified for organizational clarity
 - Language modified to redirect fee amounts to Section 1.15.010.
- **6.12.120 – Violation – Penalty**
 - Language modified to redirect fee amounts to Section 1.15.010.
- **6.14.010 – Service Animal Verification**
 - Added “et seq.” To cover any potential future changes in state law
- **6.16.015 – Neglectful Care of Animals**

- Language modified for organizational clarity
- **6.16.050 – Violation – Penalty**
 - Language modified to redirect fee amounts to Section 1.15.010.
- **6.16.070 – Nuisances**
 - Language modified for organizational clarity
- **6.16.080 Violation – Penalty**
 - Language changed to refer references to specific penalty amounts and instead refer to Section 1.15.010
- **6.20.010 – Keeping of Wild or Exotic Animals**
 - Language modified for organizational clarity
- **6.20.020 – Dangerous Animals**
 - Language modified for organizational clarity
- **6.20.030 – Vicious Animals**
 - Language modified to redirect fee amounts to Section 1.15.010.
- **6.20.040 – Keeping of Staffordshire Terriers and mix breeds thereof.**
 - Language modified to redirect fee amounts to Section 1.15.010.
 - This eliminates the \$50 fee for pit bulls
- **6.20.050 – Keeping of Dangerous Animals**
 - Language modified for organizational clarity
- **6.20.060 – Keeping Livestock**
 - Language modified for organizational clarity
- **6.20.061 – Impoundment of estray and livestock**
 - Language modified for organizational clarity
- **6.20.080 - Violation – Penalty**
 - Language modified to redirect fee amounts to Section 1.15.010.
- **6.20.090 – Fee Schedule**
 - Language modified to redirect fee amounts to Section 1.15.010.

I. **Title 6**
ANIMALS

Chapters:

A. **Chapter 6.04 ANIMALS GENERALLY¹**

Sections:

II. **6.04.010 Definitions.**

As used in this title:

"Abandon" means to leave any animal domestic or otherwise behind for others to look after, especially meant to be a personal responsibility.

"Animal control officer" means the city manager or his or her designated agent may appoint person(s) to be known as the animal control officer(s), whose duty it shall be to carry out enforcement of this section.

"Animal shelter" means any facility operated by the city, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this title or state law.

"Animals" means all warm-blooded vertebrate animals such as, but not limited to bovine cattle, horses and other equines, swine, goats, rabbits, sheep, dogs, cats, chickens, ducks, geese, turkeys, pigeons and other wild mammals, or birds that have been tamed, domesticated or captivated, but shall exclude small cage birds or aquatic and amphibian animals kept solely as pets.

"Assistance dog" means any guide dog, hearing assistance dog or service dog. The presence of a dog for comfort, protection or personal defense does not qualify a dog as being trained to mitigate an individual's disability and therefor does not qualify the dog as an assistance dog covered under the provisions of this act.

"At large" means an animal shall be deemed to be at large if off the premises of its owner and not under the immediate responsive control of a responsible person.

"Circus" means a commercial variety show featuring animal static display for the public at a fee or a part of a charity.

"City manager" means the manager of the city, or his or her duly designated and authorized representative.

"Commercial animal enterprise" means and includes but not be limited to enterprises such as kennels, pet shops, riding stables, animal auctions, performing animal exhibitions, animal training services, grooming shops, petting zoos, aviaries or any similar entrepreneurial relationship regarding animals.

"Dangerous animals" means any vicious or hazardous animal, pit bull dog, or any animal or animals that constitute a serious physical threat to human beings or other animals.

¹Prior history: Prior code §§ 3-101, 3-102, 3-106, 3-107 and 3-109 as amended by Ords. G-781, G-841, G-855, G-879 and G-935.

"Feral cat" means a cat which has been separated from domestication, whether through abandonment, loss, or running away, and become wild. The term also refers to descendants of such cats, but not to wild cats, whose ancestors were never domesticated. Feral cats usually cannot be re-socialized. Feral kittens, however, can be socialized to live with humans if they are taken from a feral colony before they are about twelve (12) weeks old.

"Fowl prohibited" shall mean those domestic birds commonly kept for the production of meat, eggs, or feathers. For the purposes of this section, fowl shall include, but not be limited to, roosters, ducks, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus.

"Fowl permitted" shall, for the purposes of this title, mean female chickens.

"Guide dog" means a dog which has been specially selected, trained and tested for the purpose of guiding a person who is legally blind.

"Harbor" means to possess while in the act of keeping and caring for an animal; or of providing a premises to which the animal returns for food, shelter or care for a period of three days or longer.

"Hearing assistance dog" means a dog which is specially selected, trained and tested to alert or warn individuals who are deaf or hard of hearing to specific sounds.

"Household" means those members of a family living in the same dwelling unit.

"Kennel" means premises wherein an owner has more than four dogs or four cats, or any combination thereof, or any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

"Livestock" means and includes the following animals: Bovine cattle, horses and other equine, swine, goats, sheep and prohibited fowl such as, but not limited to, geese, ducks and turkeys.

"Minimum age" means an animal not more than four months of age.

"Neglect" means to mistreat through intent to abuse or reckless abandon of any animal in a manner that causes or is likely to cause stress or physical injury or as otherwise stated in this chapter.

"Own" means to keep, harbor, shelter, control, manage, possess or have part interest in any animal.

"Owner" or **"presumed owner"** means any person, partnership or corporation who has purchased or who owns, keeps, maintains, harbors or has care, custody or control of one or more animals. Ownership may be determined by identifying an adult resident of the premises upon which the animal is kept, maintained, harbored or otherwise resides and such adult shall constitute the owner of the animal upon such premise. Each actual resident of the premises shall be the owner or presumed owner and charged with responsibility for the animals thereon maintained or harbored. For the purpose of this title, if the owner of an animal(s) is a minor, the parent or guardian of the minor shall be responsible for compliance with these regulations for that animal(s).

"Pet" means any animal kept for pleasure rather than utility.

"Pit bull" means:

1. Bull terrier breed of dog.
2. Staffordshire bull terrier breed of dog.
3. American pit bull terrier breed of dog.
4. American Staffordshire terrier breed of dog.
5. American Bully breed of dog.
6. 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 terrier.

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7. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American bull terrier, American Staffordshire terrier; any other breeds commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.
 8. Specifically excepted from this definition is any dog with proof, by a written certification from a veterinarian licensed by the State of Kansas, that the dog does not contain in its lineage any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or American Bully.

"Professional therapy dog" means a dog which is selected, trained and tested to provide specific physical or therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team, and as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community based group settings, or when providing services to specific persons who have disabilities. "Professional therapy dog" does not include dogs, certified or not, which are used by volunteers for pet visitation therapy.

"Public nuisance" means any animal or animals which:

1. Molests passers-by or passing vehicles;
2. Attacks person(s) or other animals;
3. Trespasses on school grounds;
4. Is repeatedly at large specifically, three or more times per twelve (12) month period;
5. Damages private or public property;
6. Barks, whines or howls in an excessive, continuous or untimely fashion;
7. Deposits excretory matter on property other than that of the owner. Repeatedly defecates on property not belonging to or under the control of its owner, unless such waste is immediately removed and properly disposed of by the owner of the animal (including domestic cats);
8. Produce odors or unclean conditions sufficient to annoy persons living in the vicinity; or
9. Is unconfined when in heat.

"Public place" as used herein, means any place to which the public or a substantial group of the public has access. It shall include, but is not limited to, shops, stores and flea markets.

"Quarantine" means a period of ten (10) days used for observation of a domestic or pet animal to determine the health status of that animal in relation to the rabies virus.

"Quarantine by owner" means an animal owner who quarantines with animal control officer's permission under the following conditions:

1. Animal must have current rabies vaccination and be registered with animal control;
2. Animal must be inside an enclosed structure, i.e., house or garage, and must remain there for ten (10) days;
3. If maintained outside, animal must be behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape. The length of the chain must prevent the animal from making contact with the fence in which it is kept;
4. Animal must be kept away from other animals and people except those in the immediate household;
5. Animal may not be removed from corporate city limits of El Dorado while under quarantine;
6. Owner shall notify animal control officer immediately if animal becomes sick or displays any behavioral changes;

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7. Owner shall not subject the animal to any medical procedure, without first notifying the animal control division. This includes vaccinations;
 8. Animal must be examined by the animal control division or designee by the first day of home quarantine and again on the final day of quarantine. Upon final examination the authority may declare the animal to be free of the rabies virus or under questionable circumstance defer such examinations to a licensed veterinarian. In such instances, owner shall be responsible for all associated costs and when required produce proof of such veterinarian examinations;
 9. Owners who are deemed habitual offenders as defined herein, shall not be allowed home quarantine;
 10. Owner must allow animal control, with reasonable notice, to view and confirm the health of the animal during the rabies quarantine period.

"Serious injury" means bodily injury resulting from severe attack or severe bite from an animal which produces severe pain, trauma, loss of blood or tissue, and which requires medical treatment of wounds inflicted by the animal.

"Service dog" means a dog which has been specially selected, trained and tested to perform a variety of tasks for persons with disabilities. These tasks include, but are not limited to: Pulling wheelchairs, lending balance support, picking up dropped objects or providing assistance in, or to avoid, a medical crisis, or to otherwise mitigate the effects of a disability.

"Severe attack" means an attack in which the animal repeatedly bites or vigorously shakes its victim, and the victim, or a person intervening, has extreme difficulty terminating the attack.

"Severe bite" means a puncture or laceration made by an animal's teeth which breaks the skin, resulting in a degree of trauma which would cause a prudent and reasonable person to seek medical care for treatment to the wound, without considerations of rabies prevention alone.

"Stray animal" means any dog, cat or animal appearing or remaining in a neighborhood or any public place without an apparent home.

"Supervisor" means the supervisor of animal control and his or her designee.

"Tattoo" means a permanent mark which is made on the skin of an animal by puncturing the skin and inserting indelible color, and which is used to show ownership.

"Unprovoked attack" means that the animal was not hit, kicked, teased, molested or struck by a person with an object or part of a person's body nor was any part of the animal's body pulled, pinched or squeezed by a person.

"Wild animal" or **"wildlife"** means any nondomestic creature (mammal, amphibian, reptile or fowl) which is of a species which is wild by nature, which can normally be found in a wild state, and which is not naturally tame or gentle, or which, because of its size, vicious nature and other characteristics, constitutes a danger to human life or property including all animals identified herein as prohibited.

"Wild or exotic animal" means birds or animals not commonly kept domestically or that are not native to Butler County and/or the United States, excluding fowl, ferrets and small rodents.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

(Ord. No. G-1161, § 1, 9-4-13; Ord. No. G-1290, § 1, 9-4-18)

iii. **6.04.020 Inspection of premises.**

The animal control officer or health officer of the city shall have the right at all reasonable times to inspect the premises, pens, stables, buildings or other enclosures where animals are kept. It shall be a violation of this title to interfere with the control officer in the performance of his or her duties.

Abatement of Conditions not Complying with Ordinance. Whenever any premises where animals are kept in an unsanitary conditions, or the facilities are not in keeping with provisions of this title or any other regulations herein, the animal control division, by written notice on a form the policy clearly stating the intent of this section, to the person responsible for the condition of the premises, may order the abatement of the conditions which are not in accordance with the ordinance or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the city to obtain relief by injunction. Nothing herein precludes the city's use of any public health ordinance or law in lieu of nuisance abatement or injunctive relief herein provided.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

iv. **6.04.030 Animals which have bitten persons or other animals.**

Any police officer or animal control officer may seize, upon private or public property, any animal which has bitten a person or another animal. Impoundment, examination and confinement periods as are necessary to protect human and/or other animals shall be as set out in written administrative regulation covering biting animals. All fees or costs relating to impoundment, observation, and/or testing shall be paid by the animal owner, or in cases where the animal owner cannot be found, the cost of sheltering and observation shall be paid by the city (not testing). The failure of such owner to pay the required fees shall subject the owner to the penalty provided for under Section 6.04.050 of this chapter.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

v. **6.04.040 Quarantine of animals.**

Quarantine of animals bitten by a known or suspected rabid animal shall take place as follows:

- A. Stray, unclaimed or unwanted domestic animals shall be held for ten days then euthanized.
- B. Wild animals, whether owned or un-owned, shall be euthanized immediately.
- C. Owned, wanted dogs and cats which are not immunized against rabies shall be quarantined for ten days under the supervision of the animal control division.
- D. Owned, wanted dogs and cats which, in the judgment of the animal control officer, are properly immunized against rabies, shall be kept by the registered owner on the owners property and observed for three days by the owner.
- E. All fees, costs and boarding expenses under this section shall be at the expense of the owner of any such animal and the failure of such owner to pay such sums shall subject such owner to the penalty provided under Section 6.04.050 of this chapter.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

vi. 6.04.041 Cost of quarantine or rabies diagnosis.

- A. If, at the end of the required quarantine period, a quarantined animal is found to be free of rabies, the animal control division or his or her designee shall order the release of the animal to the owner if the rabies vaccination provision of this chapter has been complied with and any impoundment fees have been paid by such owner.
- B. If a head is submitted for rabies diagnosis, the cost of removing the head and shipping it shall be paid by the owner of the animal.
- C. The animal control division may order that all impoundment fees for the quarantine be paid by the person bitten or scratched if:
 - 1. The animal has a rabies vaccination certificate;
 - 2. The animal was on property under the control of the animal's owner when the bite or scratch occurred; and
 - 3. The bit or scratch occurred when the animal was acting to defend its owner or the property, or after provocation.
- D. If the animal is a wild animal, the animal control division may order that all fees be paid by the person who was bitten or scratched.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

vii. 6.04.042 Submission of head for rabies diagnosis.

- A. If the animal biting or scratching a person is a wild animal, the animal shall be humanely destroyed in such a manner that the brain is not mutilated. The head shall then be submitted to a laboratory certified by the Kansas Department of Health for rabies diagnosis.
- B. If an animal being quarantined becomes ill, it may be humanely destroyed in such a manner that the head is not mutilated. The head shall then be submitted to a laboratory certified by the Kansas Department of Health for rabies diagnosis. The head of each animal dying while in quarantine shall also be submitted for rabies diagnosis.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

viii. 6.04.050 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

~~Any person, firm or corporation violating any of the provision of this chapter shall, upon conviction thereof, be fined in a sum not less than sixty-seven dollars and fifty cents (\$67.50) nor more than one hundred dollars (\$100.00) for the first offense and a sum not less than eighty-two dollars and fifty cents (\$82.50) nor more than two hundred dollars (\$200.00) for the second offense or any subsequent offenses.~~

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

A. Chapter 6.08 IMPOUNDING ANIMALS²

Sections:

IX. 6.08.010 Impounding animals at large.

- A. It shall be the duty of the police officer or the animal control officer or designated agent to capture or take into custody and impound all animals at large within the corporate limits of the city. If the animal so running at large cannot be captured by the officer or designated agent and represents a threat to persons or other animals, it shall be lawful for the officer to tranquilize or kill any such animal by any available means.
- B. The animal control officer for the city may impound any animal observed to be at large, whether the animal is on public or private property, subject to the applicable provision of the law. If the animal control officer observes an animal on property which is owned by a person other than the owner of the animal, and observes the animal return to the property of its owner, the animal control officer may impound the animal or issue a citation for the animal running at large. In the event the animal is on private property or property of the animal's owner, the animal control officer, his/her agent, or police officer may enter the property, other than a private dwelling for the purpose of impoundment or issuance of a citation, or both, subject to the applicable provisions of this title and law.
- C. Proof that an animal was found at large in violation of this section, together with proof that the defendant was the owner of such animal at the time, shall constitute prima facie evidence that the defendant allowed or permitted the animal to be at large.
- D. Any dog or pup shall be deemed to be running at large when found off the real property of the owner and not under restraint. It shall be lawful for the animal control officer to pursue and capture such animals running at large and to enter a private property, as defined in Section 6.04.020.
- C. Any police officer or animal control officer, may take charge of any animal found running at large, injured, abandoned or showing evidence of cruel neglect upon either private or public property and inspect, care for, treat or transport such animal to the animal shelter for disposition.
- D. Any law enforcement officer, including the animal control officer or designated agent, shall be authorized to use a tranquilizer gun, and further shall be authorized to kill any animal which it is impractical or impossible to capture or tranquilize and that is endangering persons, other animal or property.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

x. 6.08.011 Keeping and feeding stray animals—Requirements, failure to surrender.

- A. It is unlawful for any person to knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on their property any animal which does not belong to him or her, it shall be the duty of the owner of the property to notify the animal control officer of the animal. Upon

²Prior history: Prior code §§ 3-302—3-308 and 3-310— 3-312 as amended by Ords. G-781 and G-873.

receiving such notice, the animal control officer or person duly authorized by the city manager shall take such animal and place it in the animal shelter.

- B. It is unlawful for any person to refuse to surrender any such stray animal to the animal control officer or person duly authorized by the city manager upon demand.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xi. 6.08.020 Impounding animals without licenses.

It shall be the duty of the police officers, or the animal control officer or designated agent, to take into custody and impound all dogs or cats found in the city which are not provided with or wearing a license tag for the current year, as required by Section 6.12.010 of this title. A license tag for the year immediately preceding the current year will remain in effect until March 1st of the current year.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xii. 6.08.030 Impoundment procedure and disposition.

If an animal impounded under Section 6.08.010 or 6.08.020 has no current animal license, as provided for by Section 6.12.010, it shall be kept for three business days, and if within that time the owner does not appear to claim such animal, it may be adopted, euthanized, or otherwise disposed of. If, within three days of the impoundment date, the owner of an impounded animal shall appear and claim such animal, the animal shall be turned over to the person claiming it upon payment of an impounding fee in accordance with Section 1.15.010, and upon compliance with the requirements of Sections 6.12.010 and 6.12.020. Provided that all stray animals or animals found running at large and picked up by the police officers, animal control officer or designated agent, shall be held and disposed of following the laws of the state about stray animals. (Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

If an animal impounded under Section 6.08.010 or 6.08.020 has no current animal license, as provided for by Section 6.12.010, it shall be kept for three business days, and if within that time the owner does not appear to claim such animal, it may be adopted, euthanized or otherwise disposed of. If, within three days of the impoundment date, the owner of an impounded animal shall appear and claim such animal, the animal shall be turned over to the person claiming it upon payment of an impounding fee of twenty dollars (\$20.00) if picked up within twenty-four (24) hours, and standard boarding fee of seven dollars (\$7.00) for each additional day or portion thereof such animal remains impounded, and upon compliance with the requirements of Sections 6.12.010 and 6.12.020. Provided that all stray animals or animals found running at large and picked up by the police officers, animal control officer or designated agent, shall be held and disposed of in accordance with the laws of the state pertaining to stray animals.

xiii. 6.08.040 Identification of owners—Notice to appear.

When any animal is found to be in violation of Section 6.08.020 or 6.16.050 of this title and the owner can be identified, the animal control officer or police officer may in addition to or in lieu of the impoundment provided for under Section 6.08.020 of this chapter, issue to the known owner a notice to appear for violation of this chapter, in the same manner as notices to appear are given in traffic violation cases as set out in other sections of this code.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xiv. 6.08.050 Redeeming impounded animals.

Any person who desires to redeem an animal which has been impounded shall provide reasonable proof of ownership, and shall pay to the city clerk or designated agent the standard claim fee ~~of twenty dollars (\$20.00)~~ for such animal plus a standard daily boarding fee ~~of seven dollars (\$7.00)~~ for each day or fraction thereof that the animal has been impounded, to cover the expense of feeding and caring for such animal. Such animal shall be delivered to the person upon the payment of the above cost and proof of ownership of a current license, in the case of dogs and cats, under Section 6.12.010 of this title. ~~The city manager shall from time to time establish the amount of the claim fee and daily board fee for all animals as required in this section. Standard claim fees and standard daily boarding fees shall be in accordance with Section 1.15.010.~~

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xv. 6.08.051 Redemption of impounded animal.

- A. Except as may be provided elsewhere in this chapter, the owner of any animal impounded in accordance with this chapter may reclaim, on any workday, such animal upon showing satisfactory proof of ownership and paying all impoundment and boarding fees and any other expenses incurred by the city or its agent in keeping the animal or attempting to locate the owner of the animal. If the owner does not pay such fees, or some alternate fee satisfaction. The animal may be sold or otherwise disposed of by the city or its agent.
- B. If a dog or cat has been impounded on two prior occasions, the dog or cat must be spayed or neutered before being released to the owner of the impounded animal on a third occasion. The owner of the dog or cat will be responsible for arranging for the spay or neuter surgery. The dog or cat will be transported to the veterinarian by an animal control officer or an employee or agent of the animal shelter. The cost to spay or neuter the dog or cat shall be paid by the owner, along with impoundment and boarding fees, either to the animal shelter or to the veterinarian in advance of transporting the animal for the surgery. After the surgery is performed, the veterinarian may release the dog or cat to the owner.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xvi. 6.08.060 Adoption of unclaimed animals.

Any person who desires to adopt an animal remaining unclaimed after the holding period described in Section 6.08.030 of this chapter shall pay any standard adoption fee established from time to time by the city manager, and in addition, shall comply with Section 6.12.010 of this title, concerning obtaining a current license for the adopted animal, and with state law concerning spaying or neutering (KSA 47-1731).

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xvii. 6.08.061 Adoption of animals.

- A. All animals which are adopted from the animal shelter shall be surgically altered to prevent reproduction by that animal. Any animal adopted from the animal shelter or other agent of the city, will be altered before it leaves the animal shelter. If the animal being adopted is not able for reasons of age or medical reasons to be sterilized, a general adoption agreement setting a date that the animal being adopted must be surgically

altered by (generally dogs and cats could be altered after reaching twelve (12) weeks of age) **will be signed by the person adopting the animal.**

- B. Failure to comply with this section or failure to comply with the terms of this adoption contract shall give the animal control officer the right to recover the adopted animal in question and revoke the owner's adoption contract. Such failure shall also constitute a violation of this chapter.
- C. The adoption fee shall be increased or decreased as needed by policy, to include and cover the cost of surgically altering, sheltering, medicating, vaccinating and preparing the animal for adoption.
- D. This section's requirements of altering and adoption fee shall not apply where cooperative agreements between the animal control division and any welfare group are made for the placement with such groups of animal subject to adoption. Likewise, this section's requirements shall not apply to animal transfers made under cooperative agreements between the animal control division and other governmental entities.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xviii. 6.08.070 Breaking pound.

It is unlawful for any person to break open or attempt to break open the animal shelter or any enclosure used for impounding dogs and cats, or to take or let out any dog or cat placed in such pound or facility by an officer of the city or designated agent, or take or attempt to take from any such officer any dog or cat taken up by him or her under the provisions of this title; or in any manner interfere with or hinder any such officer in the performance of his or her duties hereunder.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xix. 6.08.080 Animal dealers—State law adopted by reference.

KSA 47-1701 to 47-1731 **(et seq.)**, an act relating to animals providing for the licensing of animal dealers, the registering of pounds, the registering of animal shelters, the licensing of pet shop operators and animal dealers prescribing the powers and duties of the livestock commissioner; declaring certain acts to be unlawful and prescribing penalties for the violation thereof is incorporated by reference as if set out in full herein.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xx. 6.08.081 Commercial animal enterprise.

- A. Permits shall be required for all commercial animal enterprises and multi-animal owners. Commercial animal enterprises shall include but not be limited to enterprises such as kennels, pet shops, riding stables, animal auctions, performing animal exhibition, and animal training services, grooming shops, petting zoos, aviaries or any similar entrepreneurial relations regarding animals. No person shall maintain, harbor or care for more than four animals of any species without having obtained a multi-animal owner permit, excluding fish.
- B. Permits shall be valid for one year from date of issuance. **The permit fee shall be according to the schedule established in Appendix A incorporated herein by reference.** ~~Annual permit fees shall be in accordance with Section 1.15.010.~~
- C. The animal control officer upon an inspection finding inconsistent with the permit requirements of this section, may file an application with the city manager or his or her designee to revoke any permit issued under this section. The city manager or his or her designee may temporarily suspend any permit pending an

investigation if such immediate action is determined reasonably necessary to protect the public health or the safety of any animal.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxi. 6.08.085 Facility requirements for permits to board, house or otherwise keep animals.

- A. Upon inspection of the premises by the animal control officer, the permit shall be issued if the following conditions are met:
1. The facility must be adequate for the number and type of animals to be kept;
 2. Facility must be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept. Size of facility shall be in proportion to the size of the individual animal's height and weight;
 3. Adequate food and water must be provided so that each and all animal(s) kept shall be maintained in good health and free of malnutrition and/or dehydration;
 4. The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animal's health and/or to the health of the general public;
 5. The animals and the facility must be kept free of odor or stench which is offensive to a person of ordinary sensibilities;
 6. The animals must be maintained in a manner which does not endanger the health of the animals themselves or to adjacent animals;
 7. The animals must not cause odor which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises; and
 8. The applicant or holder of the permit shall not have been issued a citation for violation of this chapter on two separate occasions, or animals covered by or to be covered by the permit have not been impounded on two separate occasions.
- B. The ~~public works director~~ **City Manager or their designee** shall adopt standard operational procedures **for the animal control division** consistent with this section in providing guidelines and standards for the inspection of such facilities for permitting and for the periodic monitoring of such facilities. Such permitted facilities may be randomly inspected for compliance with the basic requirements stated herein at any reasonable time during regular business hours for commercial animal enterprise permitted facility. Refusal to allow such inspections shall be grounds for permit revocation.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxii. 6.08.087 Revocation or suspension of commercial animal enterprise.

Any commercial animal enterprise or multi-pet owner permit may be revoked if the owner's facility is found to be violation of this title, any zoning law, health law or any other applicable ordinance of the city or of the state of Kansas, or the facility is maintained in such a manner as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

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(Supp. No. 13)

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxiii. 6.08.090 Designation of agent.

The city manager may from time to time designate a licensed veterinarian of the city to act as an agent for the city under any of the applicable sections of this title.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxiv. 6.08.100 Other nondomestic animals and issuance of permit to operate circus or zoo.

- A. Notwithstanding the provisions of special certificates of registration of dangerous wild animals and other nondomestic animals noted in such sections, a certificate may be issued in conjunction with the issuance process of permitting circus or non-accredited zoo operations within the city. The issuance of such permits shall provide an exception to said sections and classify such animals as "restricted" and subject to the terms set out in the application and agreement processes provided herein. The application for certificate and permit shall be made to the animal control **department officer** on a form provided for by **the department city**. Such form shall contain a formal "agreement" between the city and the applicant relating to routine permitting criteria and specifically, general business practices as these relate to the type of permit required (circus or zoo), hours of operation, and covenants to observe approved safety and escape prevention procedures. Approved permits and related certificates of registration shall be issued under the authority of the city manager. Applications shall be investigated for reputation for historical compliance with similar laws in this jurisdiction and others, and the applicant shall provide the following information and documentation:
1. A health certificate from a licensed veterinarian that the animal is free from symptoms of infectious disease or is under treatment. A new health certificate is required each time the permit is renewed. A copy will remain with the animal control officer;
 2. Copies of applicable state or federal permits or licenses as required by either of those entities for the keeping of the particular animal in question. These copies will be retained by the animal control officer;
 3. Information relating to the owner including emergency telephone numbers and telephone numbers for their veterinarian in case of emergencies;
 4. Present proof of liability insurance or financial responsibility in the amount of one hundred thousand dollars (\$100,000.00) to cover the damages resulting from an escape and/or attack;
 5. Agreement to allow reasonable access for inspection by animal officer;
 6. Enter into an agreement with the city that safety and escape prevention be maintained on a twenty-four (24) hour basis, the failure of which shall be grounds for permit revocation and documentation of compliance with all other applicable city ordinances, including, but not limited to, building, planning and zoning.
- B. The negligent escape of any animal subject to permitting under this section shall be prima facie evidence of a breach of the safety and escape prevention covenants required herein.
- C. Failure to provide required information or documentation, unsatisfactory investigative finding shall be grounds for denial of permit. An appeal of denial of permit shall be made in writing within ten days of the notice of denial to the city manager. The city manager may review the issues leading to the denial or conduct an administrative hearing, and decide the issue, in either. The decision of the city manager is final.

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- D. Before a certificate and permit is issued the animal control officer shall inspect the facility where the animal(s) is/are to be kept, which must meet the following criteria:
1. Each enclosure must provide adequate exercise and sleeping quarters;
 2. Proper temperature control and ventilation for the particular species must be provided in both areas;
 3. Each enclosure must be kept locked and designed so that no one can enter or place appendages in the enclosure;
 4. Each enclosure must be constructed so as to prevent the animal from escaping;
 5. Each enclosure must be kept in good repair to prevent both escape and injury to the animal;
 6. Each enclosure must have a water container which is secured so as to prevent it being overturned; and
 7. Each enclosure must be cleaned daily.
- E. The Animal control officer may when deemed necessary, employ the services of a licensed veterinarian to assist in this application process and applicant shall be responsible for the reasonable cost associated with such service in addition to any permit fees required under this act.
- F. Each animal must be provided with continuous clean water and must be fed a diet approved by a licensed veterinarian.
- G. Any animal which has bitten or scratched someone must be immediately surrendered to the animal control officer for euthanasia and testing by the Kansas Department of Health. A live test approved by the Kansas Department of Health may be substituted for euthanasia.
- H. Fee for circus/zoo registration and permit shall be in accordance with Section 1.15.010 according to the schedule established in Appendix A incorporated herein by reference, and the permit shall expire one year from the date of issuance and shall not be transferable. Major modification or additions to such facilities' animal containment areas shall require a re-inspection and/or re-permitting of the circus or zoo. In such instances, original application fee shall be collected.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxv. **6.08.110 Violation of sections regarding prohibited animals.**

- A. It shall be a violation of this section if a person keeps or permits to be kept on his or her premises any wild or dangerous animal for display or exhibition purpose and each day of noncompliance shall constitute a separate offence.
- B. It shall be a violation of this section if a person possesses an animal prohibited and each day shall constitute a separate offense. In addition to any criminal penalty, if a person possesses as animal classified as a "dangerous wild animal" in violation of this section, that person is liable for a civil penalty of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000) in accordance with Section 1.15.010 for each dangerous wild animal in violation and for each day the violation continues. The city attorney may bring suit to collect said penalty and cost allowed by statute and such penalty shall be retained by the city.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

A. Chapter 6.12 ANIMAL LICENSES AND PERMITS³

Sections:

xxvi. 6.12.010 License.

Any person owning, keeping, or harboring any dog(s) or cat(s) within the city older than minimum age must obtain a license as provided in this chapter. Application shall be made to the city clerk or designated agent which shall include the name and address of the applicant owner, description of the animal, and the appropriate fee. License fees shall not be required for seeing-eye dogs or governmental police dogs. This requirement shall not apply to a nonresident keeping a dog or cat within the city for no longer than sixty (60) days.

Enforcement: For the purposes of discharging the duties imposed by this section and to enforce its provisions, any police officer or animal control officer is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal or the license for such animal in accordance with the provision of this section, to include random city-wide canvassing and checks for compliance with this section. The owner of any animal is required to produce the license and vaccination information for each animal in his or her ownership upon demand by the animal control officer or police officer.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxvii. 6.12.015 Number of animals allowed.

- A. No person in charge of a residence may own or harbor more than four dogs or four cats or any combination thereof without first obtaining a kennel license.
- B. The maximum number of permitted fowl without a permit shall not exceed six fowl for a residential lot.
- C. The number of permitted fowl with a permit shall not exceed one permitted fowl per fifty (50) square feet of lot size, rounded down.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

(Ord. No. G-1161, § 2, 9-4-13)

xxviii. 6.12.020 Vaccination required.

- A. Any person making application for a license shall be required to present or exhibit to the city clerk or designated agent a statement or certificate issued by a licensed veterinarian showing that such animal has been vaccinated or inoculated with recognized anti-rabies vaccine and that the vaccination or inoculation of such animal will provide adequate protection for the entire licensing period for which the tag is issued. The city clerk shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

³Prior history: Prior code §§ 3-201—3-211 as amended by Ords. G-781, G-879 and G-935.

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- B. All dogs or cats four months of age or older within the city shall be vaccinated against rabies. Such vaccinations shall provide adequate protection for the entire licensing period for which the tag is issued.
- C. A veterinarian who vaccinates a dog or cat against rabies shall issue to the owner of such dog or cat a vaccination certificate on a form approved by the Kansas Department of Health. The veterinarian shall also issue a metal tag with the veterinarian's address and the year of the vaccination stamped thereon. Upon vaccination, the veterinarian shall execute and **finish furnish** to the owner of the dog or cat as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate and one copy shall be filed with the owner. Such certificate shall contain the following information:
1. The name, address and telephone number of the owner of the vaccinated dog or cat;
 2. The date of vaccination;
 3. The type of rabies vaccine used;
 4. The year and number of the rabies tag; and
 5. And the breed, age, color and sex of the vaccinated dog or cat.
- D. Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance.
- E. It is unlawful for any person within the city to own, keep, posses, harbor or allow to remain upon premises under his or her control any dog or cat which has not been vaccinated as required herein. Any person establishing residence within the city shall comply with this title within ten days of establishing such residency.

Proof of Vaccination—Dismissal—Fine. The failure of a dog or cat to wear a vaccination tag on a collar shall be prima facie evidence of the failure to vaccinate the animal as required by this section. To prove that a dog or cat was vaccinated at the time of the offense, the owner of the dog or cat must present a copy of the vaccination certificate issued by the veterinarian that shows the date the vaccination was administered. The offense shall be dismissed upon verification that the animal alleged in the offense was vaccinated on the date of the offense with the payment of **an twenty-dollar (\$20.00) administrative fee in accordance with Section 1.15.010.**

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxix. 6.12.030 Licensing period and procurement.

All licenses shall be acquired at the office of the city clerk or designated agent. The licensing period shall begin January first and shall run for one year. Application for license may be made thirty (30) days prior to and not more than sixty (60) days after the beginning of the licensing period; provided, that if the license tag required for any such animal shall not be obtained prior to March first of any year, the owner or harbinger shall pay a penalty **of two dollars (\$2.00)** per month for each month delay in obtaining the license required by Section 6.12.010 of this chapter in **accordance with Section 1.15.010.** Persons making application for animals brought into the community or reaching minimum age on or after March first of the licensing year shall be required to pay fifty (50) percent of the fee stipulated in Section 6.12.050 of this chapter to license the animal for the remainder of the period. The penalty hereinabove provided shall be in addition to that provided under Section 6.12.110 of this chapter.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxx. **6.12.040 Tags.**

It shall be the duty of the city clerk or designated agent to procure at the expense of the city such number of suitable city identification tags as may be necessary, numbered and showing the year for the purpose designated in Section 6.12.010 of this chapter. Upon presentation of the information required by Sections 6.12.010 and 6.12.020 of this chapter, the city clerk or designated agent shall issue a current tag and receipt showing the name and address of the owner, a description of the animal for which the tag is issued, and the number of the identification tag.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxxI. **6.12.050 Licensing fees.**

Upon receipt of an application meeting the requirements of Sections 6.12.010 and 6.12.020 of this chapter, the city clerk or designated agent shall issue a license after payment of the applicable fees in accordance with Section 1.15.010.

Upon receipt of an application meeting the requirements of Sections 6.12.010 and 6.12.020 of this chapter, the city clerk or designated agent shall issue a license after payment of the applicable fees as follows:

A. Each unneutered dog or cat — Forty dollars (\$40.00) per year

B. Each neutered dog or cat — five dollars (\$5.00) per year

Provided, that any animal which is incapable of reproduction as verified by a licensed veterinarian, shall be considered neutered for the purpose of licensing.

Provided, that the city clerk or designated agent shall issue on e duplicate tag to replace a tag which has been lost, upon payment of a replacement fee of five dollars (\$5.00).

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxxII. **6.12.055 Guard dogs.**

- A. All dogs which are trained by a certified professional and kept solely for the protection of persons and property, residential, commercial or personal, shall obtain a permit from the animal control officer. The fee for this permit shall be in accordance with Section 1.15.010. ~~according to the schedule established in Appendix A incorporated herein by reference.~~ The area premises in which such dog is confined shall be conspicuously posted with warning signs bearing letters not less than two inches high, stating "Guard Dog On Premises."
- B. The area of premises shall be subject to inspection by the animal control officer to determine that the animal in question is maintained and secured at all times in such a manner so as to prevent its coming in contact with the public.
- C. This section does not apply to dogs used by federal, state, county, or municipal law enforcement agencies or correctional institutions.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxxiii. 6.12.060 Use regulated.

Dogs and cats must wear identification tags at all times when off the premises of the owner(s). No person may use any license for any animal other than the animal for which it was issued. It is unlawful for any person or persons to counterfeit the license tags herein authorized, or to take or steal from any animal the tag duly purchased and be placed on such animal by the owner or harbored thereof. It is unlawful for the owner of any dog or cat to permit such dog or cat outside the dwelling of the owner without a collar or harness. The tag required in Section 6.12.010 shall be securely affixed to the collar or harness of each dog or cat registered.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

xxxiv. 6.12.070 Kennels—Permit requirements.

Any person maintaining or operating a kennel within the city must obtain a permit as provided in this chapter. Written application shall be made to the animal control ~~division officer~~ or designated agent, which shall include name and address of applicant, description and type of all animals kept or harbored on one premises for a period of longer than three months during the permit period. Permits will not be required for veterinary hospitals, animal clinics or public animal shelters.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

xxxv. 6.12.080 Permit period and issuance.

A. Permit period shall begin January 1st and run for one year. Applications for permits may be made thirty (30) days prior to and up to sixty (60) days after the beginning of the permit period. Upon receipt of the permit application, the ~~director of public works shall direct the animal~~ control officer ~~to shall~~ inspect the premises, enclosures and/or equipment of the applicant for compliance with provisions of this chapter and other applicable laws. Following approval by the ~~animal~~ control officer and payment of the applicable fee hereinafter set out, a permit shall be issued.

B. Annual Permit Fees:

1. Annual permit fees shall be in accordance with Section 1.15.010.

~~Class 1 kennel (authorized to house five or more dogs or cats or combination of either) — seventy-five dollars (\$75.00);~~

~~2. Class 2 kennel (authorized to house eight or more dogs or cats or combination of either) — seventy-five dollars (\$75.00).~~

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

xxxvi. 6.12.090 Kennels regulated—Location.

A. Any person operating a kennel within the city shall comply with all other sections of this chapter, including but not limited to animals at large, licensing requirements, and cruelty to animals.

B. No Class 1 kennel may be located in a residential zone. Currently licensed kennel owners in a residential zone and those who become licensed in a residential zone prior to March 1, 2003, may continue to renew their

Class 1 kennel license thereafter until the kennel is phased out pursuant to a policy implemented by the city of El Dorado whereby any animals that are permanently removed from the premises may not be replaced. Any change in the number of animals shall be reported by the licensed owner to the animal control ~~department officer~~ and their license will be adjusted accordingly.

- C. Kennel construction and location must comply with zoning regulations in effect in the city.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxxvii. 6.12.100 Revocation.

The animal control ~~division officer~~ may revoke any permit or license if the person holding such permit or license refuses or fails to comply with this chapter or any law governing the protection and keeping of animals. Any person whose permit or license is revoked shall within ten days thereafter humanely dispose of all animals owned, kept or harbored by such person and no part of the permit or license fee shall be refunded. No person who has been convicted of cruelty to animals shall be issued a kennel permit. Any person having been denied a permit may not reapply for a period of thirty (30) days. ~~Each reapplication shall be in accordance with Section 1.15.010. Each reapplication shall be accompanied by a twenty-five (\$25.00) fee.~~

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxxviii. 6.12.110 Requirements for sale.

- A. It is unlawful for any person, firm or corporation to sell or attempt to sell dogs or pups in the city without furnishing a certificate showing the date of birth of such dog or pup and its name and address, or a health certificate from a licensed veterinarian, which certificate shall be transferred to the purchaser of such dog from the person selling the dog.
- B. It is unlawful to sell any dog over six months of age unless the dog has first been inoculated against rabies and a certificate of vaccination issued.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

xxxix. 6.12.120 Violation—Penalty.

~~Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010.~~

~~Any person, firm or corporation violating any of the provision of this chapter shall, upon conviction thereof, be fined in a sum not less than sixty-seven dollars and fifty cents (\$67.50) nor more than one hundred dollars (\$100.00) for the first offense and a sum not less than eighty-two dollars and fifty cents (\$82.50) nor more than two hundred dollars (\$200.00) for the second offense or any subsequent offenses.~~

~~(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 200~~

A.

B. Chapter 6.14 Service Animals

Section:

XL. 6.14.010 Service animal verification.

Procedure for verification of person's right to be accompanied by assistance dog or professional therapy dog.

- A. If a question arises as to whether an assistance dog qualifies under this act to accompany a person with a disability in or upon any place set forth in K.S.A. 39-1101 [\(et seq.\)](#), and amendments thereto, the person with a disability may produce for the employee or person responsible for such place an identification card or letter conforming to the requirements of this subsection. Upon production of such identification card or letter, the assistance dog shall be allowed to accompany the person with a disability in or upon such place.
1. If the assistance dog has been trained by a training facility, school or trainer, the identification card or letter shall be provided by the training facility, school or trainer that trained the dog and shall contain the following information:
 - a. The legal name of the dog's user;
 - b. The name, address and telephone number of the facility, school or trainer who trained the dog;
 - c. Whether the dog is designated as a guide, hearing assistance or service dog; and
 - d. A picture or digital photographic likeness of the dog user and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.
 2. If the assistance dog has been trained by the person using the dog, the identification card or letter shall contain the following information:
 - a. The legal name of the dog's user;
 - b. The dog user's address;
 - c. A statement that the dog has been trained to mitigate the dog user's disability; and
 - d. A picture or digital photographic likeness of the dog user and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.
- B. If a question arises as to whether a dog handler is qualified, or whether the dog accompanying the handler is qualified as a professional therapy dog, to enter in or upon the places set forth in K.S.A. 2012 Supp. 39-1110 [\(et seq.\)](#), and amendments thereto, an employee or person responsible for such places may request, and the qualified handler shall produce, an identification card or letter, provided by the training facility, school or trainer who trained the dog. Such card or letter shall contain the following information:

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1. The legal name of the qualified dog handler;
 2. The name, address and telephone number of the facility, school or trainer who trained the dog;
 3. Information documenting that the dog is trained to provide therapeutic supports; and
 4. A picture or digital photographic likeness of the qualified handler and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.
- C. If a question arises as to whether an individual accompanied by a dog is a professional trainer, from a recognized training center, of an assistance dog, in order to enter in or upon a place set forth in K.S.A. 39-1101 **(et seq.)**, and amendments thereto, an employee or person responsible for such place may request, and the trainer shall produce, an identification card provided by the recognized training center containing the following information:
1. The legal name of the trainer;
 2. The name of the training center;
 3. The address and telephone number of the training center;
 4. The types of functions for which dogs are trained by the center; and
 5. A picture or digital photographic likeness of the trainer.
- D. An identification card or letter produced for inspection pursuant to this section shall be promptly returned to the person with a disability, the qualified handler or the professional trainer after inspection.
- E. Service animals are required to be registered pursuant to Section 6.12.010.
- (Ord. No. G-1290, § 2, 9-4-18)

A. **Chapter 6.16 ANIMAL PROTECTION AND CONTROL REGULATIONS⁴**

Sections:

1. **Article I. General**

XLI. **6.16.010 Cruelty to animals.**

It is unlawful for any person to:

- A. Willfully or maliciously kill, maim, disfigure, torture, beat with any object, mutilate, burn or scald with any substance, or otherwise cruelly set upon any animals; except that reasonable force may be employed to drive off dangerous animals;
- B. Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;

⁴Prior history: Prior code §§ 3-103—3-105, 3-108, 3-301, 3-309, 3-312 as amended by Ord. G-781.

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- C. Have, keep or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition except as hereinafter provided. The municipal court judge may order a person convicted of a violation of this subsection to turn the animal involved over to a designated humane society or animal shelter. All such animals taken by the designated agency may be destroyed humanely as soon thereafter as is conveniently possible. This section shall not be construed to include veterinary hospitals or animals under active veterinary care;
 - D. Sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl, except pigeons, under two months of age in any quantity less than twelve (12); or to sell, offer for sale, barter, give away, or display animals or fowls as specified in this section, which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color; provided, however, that this section shall not be construed to prohibit the sale of animals or fowls as specified in this subsection; in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;
 - E. Promote, state, hold, manage or in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purposes of injuring, killing, maiming or destroying themselves or any other animals;
 - F. Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter or protection from the elements as necessary for health and well-being of such kind of animal;
 - G. Use, place, set out or deploy any above-ground animal trap that will damage or injure any animal when caught by the device or trap.
 - H. Use or facilitate combat between animal or between animals and humans.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

XLII. 6.16.013 Dog fighting—Penalty—Animal fighting equipment.

- A. Every person who by words, signs or otherwise, sets any dog(s) or pup(s) to fight, or causes any dog(s) or pup(s) to attack any other dog or any other animal, or aids or abets or encourages any dog(s) or pup(s) to attack or chase any human being not engaged in malicious acts, or being the owner, keeper or harbinger of any dog(s) or pup(s) who knowingly permits such dog(s) or pup(s) to fight without endeavoring to prevent such fighting, shall be guilty of a Class A misdemeanor.
- B. It is unlawful for any person to intentionally, knowingly, recklessly, or with criminal negligence, to use or allow or permit to be used, property that he or she owns or has control over, for the purpose of conducting animal fights. For purposes of this section, "animal" shall mean a domesticated living creature and wild living creatures previously captured, other than a dog.
- C. It is unlawful for any person to possess animal fighting equipment within the city. As used herein, the term "animal fighting equipment" means any equipment used for training, handling, housing, feeding or transporting fighting animals. The term also includes animals being used, trained or bred for fighting or intended to be used, trained, or bred for fighting.
- D. A violation of this provision is a Class B misdemeanor.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

XLIII. 6.16.015 Neglectful care of animals.

- A. It is unlawful for any person to fail, refuse or neglect to provide any animal in his or her charge or custody, or otherwise, with proper food, water, shade, adequate shelter or veterinary care when needed to prevent suffering or grooming, when lack thereof would adversely affect the health of the animal, or with humane care and treatment.
- B. To provide "adequate shelter" for a dog or cat the following standards must be met:
 - 1. The shelter must provide protection from the weather, i.e., sun, wind, precipitation (in whatever form), or other inclement weather conditions.
 - 2. If there are no artificial heat sources, the structure shall be small enough to allow the dog or cat to warm the interior of the structure and maintain its body heat, but large enough to permit normal postural adjustments, or standing.
 - 3. Plastic air shipping containers and/or pet carriers shall not be used as outdoor shelters.
- C. A written warning of violation requiring that the condition be corrected within a specified time period shall be issued to a person before any notice to appear at the municipal court may be issued or before a complaint may be filed with the municipal court.

Animal in State of Pain or Suffering.

- 1. If any animal without a license tag or other identifying marker is found in a state of pain and suffering or becomes so during confinement, the animal control **division officer** may dispose of the animal in any humane manner without complying with the three-day (seventy-two (72) hour) waiting period as set out herein.
- 2. If the owner or keeper of an animal found in a state of pain or suffering refuses to assume responsibility to care for the animal, the animal control officer may dispose of the animal in a humane manner.

Animal in Motor Vehicles.

- 1. It is unlawful for any person to leave any animal in any standing or parked vehicle in such a way as to intentionally, knowingly, recklessly, or with criminal negligence endanger the animal's health, safety or welfare. An animal control officer, or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered if the owner of the vehicle cannot be located after reasonable attempts. The animal shall be taken to the animal shelter or to a veterinarian if the animal is in distress. A written notice bearing the name of the officer removing the animal, a telephone number where he or she can be contacted and the location where the animal may be claimed by the owner shall be attached to the vehicle. Any person violating this section shall bear the full cost and expense incurred by the city in the care, medical treatment, impoundment cost and disposal of the animal, including the removal from a vehicle in addition to any criminal penalty that may imposed under this section.
- 2. Instances where occupants of motor vehicles are involved in a traffic accident or other vehicle related incidents which result in animals being left uncontrolled or unattended, animal control or police officers of the city are authorized to take welfare custody of such unattended animals. In the interest of the health, safety or welfare of such animals, officers are authorized to transport such animals to the city's animal shelter. Information shall be provided to the animal's owner as to the animal's disposition. Animal owners shall bear full cost and expense incurred by the city in the care, medical treatment, impoundment cost or other associated costs.

Right of Entry—Penalty. It is unlawful for any person to conceal a dog or pup or interfere with the animal control officer or any law enforcement officer in the performance of his or her legal duties, as provided in this chapter. The officers shall have the right of entry onto any unenclosed lots or lands for the purpose of collecting any dog or pup which is on such lot or land in violation of this article and whose presence or existence is a violation of the provisions of this article. The officers shall have the right of entry to any property or having rabies, having been exposed to rabies or having bitten a person or other animal.

Tethered Animals. It is unlawful for any person to tether, chain or fasten any animal in such a manner as to permit it to be upon any public sidewalk or street or to leave it unattended while tethered, chained or fastened on public property. It is unlawful to tether, chain or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food and water.

Giving Animals as Prizes or Inducements.

1. No person shall give away any live animal, reptile, fowl, livestock or wildlife as a prize for or as an inducement to enter any contest, game or other competition; or as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade.
2. The prohibition contained in this section shall not apply to fish or to animals given as prizes at a rodeo contest or livestock show or as part of an FFA, 4-H or similar project.

Prima Facie Evidence. In any prosecution charging a violation of this chapter, governing the abuse, neglect or ownership of an animal or failure to license an animal as herein required, proof that the particular property described in the complaint was the premises upon which the animal resided, was harbored or maintained and a violation of any section of this chapter occurred involving said animal, together with proof that the defendant named in the complaint was, at the time of such complaint or at the time when the animal was in violation of this chapter, the registered owner of such animal or the person with legal rights to reside on said property, shall constitute in evidence a prima facie presumption that the registered owner of the animal and the person who failed to comply with this chapter.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

XLIV. 6.16.020 Indecent exhibitions—Prohibited.

No person shall breed or permit the breeding of any animal in public view within the city. Every female dog or cat in heat shall be confined by the owner in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal, except for planned breeding.

A. Confinement During Estrus.

1. **Secured Enclosure Required.** Any unspayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure and the area of enclosure shall be so constructed that no other dog or cat may gain access to the confined animal except for controlled breeding permitted by the owner of the female.
2. **Chaining or Tethering.** Additionally, the female dog or cat shall not be chained or tethered, except in a secured enclosure, and if chained or tethered within a secured enclosure, the female dog or cat may not be chained or tethered in a manner that prevents her from defending herself or from avoiding a male.
3. **Removal of the Animal.** Owners who do not comply shall be ordered to immediately remove the animal in heat to a veterinary hospital or the animal shelter. Failure to comply with the removal order of the animal control officer shall be a violation of this chapter and the dog or cat will then

be impounded as prescribed herein. All expenses incurred, as a result of this confinement, shall be paid by the owner.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

XLV. 6.16.025 Trapping.

A. Trapping and Shooting.

1. **Trapping Prohibited.** It is unlawful to set, trigger, activate or otherwise use, or cause to be set, triggered, activated or used, any steel-jawed, leg-hold trap, or for any person, other than animal control officers, to set or otherwise use other trapping devices including "live traps" used for the capture of any animal. Consistent with the provisions herein, the animal control division is authorized to utilize humane "live traps" and may conduct trapping operations or provide or authorize the use of such devices' use to property owners as may be needed throughout the city. This subsection is not intended to prohibit the prudent use of traps on one's own property to control rodents.
2. **Domestic Animals.** It is unlawful for any person to shoot a domestic animal within the corporate limits of the city. Except this subsection shall not be construed or interpreted to prohibit the animal control division from utilizing certain firearms in emergency field conditions where such actions are provided for by law or policy.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

XLVI. 6.16.030 Animal enclosure regulations.

No person shall, as owner, lessee or occupant, maintain any stable, shed, pen or other enclosure where any animals are kept closer than twenty-five (25) feet to the dwelling house of another, or shall permit the same to remain uncleaned as determined by the control officer.

A. Maintenance Requirements—Penalty.

1. **Cleanliness.** It is declared to be a nuisance and unlawful for any person to maintain any dog or pup in an area that is not at all times clean, dry and sanitary and free from excessive debris, garbage, water and offensive odors. All yards and pens shall be cleaned daily.
2. **Drainage of Premises.** All dog pens and yards shall be so located that an adequate drainage is obtained and normal drying occurs and standing water is avoided.
3. **Inspection by City.** All premises subject to the right of entry on which any animals are kept shall be subject to inspection by animal control officers. If the authorized personnel of the city determines from such inspection that the premises is not being maintained in a clean and sanitary manner, such deficiencies shall be corrected within forty-eight (48) hours after notice is served on the occupier of said premises.

B. Pens and Coop—Locations.

1. All fowl and rabbits shall be kept within a pen, coop or hutch. A fenced yard shall not qualify as a pen or coop.
2. Any person keeping or harboring an animal, other than livestock, shall locate any pen, coop, or hutch at least fifty (50) feet from any residence, excluding the residence of the person keeping or harboring the animals.

C. Sale of Animals in Public Places.

1. Not in lieu of or withstanding any permit requirements imposed herein, if an animal is offered for sale in a public place within the city, the person offering the animal for sale of the animal, the manager of the property which is the public place on which the offer is being made, and the owner of the property which is the public place on which the offer in being made, shall be responsible for ensuring that the animal protections of this article are complied with in regard to the animal offered for sale in a public place during the time the animal is in the public place.
2. If an animal offered for sale in a public place is kept within a cage or pen of any type, such cage or pen shall comply with the following requirements:
 - a. The cage or pen must be large enough for the animal to stand on all of its legs and hold its head in a natural position and not be in a crouched position. The cage or pen must also have enough room for the animal to turn around or move without stepping on another animal, animal feces or food or water provided for the animal;
 - b. Then cage or pen must either have room for water and food or have water and food situated so that the animal has access to it through the cage; and
 - c. The cage or pen must be situated so that air may circulate through it, so that any animal kept within the cage or pen is not exposed to extreme heat. During cold or inclement weather, cages or pens should be situated so that animal contained therein may stay warm and stay dry.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

XLVII. 6.16.040 Animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public rights-of-way, recreation areas or private property.

A. Animal Defecation Prohibited in Certain Areas.

1. It is unlawful for the owner or person in control of an animal to intentionally, knowingly, recklessly or with criminal negligence allow or permit such animal to defecate on any public property or improved private property other than that of the owner of the animal. That the animal was at large at the time it defecated on any property shall constitute a prima facie evidence that the owner or person in control of the animal allowed or permitted the animal to so act.
2. Exception. It is an exception to the application of this section that the owner or person in control of the animal immediately removed and cleaned up such animal's feces from public or private property.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

XLVIII. 6.16.050 Violation—Penalty.

Any person violating any of the provisions of this article shall, upon conviction thereof, be in accordance with Section 1.15.010.

Any person violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not less than sixty dollars (\$60.00) nor more than eighty dollars (\$80.00) for the first offense and any sum not less than eighty dollars (\$80.00) nor more than one hundred dollars (\$100.00) for any subsequent offenses.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

1. Article II. Control and Enforcement

XLIX. 6.16.060 Animals at large prohibited.

It is unlawful for any person who owns, keeps or harbors any animal to permit the same to run at large within the city.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

L. 6.16.070 Nuisances.

- A. It is unlawful for any person within the city to keep, own or harbor any animal which is a public nuisance as determined by the control officer. Failure to abate such nuisance within five days from date of written notification by the animal control ~~division~~ officer will be deemed to be a violation of this chapter.
- B. As used in this article, "nuisance animal" shall be defined as any animal that commits any of the acts listed herein:
 - 1. Molests or chases pedestrians, passersby or passing vehicles, including bicycles, or molests, attacks or interferes with other animals or persons on public property or private property other than that of the owners;
 - 2. Makes unprovoked attacks on other animals of any kind or engages in conduct which establishes such animal as a "Dangerous Animal";
 - 3. Is repeatedly at large; specifically, three or more times per twelve (12) month period (excluding domestic cats);
 - 4. Damages, soils or defiles public property or private property, other than property belonging to or under the control of the owner;
 - 5. Repeatedly defecates on property not belonging to or under the control of its owner, unless such waste is immediately removed and properly disposed of by the owner of the animal (including domestic cats);
 - 6. Barks, whines, howls, crows, crackles or makes any noise excessively and continuously, and such noise disturbs a person of ordinary sensibilities;
 - 7. Produce odors or unclean conditions sufficient to annoy persons living in the vicinity; or
 - 8. Is unconfined when in heat.
- C. If the animal control officer determines that any animal is a nuisance, the animal control officer may issue an order requiring that the owner meet certain remedial requirements to correct the conduct of the animal. The order, the form of which shall be provided for by policy, shall be given to the owner by personal service or by certified mail, return receipt requested. The owner may file a written appeal to this order clearly stating the reasons for the appeal, to the city manager within ten days of service. The city manager or designee shall

review the appeal to determine the issues stated. The city manager shall make his or her decision on the basis of preponderance of the evidence presented. The decision of the city manager shall be rendered within thirty (30) days from receipt of the appeal and the decision of the city manager shall be final. Nothing herein precludes the city from seeking other remedies if an owner fails to comply with the remedial requirements stated or the decision rendered in the appeal process.

- D. Persons residing within six hundred (600) feet of a person who harbors or keeps an animal that they believe to be nuisance may initiate a written, signed complaint, the form of which shall be provided for by policy, with the animal control **division officer**. The animal control division shall investigate the merits of such complaints to determine if the stated animal is a nuisance as defined herein. If the animal is determined to be a nuisance animal the procedure set forth in subsection (B) of this section shall apply.
- E. No person shall construct, place or maintain any beehive within three hundred (300) feet of any residence other than that of the owner except with the consent of the occupants of all such residences.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

LI. **6.16.080 Violation—Penalty.**

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined in **accordance with Section 1.15.010 any sum not less than thirty dollars (\$30.00) nor more than one hundred dollars (\$100.00) for the first offense and any sum not less than sixty dollars (\$60.00) nor more than two hundred dollars (\$200.00) for the second offense, and any sum not less than seventy dollars (\$70.00) nor more than three hundred dollars (\$300.00) for any subsequent offenses.**

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

A. **Chapter 6.20 WILD AND DANGEROUS ANIMALS⁵**

Sections:

LII. **6.20.010 Keeping of wild or exotic animals.**

- A. It is unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any wild or exotic animal as previously defined or any poisonous reptile or any other dangerous, wild or exotic animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, exotic, vicious or dangerous propensities.
- B. It is unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:
 - 1. All poisonous animals including rear-fang snakes;
 - 2. Apes: chimpanzees; gibbons; gorillas, orangutans; and siamangs;
 - 3. Baboons;
 - 4. Badgers;

⁵Prior history: Prior code §§ 3-401—3-407 as amended by Ords. G-781 and G-841.

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5. Bears;
 6. Bison;
 7. Bobcats;
 8. Cheetahs;
 9. Crocodilians, thirty (30) inches in length or more;
 10. Constrictor snakes;
 11. Coyotes;
 12. Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
 13. Elephants;
 14. Game cocks and other fighting birds;
 15. Hippopotami;
 16. Hyenas;
 17. Iguana;
 18. Jaguars;
 19. Leopards;
 20. Lions;
 21. Lynxes;
 22. Monkeys;
 23. Ostriches;
 24. Pumas; also known as cougars, mountain lions and panthers;
 25. Raccoons;
 26. Rhinoceroses;
 27. Scorpions;
 28. Skunks;
 29. Tigers;
 30. Wolves.
- C. The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:
1. Their location conforms to the provisions of the zoning ordinance of the city;
 2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
 3. Animals are maintained in quarters so constructed as to prevent their escape.
- D. The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.

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- E. The city manager or animal control officer may issue a temporary permit without fee for the keeping, caring and protection of an infant animal native to this area which is deemed to be homeless and shall have the power to release or order the release of any infant wild animal, in a proper place outside the city limits kept under temporary permit, which is deemed capable of survival.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

LIII. 6.20.020 Dangerous animals.

It is unlawful for any person within the city to keep, own or harbor any dangerous animal as determined by the animal control officer, using established departmental guidelines, unless such person shall conform to regulations for keeping such animals in Section 6.20.060 of this chapter.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

LIV. 6.20.030 Vicious animals.

Keeping Vicious Animals—Court Action. Upon a finding by the Municipal Court that any animal in the city is vicious as deemed by the animal control division, the judge of the municipal court shall order the animal seized, impounded, and destroyed by the proper authority. The judge of the municipal court may permit the owner to post cash bond in accordance with Section 1.15.010 to ensure that the vicious animal is confined in a manner which protects humans and domestic animals from possible bite and/or attack. If such vicious animal is found by the judge of the municipal court to have not been confined in an appropriate manner during the bond period, such bond shall be forfeited to the city in addition to any other penalties imposed. Lack of knowledge by the owner of the viciousness of an animal shall not be a defense to any action brought under this section.

~~**Keeping Vicious Animals—Court Action.** Upon a finding by the Municipal Court that any animal in the city is vicious as deemed by the animal control division, the judge of the municipal court shall order the animal seized, impounded and destroyed by the proper authority. The judge of the municipal court may permit the owner to post cash bond in the sum of up to five thousand dollars (\$5,000.00) to ensure that the vicious animal is confined in a manner which protects humans and domestic animals from possible bite and/or attack. If such vicious animal is found by the judge of the municipal court to have not been confined in an appropriate manner during the bond period, such bond shall be forfeited to the city in addition to any other penalties imposed. Lack of knowledge by the owner of the viciousness of an animal shall not be a defense to any action brought under this section.~~

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

LV. 6.20.040 Restrictions on the ownership of Staffordshire Terriers and mix breeds thereof.

- A. **Registration and Reporting.** The owner or keeper of a Staffordshire Terrier and mix breeds thereof shall properly license the dog pursuant to Section 6.12.010 of this code, and pursuant to the provisions set forth in this subsection. In addition to having, or obtaining, the license required by Section 6.12.010, an owner or keeper shall submit a completed registration form for the keeping of a Staffordshire Terrier and mix breeds thereof to the city clerk or his/her designee within thirty (30) business days after the publication of the ordinance codified in this section.

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- B. The owner or keeper of the Staffordshire Terrier and mix breeds thereof shall pay an annual registration fee in accordance with Section 1.15.010 for each dog, and such fee shall be submitted to the city clerk or his or her designee with the registration form for the keeping of Staffordshire Terrier and mix breeds thereof.

~~The owner or keeper of the Staffordshire Terrier and mix breeds thereof shall pay a fifty dollars (\$50.00) annual registration fee for each dog, and such fee shall be submitted to the city clerk or his or her designee with the registration form for the keeping of Staffordshire Terrier and mix breeds thereof.~~

- C. The City of El Dorado shall request and obtain conviction information in Articles 54, 55, 56, 57 and 63 in Chapter 21, and in Article 41 of Chapter 65 from the Kansas Bureau of Investigation as a part of the registration process.
- D. No dog shall be considered to be unlicensed under the terms of this subsection, if the owner or keeper has timely filed a completed application, until such application has been denied.
- E. All adult pit bulls within the City of El Dorado are required to have an identification microchip implanted in the dog traceable to the current owner and registered with the City of El Dorado. Such microchip information shall be included in the dog's annual license application with the City of El Dorado. The owner, keeper or harbinger shall pay all costs associated with the microchip procedure.
- F. It shall be unlawful for any person to own, keep or harbor more than two pit bulls.
- G. It shall be unlawful for more than two adult Pit Bulls, to be owned, kept, or harbored on the same premises or dwelling.
- H. Any person, who owns a pit bull, shall have thirty days (30) thereafter the final adoption of this chapter, to microchip and surgically sterilize such animal.
1. Sterilization of a pit bull described in this section, shall not be required upon certification, presented to the director of public works, by a veterinarian licensed by the State of Kansas, that such sterilization would be injurious to such dog due to its health or age.
 2. It shall be unlawful for any person to own, keep or harbor an adult unaltered pit bull unless otherwise outlined in this chapter.
- I. 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.
- J. Any individual who fails to comply with the requirements of this section shall be guilty of a misdemeanor.
- K. The owner or keeper of the Staffordshire Terrier and mix breeds thereof shall maintain with the city clerk or his/her designee the address where the dog is primarily kept or harbored. The owner or keeper shall notify the city clerk or his/her designee within five business days if any of the following occurs:
1. A change in the primary address where the dog is kept or harbored, whether in or out of the city limits;
 2. A change in the person who is owning, keeping or harboring the dog;
 3. The death of the dog;
 4. Any change in the information supplied in the application for the dog license, or in the information submitted along with such application; or
 5. Harbor, keep or maintain a dog on property not owned by the person without the written consent of the land owner.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

(Ord. No. G-1194, § 5[1], 3-16-15; Ord. No. G-1290, § 3, 9-4-18)

Editor's note(s)—Ord. No. G-1194, § 1, adopted March, 16, 2015, amended the title of § 6.20.040 to read as herein set out. The former § 6.20.040 title pertained to pit bull prohibitions.

LVI. 6.20.041 Identification of breed.

A dog which possesses five out of the following eight characteristics shall be considered to be a pit bull:

- A. Head is medium length, with a broad skull and very pronounced cheek muscles, a wide, deep muzzle, a well-defined, moderately deep stop, and strong under jaw. Viewed from the front the head is shaped like a broad, blunt wedge.
- B. Eyes are round to almond shaped, are low in the skull and set far apart.
- C. Ears are set high. Un-cropped ears are short and usually held rose or half prick, though some hold them at full prick.
- D. Neck is heavy and muscular, attached to strong, muscular shoulders.
- E. Body is muscular, with a deep, broad chest, a wide front, deep brisket, well-sprung ribs, and slightly tucked loins.
- F. Tail is medium length and set low, thick at the base, tapering to a point.
- G. Hindquarters are well muscled, with hocks, set low on the legs.
- H. Coat is a single coat, smooth, short and close to the skin. Pit bull puppies have the same characteristics, though in juvenile or adolescent form. Muscles, along with breadth and depth of head and chest may be less developed.

(Ord. No. G-1290, § 4, 9-4-18)

LVII. 6.20.045 Keeping of Staffordshire Terriers and mix breeds thereof.

- A. It is unlawful for an owner or keeper of a pit bull dog to permit the dog to be outside an approved or secure enclosure or fence unless the dog is restrained by a substantial chain or leash and under physical restraint by a responsible person who is at least eighteen (18) years of age or older and possesses sufficient strength for physical control of the animal.
- B. The same above requirements shall also be in effect for the purpose of transportation to and from a veterinarian for medical treatment.
 - 1. In all such events, the pit bull dog shall be securely restrained with a chain or leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner or keeper of the pit bull dog.
- C. Pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen, kennel or fence, except when leashed as provided above.
- D. The owner, keeper or harbinger shall allow the access to the property where the pit bull dog is being harbored to facilitate inspections and insure compliance for the duration of the life of the animal.
- E. It is unlawful for anyone having a criminal conviction of a crime involving drugs or violence, going back five years, to possess, harbor, own or reside on any premises with a pit bull dog.

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- F. The City of El Dorado shall request and obtain conviction information from the Kansas Bureau of Investigation as part of the registration process.
- G. It shall be unlawful for any person to:
1. Harbor, keep or maintain a pit bull dog on property not owned by the person without the written consent of the land owner;
 2. Sell, barter or give away to another person a pit bull dog; or
 3. Own, keep or harbor more than two pit bull dogs.
- H. Should a pit bull dog be found running at large in violation of this section attack or inflict injury upon any person, the judge of the municipal court shall, in addition to any other penalty provided in Title 6, 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 tort 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.
- (Ord. No. G-1194, § 6[2], 3-16-15; Ord. No. G-1290, § 5, 9-4-18)

LVIII. 6.20.050 Keeping of dangerous animals.

The keeping of such animals as described in Sections 6.20.020, 6.20.030 and 6.20.040 of this chapter shall be subject to the following standards:

- A. Leash and Control. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a responsible adult is in physical control of the leash. Such animals may not be leashed or chained to inanimate objects such as trees, posts, buildings, etc.
- B. Confinement. All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or 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 eighteen (18) inches. All structures erected to house dangerous animals must comply with all zoning and building regulations of the city.
- C. Confinement Indoors. No dangerous animal may be kept in any part of a house or structure in a manner 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.
- D. Signs. All owners, keepers or harbors of dangerous 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 similar language. In addition, a similar sign is required to be posted on the kennel or pen of the animal.
- E. Reporting Requirements. All owners, keepers or harbors of dangerous animals must within ten days of the incident, report the following information in writing to the city clerk or **animal** control officer as required hereinafter:
 1. The new address of a dangerous animal should the owner move within the corporate city limits;

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2. The removal from the city or death of a registered pit bull dog;
 3. The birth of offspring of a registered pit bull dog.
- F. Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a dangerous animal to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; providing that the registered owner of a dangerous animal may sell or otherwise dispose of said animal, or the offspring of a registered pit bull dog, to persons who do not reside within the city.
- G. Animals Born of Registered Pit Bull Dogs. All offspring born of pit bull dogs registered with the city must be removed from the city within six weeks of the birth of such animal.
- H. Failure to Comply. It is unlawful for the owner, keeper or harbinger of a dangerous animal to fail to comply with the requirements and conditions set forth in this chapter. Any animal found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

LIX. 6.20.060 Keeping livestock.

It is unlawful to possess or maintain any livestock within any residential zone in the city. Livestock may be allowed in nonresidential zones by special permit issued by the **animal** control officer. Persons applying for or holding such special permit shall comply with all livestock policies and regulations promulgated by the city and approved by the city manager.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

LX. 6.20.061 Impoundment of estray and livestock.

- A. The animal control **authority officer**, upon receipt of a report or upon discovery of an estray, within the city, shall as soon as possible, notify the sheriff of the county and report the presence of the animal and the location where the animal can be found. If circumstance permits, the animal control officer shall refer the matter in its entirety to the sheriff. If circumstance does not permit or the sheriff seeks the assistance of the animal control **division officer**, the animal control officer may cause the impoundment of any and all estray and other livestock that may be found in and upon any street, alley or upon any unenclosed lot in the city, or otherwise to be found at large, and to confine such estray or livestock for safe keeping. Upon impounding, the animal control officer shall prepare a file to be located in the animal control **division** offices. Each entry shall include the following:
1. The name and address of the person who notified the animal control division of the estray or other livestock;
 2. The date, time and location of the estray or other livestock when found;
 3. The location of the estray or other livestock until disposition; and
 4. A description of the animal including its breed, color, sex, age, size, all markings of any kind and other identifying characteristics.

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- B. When an estray or other livestock has been impounded by the animal control division, the animal control officer shall make a diligent search of the register of recorded brands in the county for the owner of the estray or other livestock. If the search does not reveal the owner, the animal control **division officer** shall advertise the impoundment of the estray in a newspaper of general circulation in the county at least twice during the next fifteen (15) days following impoundment.
- C. The owner of an estray or other livestock may recover possession of the animal at any time before the animal is sold under the terms of this chapter if:
1. The owner has provided the animal control officer with an affidavit of ownership of the estray or other livestock containing at least the following information:
 - a. The name and address of the owner,
 - b. The date the owner discovered that the animal was missing,
 - c. The property from which the animal strayed, and
 - d. A description of the animal including its breed, color, sex, size, all markings of any kind and any other identifying characteristics;
 2. The animal control officer has approved affidavit; and
 3. The owner has paid all handling fees to those entitled to receive them.
- D. If the ownership of an estray or other livestock is not determined within fourteen (14) days following the final advertisement required by this section, ownership of the estray or other livestock rests with the city and the animal control officer shall then cause the estray or other livestock to be sold at an auction. If there are not any bidders, ownership is forfeited to the city.
1. Title shall be deemed vested in the animal control officer for purposes of passing a good title, free and clear of all claims to the purchaser at the sale.
 2. The disposition of the proceeds derived from the sale at public auction will be as follows:
 - a. Pay all handling fees to those entitled to receive them.
 - b. Execute a report of sale of impoundment stock.
 - c. The net proceeds remaining from the sale of the estray or other livestock after the handling fees have been paid shall be delivered by the animal control officer to the **city secretary city clerk or her/her designee**. Such net proceeds shall be subject to claim by the original owner of the estray or other livestock as provided herein.
 - d. If the bids are too low, the animal control officer shall have the right to refuse all bids and arrange for another public auction or sealed bidding procedure.
 3. Recovery by Owner of Sale Proceeds.
 - a. Within twelve (12) months after the sale of an estray or other livestock under the provisions of this chapter the original owner of the estray may recover the net proceeds of the sale that were delivered to the city clerk if:
 - i. The owner has provided the animal control officer with an affidavit of ownership; and
 - ii. And the animal control officer has accepted the affidavit of ownership.
 - b. After the expiration of twelve (12) months from the sale of an estray or other livestock as provided by this section, the sale proceeds shall escheat to the city. If an animal was forfeited to the city due to no bidders at auction, then the city is not liable to owner for any proceeds of sale, since no proceeds were received.

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- E. Use of Estray and Livestock. During the period of time an estray or other livestock is held by one who impounded the estray or other livestock, it may not be used by any person for any purpose.
 - F. Death of Estray and Livestock. If the estray or other livestock dies or escapes while held by the person who impounded it, the person shall report the death or escape to the animal control division officer. The report shall be filed in the records regarding the impoundment.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

LXI. 6.20.070 Coops; roosts; laying boxes.

- A. In addition to other requirements of this chapter that specify standards applicable to the keeping of animals, or of this chapter relating to the keeping of permitted fowl, any person who owns, keeps or harbors permitted fowl shall provide a coop or other similar shelter.
 - 1. Any coop or shelter shall be screened or walled in a manner that allows the permitted fowl to be reasonably protected from predators.
 - 2. Any coop or shelter shall be a minimum of three square feet in size per fowl if the fowl have an outdoor run, or eight square feet in size per fowl if the fowl do not have an outdoor run.
 - 3. In the event that the coop or shelter qualifies as an accessory structure under the City Code, then all requirements regarding placement and setbacks must be met.
 - 4. Any pen or coop shall be located at least fifty (50) feet from any residence, excluding the residence of the person keeping or harboring the animals. No person shall, as owner, lessee or occupant, maintain any stable, shed, pen or other enclosure where any animals are kept closer than twenty-five (25) feet to the dwelling house of another, or shall permit the same to remain uncleared as determined by the control officer.
 - 5. Any coop or shelter shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors or the presence of vermin.
- B. For each permitted fowl, one roost, with a minimum size of eight square inches, shall be required.
- C. For every three permitted fowl, a maximum of one laying box space, with a minimum size of one square foot, shall be required. Each laying box shall contain adequate clean bedding material such as hay or other soft material.

(Ord. No. G-1161, § 3, 9-4-13)

LXII. 6.20.071 Unlawful acts concerning fowl.

- A. Except as otherwise permitted by this chapter, it shall be unlawful to own, keep, or harbor prohibited fowl within the city limits.
- B. It shall be unlawful to own, keep, or harbor, within the city limits, permitted fowl in numbers exceeding those permitted.
- C. It shall be unlawful to violate any of the regulations regarding coops, roosts, and laying boxes.

(Ord. No. G-1161, § 4, 9-4-13)

LXIII. 6.20.072 Exemptions concerning fowl.

The provisions of this chapter shall not apply to the following:

- A. The owning, keeping, or harboring of fowl or permitted fowl in those zoning districts where the land development code permits such uses as a matter of right.
- B. The owning, keeping, or harboring of permitted fowl hatchlings by: Retail establishments, construction sales and services, agricultural sales, or agricultural animal uses, which are located in industrial or commercial zoning districts, for the purposes of retail or wholesale sales.
- C. The owning, keeping or harboring of permitted fowl by education institutions.
- D. Any fowl or permitted fowl that may be kept or harbored on a temporary basis, during any fair, show, or exhibition at the Butler County Fairgrounds.

(Ord. No. G-1161, § 5, 9-4-13)

LXIV. 6.20.080 Violation—Penalty.

Any person violating or permitting the violation of Sections 6.20.020, 6.20.030, 6.20.040, and 6.20.050 of this chapter shall, upon conviction in municipal court be fined in accordance with Section 1.15.010. Any violation of Sections 6.20.020 and 6.20.060 of this chapter shall be subject to a fine in accordance with Section 1.15.010. In addition, the court may order the permit, license or registration of the subject animal revoked and/or the animal removed from the city. Should the defendant refuse to remove the animal from the city, the municipal judge shall find the owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement.

Any person violating or permitting the violation of Sections 6.20.020, 6.20.030, 6.20.040 and 6.20.050 of this chapter shall, upon conviction in municipal court be fined a sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Any violation of Sections 6.20.020 and 6.20.060 of this chapter shall be subject to a fine of not less than thirty dollars (\$30.00) nor more than one hundred dollars (\$100.00). In addition, the court may order the permit, license or registration of the subject animal revoked and/or the animal removed from the city. Should the defendant refuse to remove the animal from the city, the municipal judge shall find the owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

LXV. 6.20.081 Sentence enhancements for violation of prohibitions.

The city prosecutor shall have the authority to seek the enhancement of sentence as provided in this title by following the following procedure:

- A. Enhancement is appropriate if the defendant has violated the same or similar code at least two times in the preceding five years from the date of the charge of the current violation.

- B. The city prosecutor shall file a notice to enhance the sentence prior to the trial or plea in the current case, and shall provide the defendant notice of the enhancement at least ten days prior to the plea or trial.
- C. For each defendant the enhancement shall be as follows: for the first filing the enhancement shall be double the penalty provision contained in this title; for second and subsequent filings for a defendant the enhancement shall be triple the penalties contained in this title.
- D. Sentence enhancement is appropriate for violations of the following sections:
 - 1. Cruelty to animals;
 - 2. Running at large;
 - 3. Keeping animals constituting a health hazard;
 - 4. Disturbing the peace;
 - 5. Trespass and destroying property;
 - 6. Keeping vicious animals.

(Ord. G-1011 § 1 (part), 2007: Ord. G-1001 § 1 (part), 2007)

LXVI. 6.20.090 Fee schedule.

- A. There are fixed and assessed fees to defray the cost of managing an animal control program and for the public health, against the owner or keeper of every animal kept in the city in accordance with Section 1.15.010.
- B. Boarding and Quarantine Fees. In addition to the impoundment fee, a boarding fee must be paid for each animal confined by the animal shelter. The boarding fee shall be in accordance with Section 1.15.010. Such fees will be charged for daily costs of boarding, excluding the first day of impoundment. Owners must pay daily boarding fees, the amount established by policy, for the housing and care of the animals before their animals are released to them.
- C. Quarantine fees, in accordance with Section 1.15.010, covering ten-day boarding and observation period shall be paid before release of the animal. No initial impound fee shall be added to quarantine fees. In addition to impoundment fee(s) the boarding of estrays shall include the first day of boarding and such daily fee shall be set by policy if the estray is held by the animal control authority or if held by a third person contracting party, fees shall be set in the contract between the city and that party at the current fair and reasonable rate.
- D. Expenses of Animal. In addition to other fees, the owner shall also pay for any veterinarian or drug fees incurred for the animal(s) while in the custody of the animal control officer or animal shelter.
- E. Owner/ Harbor Animal Surrender Fees shall be set in accordance with Section 1.15.010.

~~There is fixed and assessed the following fees to defray the cost of managing an animal control program and for the public health, against the owner or keeper of every animal kept in the city; at such time that fee adjustments may be required to maintain a neutral "at cost" relationship, Appendix A incorporated herein by reference may be amended by resolution of the city council:~~

~~A. — Standard Licensing Fee.~~

1. Unneutered dog or cat—per annum fee of	\$40.00
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2. Neutered dog or cat—per annum fee of	\$5.00
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B. — Permits. A permit shall be issued after payment of the applicable fee:

1. Circus/Zoo	\$1,000.00
2. Commercial Animal Enterprise	500.00
3. Kennel License	25.00
4. Guard Dog	50.00
5. Renewal—per annum fee of all	50.00

C. — Impoundment Fee. An impoundment fee must be paid for each animal captured:

	First Time	Second Time	Third Time
1. Unneutered dog or cat	\$75.00	\$100.00	\$125.00
2. Neutered dog or cat	\$60.00	\$85.00	105.00
3. Fowl or other small animal	15.00	25.00	50.00
4. Livestock	50.00	200.00	350.00
5. Zoological and/or Circus animal	100.00	20.00	500.00
6. More than 4 violations by any pet or combination thereof owned by the same person in three years or less shall be \$500.00 for each impoundment thereafter.			

D. — Boarding and Quarantine Fees. In addition to the impoundment fee, a boarding fee must be paid for each animal confined by the animal shelter. Such fees will be charged for daily costs of boarding, excluding the first day of impoundment. Owners must pay daily boarding fees, the amount established by policy, for the housing and care of the animals before their animals are released to them.

Quarantine fees covering ten-day boarding and observation period shall be set by policy and paid before release of the animal. No initial impound fee shall be added to quarantine fees. In addition to impoundment fee(s) the boarding of estrays shall include the first day of boarding and such daily fee shall be set by policy if the stray is held by the animal control authority or if held by a third person contracting party, fees shall be set in the contract between the city and that party at the current fair and reasonable rate.

E. — Expenses of Animal. In addition to other fees, the owner shall also pay for any veterinarian or drug fees incurred for the animal(s) while in the custody of the animal control officer or animal shelter.

F. — Owner/Harbor Animal Surrender Fees.

1. Cats	\$5.00
2. Dogs	\$5.00
3. Litters dogs or cats	\$25.00
4. Other small animals	\$15.00

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)