

(Exhibit A)

**Title 6**  
**ANIMAL CONTROL REGULATIONS**  
**Table of Contents**

**CHAPTERS:**

6.04	Definitions.....	1
6.06	Vaccination of Dogs, Cats, and Ferrets.....	4
6.08	Licensing: Dogs, Fowl, and Livestock.....	6
6.10	Cruelty to Animals.....	9
6.16	Animals Running At Large.....	11
6.20	Sick or Injured Unattended Animals.....	12
6.21	Domestic/Exotic Animals.....	13
6.22	Dangerous/Vicious Animals.....	17
6.24	Violations and Penalties.....	22

**CHAPTER 6.06**  
**VACCINATIONS OF DOGS, CATS, AND FERRETS**

**Sections:**

6.06.01	Vaccinations Required.....	4
6.06.02	Vaccinations Procedure.....	4
6.06.03	Exemptions.....	5
6.06.04	Violations.....	5

**CHAPTER 6.08**  
**LICENSING: DOG, FOWL, LIVESTOCK**

**Sections:**

6.08.01	Dog Licensing.....	6
6.08.02	Dog License Tag.....	6
6.08.03	Dog License Exceptions.....	7
6.08.04	Dog License Violations.....	7
6.08.05	Livestock Licensing.....	7
6.08.06	Domestic Animal/Fowl Licensing.....	7
6.08.07	Kennel Licenses.....	7
6.08.08	Kennel Licenses Violation.....	8
6.08.09	Dog Maintenance Agreement.....	8

**CHAPTER 6.10**  
**CRUELTY TO ANIMALS**

**Sections:**

6.10.01	Cruelty to animals.....	9
6.10.02	Non-applicability.....	9
6.10.03	Custody of animal.....	9

**CHAPTER 6.16**  
**ANIMALS RUNNING AT LARGE**

**Sections:**

6.16.01	Dogs running at large.....	11
6.16.02	Livestock running at large.....	11
6.16.03	Fowl running at large.....	11

**CHAPTER 6.20  
SICK OR INJURED UNATTENDED ANIMALS**

**Section:**

6.20.01	Medical Treatment-Time Period Disposal-Reimbursement.....	12
---------	---	----

**CHAPTER 6.21  
DOMESTIC/EXOTIC ANIMALS**

**Sections:**

6.21.01	Livestock License.....	13
6.21.02	Domestic Animal/Fowl Licenses.....	13
6.21.03	Animal Regulations for A-1 and RR-1 Zoning.....	14
6.21.04	Animal Regulations for Residential Zoning Districts.....	15
6.21.05	Minimum standards for animals.....	15
6.21.06	Nuisance prohibited.....	15
6.21.07	Confinement of dogs in heat.....	16
6.21.08	Found Animals.....	16

**CHAPTER 6.22  
DANGEROUS/VICIOUS ANIMALS**

**Sections:**

6.22.01	Dangerous/Vicious animals prohibited.....	17
6.22.02	Impoundment of dangerous/vicious animals.....	18
6.22.03	Dangerous/Vicious Animal Complaint.....	18
6.22.03	Animal Bites; Quarantine.....	19
6.22.05	Penalty for Violation of Chapter.....	19
6.22.06	Procedure for the Determination of a Dangerous Dog.....	20
6.22.07	Control of Dangerous Dog; License and Confinement.....	20
6.22.08	Violation of Requirements for Dangerous Dog.....	20
6.22.09	Dogs; Threats to Public Safety.....	21

**CHAPTER 6.24  
VIOLATIONS AND PENALTIES**

**Sections:**

6.24.01	Violation-Civil Nuisance Abatement Procedure.....	22
6.24.02	Classes of Violation: Confinements and Fines.....	22
6.24.03	Legal action.....	22
6.24.04	Separate Offense.....	22
6.24.05	Habitual Violator.....	23
6.24.06	Interfering with an officer.....	23

## CHAPTER 6.04 DEFINITIONS

**Abandon Animal** means any animal in any place without proper provisions for its care, including abandoning an animal after its impoundment without reclaiming it or signing a surrender agreement.

**Animal** means any vertebrate or invertebrate organism of the kingdom Animalia, such as, but not limited to, dogs, cats, cattle, horses and other equines, buffalos, hogs, including pot-bellied pigs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated, except man.

**Animal control officer** means the Enforcement Officer of the City of Valley Center and/or that person's designee, or any other person or agency designated by the City of Valley Center to enforce the provisions of this chapter.

**Applicant** means a person at least eighteen (18) years of age who has filed a completed application that has not yet been acted upon by the Enforcement Officer.

**At large** means the act of an animal which constitutes:

- A. Being off the property of the owner; and/or
- B. Not being effectively physically restrained on a chain or leash or not being kept in a suitable fence or by another means of physical restraint from which the animal can escape.

**Attack** means violent or aggressive physical contact or attempted violent or aggressive physical contact with a person or domestic animal or violent or aggressive behavior that confines the movement of a person.

**Bite** means any penetration of the skin by teeth.

**Cat** means any member of the Felis Catus Family, male or female, regardless of the age.

**Commercial Kennel** means any kennel, lawfully located on a premises one-acre or more and meets all zoning regulations for such use and where no more than ten dogs, registered with a nationally recognized organization over the age of six months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Kansas.

**Confined Animal** means an animal that is on a leash, rope or chain which is securely fastened or picketed in a manner which is sufficient to keep the animal on the premises where picketed.

**Dangerous dog**, as used in this Article, shall mean:

- A. Any dog with a known propensity tendency or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic animals; or
- B. Any dog which in a vicious or threatening manner, approaches any person in apparent attack upon the person while on the streets, sidewalks, or any public grounds or places; or on private property;
- C. Any dog which attacks or bites, or has attacked or bitten a human being or domestic animal; or
- D. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

Notwithstanding the definition of a dangerous dog, no dog may be declared dangerous if any of the following occurred upon a premise occupied by the owner or harbinger of the dog:

- E. A person is injured due to willful trespass
- F. A person is injured as a result of committing a crime or other tort
- G. A person is injured as a result of teasing, tormenting, abusing, or assaulting the dog
- H. The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- I. Injury or damage was sustained by a chicken or duck not in a fenced or enclosed area on its owner's premises.

Nothing in this Article shall be deemed to regulate or prohibit the lawful maintenance of dogs by law enforcement agencies.

**Dog** means any member of the Canis Familiaris, male or female, regardless of age.

**Dog License Tag** means a metallic tag approved by the city for animal identification.

**Dog Maintenance Agreement** means a contractual agreement between a property owner and City allowing up to 5 dogs on a single premise, renewed annually.

**Domestic Animal** means any of various animals that, in Valley Center, normally and customarily live on private property and normally and customarily depend on humans to willingly provide them with food and shelter. Such animals include, but are not limited to cats, dogs, bovines, horses, swine, fowl, sheep, and goats.

**Enclosure** means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog. An enclosure shall be securely enclosed and locked and designed to prevent the animal from escaping from the enclosure. An enclosure shall have a secure top suitable to confine a dangerous dog. If such enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot.

**Equine** means a horse, pony, mule, jenny, donkey or hinny.

**Fowl** means all animals that are included in the zoological class Aves.

**Habitual violator** means any person who is alleged to have committed a fourth or subsequent violation of any provision of this chapter if such violation has occurred within twelve (12) months of the first violation.

**Harbor** means to keep, to maintain, to have in one's possession, to have under one's control or to allow any animal to habitually remain or lodge or to be fed or to be given shelter or refuge within a person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, property or any other premises which a person owns, has possession or control of or on which the person resides.

**Hobby Kennel** means any kennel where more than four and less than ten animals are owned, harbored or kept for organized shows, breeding for exhibition, or for the enjoyment of the household; provided, however, this definition shall not apply to the Humane Society, animal shelter, animal research facilities, zoos, or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Kansas, and all other regulations in this chapter are complied with.

**Impoundment** means animal placed in the animal shelter.

**Livestock** means any domesticated mammal intentionally reared in an agricultural setting for the purposes of profit or subsistence, whether for food, fiber, dairy, draft, breeding, sport purposes, or other product or labor. As such, livestock includes but is not limited to animals such as cattle, horses, sheep, hogs, pot-bellied pigs, lamas and fur-bearing animals,

**Microchip** means a small electronic device inserted beneath the skin, between the shoulder blades of an animal, which can be scanned for identification purposes.

**Owner** means the person owning, keeping, possessing or harboring any animal; or harboring any animal; or any person who feeds or shelters any stray animal for seventy two (72) or more consecutive hours without reporting such animal to the Code Enforcement Officer or who professes ownership of such animal.

**Owner** means an individual who has lawful title to a dog, including the keeper or harbinger of the dog. A parent or legal guardian shall be deemed to be an owner of dogs owned or maintained by children upon their premises.

**Person** means an individual, organization, partnership or corporation.

**Pick up** means to put into physical custody and impound an animal at a City approved shelter or veterinary clinic/hospital.

**Premises** means any parcel of land and any structure thereon in which any animal regulated by this code is housed and/or confined.

**Pot-bellied pig** is a breed of domesticated pig originating in Vietnam that are about the size of a medium- or large-breed dog, though their bodies are denser at 20 to 300 pounds. Pot-bellied pigs can be easily discerned from other pig breeds by their size, upright ears, and straight tail.

**Running at Large** means any animal that is not confined within a shelter as defined herein or under the control of a person either by leash, cord, rope or chain.

**Trespass** means entering or remaining without consent upon property owned by others.

**Vaccination certificate** means a written document issued and signed by a veterinarian which attests to the rabies vaccination of a particularly described dog, cat, or ferret, and which contains the number of the metallic vaccination tag issued to such dog, cat, or ferret.

**Veterinarian** means a doctor of veterinary medicine currently licensed by the State of Kansas.

**Veterinarian's confirmation** means a written statement, issued and signed by a veterinarian, which attests that rabies vaccination of a particularly described dog or cat would be injurious to the animal because of its age or health.

**Wild animal** means a living mammal or marsupial which is normally found in the wild, and is not considered a domestic animal.

**CHAPTER 6.06  
VACCINATIONS OF DOGS, CATS, AND FERRETS**

**Sections:**

<b>6.06.01</b>	<b>Vaccinations Required.....</b>	<b>4</b>
<b>6.06.02</b>	<b>Vaccinations Procedure.....</b>	<b>4</b>
<b>6.06.03</b>	<b>Exemptions.....</b>	<b>5</b>
<b>6.06.04</b>	<b>Violations.....</b>	<b>5</b>

**6.06.01 Rabies Vaccinations required.**

The owner/harbored of any dog, cat or ferret aged five (5) months or older harbored in the City of Valley Center shall have such dog, cat or ferret vaccinated against rabies subject to the exemption contained in Section 6.06.

**A. Time period.** Rabies Vaccinations shall be obtained as set forth below:

1. Dogs. The first inoculation of a dog over five months old shall be for a period of one (1) year. Prior to the expiration of the first inoculation, the harbored/owner shall have the option of renewing the vaccination for a period of one (1) year (12 months) or three (3) years (36 months). The harbored/owner shall obtain a veterinarian's written certification annually or for the three (3) year period proving that the dog has been properly vaccinated and a new vaccination tag shall be assigned to each dog.
2. Cats. The first inoculation of a cat over five (5) months old shall be for a period of one (1) year. Each subsequent inoculation shall be obtained annually. The harbored/owner shall obtain a veterinarian's written certification annually proving the cat has been properly vaccinated.
3. Ferrets. The first inoculation of a ferret over five (5) months old shall be for a period of one (1) year. Each subsequent inoculation shall be obtained annually. The harbored/owner shall obtain a veterinarian's written certification annually that the ferret has been properly vaccinated.

**B. Mandatory Requirements of owner/harbored.** Each owner/harbored shall:

1. Have such dog's metallic vaccination tag secured to its collar, which shall be worn at all times by such animal, except when a veterinarian's confirmation has been issued for such animal;
2. Have in the harbored/owner's possession the vaccination certificate or veterinarian's confirmation at all times;
3. Show the vaccination certificate or veterinarian's confirmation immediately upon the request of Community Development, or the Code Enforcement Officer, police officer, or other authorized person.

**6.06.02 Vaccinations Procedure.**

The following procedure shall apply to all vaccinations:

- A. Inoculation must be performed by a person licensed to practice veterinary medicine in the State of Kansas.
- B. Inoculation must be with a prophylactic vaccine approved by the United States Department of Agriculture and listed in the current National Association of State and Public Health Veterinarian's Compendium of Rabies Control.
- C. Unless a licensed veterinarian certifies to Community Development or the Code Enforcement Officer that such vaccination would be injurious to such dog, cat or ferret due to its age or health, all dogs, cats or ferrets must be vaccinated on the schedule set forth in sec 6.06.01.
- D. The veterinarian administering the rabies vaccination shall issue a metallic tag for the particular animal vaccinated, on which tag shall be distinctly marked the veterinarian's name or veterinary clinic name, address and tag identification number. The date of vaccination shall also be marked thereon. The veterinarian shall also issue a vaccination certificate or confirmation to the harbored/owner.

### **6.06.03 Exemptions.**

Exemptions from vaccination requirements shall be as follows:

- A. All animals used in medical research or to develop disease-free animals.
- B. All animals for which there is a written statement that the rabies vaccination would be injurious to the animal because of its age or health. A veterinarian's confirmation shall not excuse or invalidate the requirement that all dogs be licensed as prescribed in Chapter 6.08.

### **6.06.04 Violations.**

- A. **Failure to obtain dog, cat or ferret rabies vaccination; failure to possess rabies vaccination certificate or veterinarian's confirmation.** It shall be a violation of this chapter for any harborer/owner of any dog, cat or ferret aged five (5) months or older to fail to obtain rabies vaccination of such animal each year or for the optional three years (for dogs only), as determined by the rabies vaccination administered and type of animal, or to fail to possess a current rabies vaccination certificate or veterinarian's confirmation for such dog, cat or ferret. Failure to obtain a rabies vaccination or to possess a rabies vaccination certificate or veterinarian's certificate is a class C violation.
- B. **Failure to show dog, cat or ferret rabies vaccination certificate or veterinarian's confirmation.** It shall be a violation of this chapter for any harborer/owner of any dog, cat or ferret aged five (5) months or more to fail to show a current rabies vaccination certificate, or veterinarian's confirmation as described in subsection 6.06.03(b), to any animal control officer, code enforcement officer, police officer or other authorized person upon request. Failure to show the rabies vaccination certificate or veterinarian's confirmation is a class C violation.
- C. **Failure to have metallic rabies vaccination tag on dog collar.** It shall be a violation of this chapter for any harborer/owner of any dog aged five (5) months or older to fail to have a current metallic rabies vaccination tag secured to the animal's collar, except when a veterinarian's confirmation has been issued. Failure to have a metallic rabies vaccination tag on the animal's collar is a class C violation.
- D. **Misappropriate dog's metallic rabies vaccination tag.** It is a violation of this chapter for any harborer/owner of any dog aged five (5) months or older to display or allow being displayed a metallic rabies vaccination tag on the collar of any dog other than the dog for whom it was issued. Misappropriate dog's metallic rabies vaccination tag is a class C violation.
- E. **Failure to have collar on dog.** All dogs five (5) months of age or older are required to wear a collar at all times. It shall be a violation of this chapter for a harborer/owner of any dog aged five (5) months or older to fail to maintain a collar on the dog at all times. Failure to have a collar on a dog is a class C violation.

**CHAPTER 6.08  
LICENSING: DOG, FOWL, LIVESTOCK**

**Sections:**

<b>6.08.01</b>	<b>Dog Licensing.....</b>	<b>6</b>
<b>6.08.02</b>	<b>Dog License Tag.....</b>	<b>6</b>
<b>6.08.03</b>	<b>Dog License Exceptions.....</b>	<b>7</b>
<b>6.08.04</b>	<b>Dog License Violation.....</b>	<b>7</b>
<b>6.08.05</b>	<b>Livestock Licensing.....</b>	<b>7</b>
<b>6.08.06</b>	<b>Domestic Animal/Fowl License.....</b>	<b>7</b>
<b>6.08.07</b>	<b>Kennel Licenses.....</b>	<b>7</b>
<b>6.08.08</b>	<b>Kennel Licenses Violation.....</b>	<b>8</b>
<b>6.08.09</b>	<b>Dog Maintenance Agreement.....</b>	<b>8</b>

**6.08.01 Dog Licensing**

- A. The owner or harborer of a dog over (5) five months old, within the city limits of Valley Center, is required to purchase a dog license. All dogs must be vaccinated for rabies by a licensed veterinarian at least every three years. However, a new rabies vaccination tag must be assigned to the dog by the veterinarian each year and a rabies vaccination certificate must be presented with license application.
- B. It shall be the responsibility of the owner or harborer of a dog to pay the license fee to the city clerk or designated agent when the dog becomes five months old; or upon acquiring ownership or possession of any dog; or upon establishment of residence in the city. Thereafter, a like license fee shall be paid annually on the anniversary date of the payment of the initial license fee, or on the first business day following the anniversary date, if the same falls on a Saturday, Sunday or legal holiday. The license fees detailed in the current fee policy may be reduced if the following conditions are applicable:
  - 1. The owner or harborer of any dog which has been spayed or neutered shall receive a credit on the license fee levied hereinabove. Proof of spay or neutering shall be sufficient if provided in the form of a certificate of a licensed veterinarian.
  - 2. The owner or harborer of any dog who keeps the dog confined within a secured fenced enclosure shall receive a credit on the license fee levied hereinabove. Proof of a securely fenced enclosure shall be sufficient in the form of the owner's or harborer's written and sworn affidavit.
  - 3. The owner or harborer of any dog who has a microchip implantation for permanent identification of the dog shall receive a credit on the license fee levied hereinabove. Proof of microchip shall be sufficient if provided in the form of a certificate from a licensed veterinarian including manufacturer and identification number.

**6.08.02 Dog License tag**

- A. **License tag visibility.** The owner or harborer shall cause the metallic license tag to be affixed to the collar of the dog upon which the license fee is paid, in such a manner that the license tag can be easily seen by the officers of the city, and the owner or harborer shall see that the license tag is constantly worn by the dog.
- B. **License tags are nontransferable.** Dog license tags shall not be transferable, and no refund shall be made.
- C. **Issuance of duplicate licenser tag-fee.** In case any dog license tag is lost, a duplicate may be issued by the city clerk upon presentation of a receipt showing the payment of the fee the current year. A charge shall be made for the duplicate license tag.



### **6.08.03 Dog License Exceptions**

- A. A dog brought into the city limits for the purpose of participating in any dog show, or the owners of dogs being kept for sale in kennels or pet shops will not be required to purchase a license. Owners of kennels and pet shops will be required to license each dog owned by them which is not being kept for sale.
- B. Any owner of a dog that is in or has been retired from the U.S. Armed Forces, a service dog which is documented to have been individually trained to provide assistance to an individual with a disability, a licensed search and rescue dog or a dog owned and used by a governmental entity for law enforcement or public safety purposes shall not be required to pay the licenses fee, but a license is still required.

### **6.08.04 Dog License Violation**

It shall be a violation of this chapter for any harborer/owner of any dog aged five (5) months or older to fail to have a current dog license. Failure to obtain a Valley Center dog license is a violation of this chapter and is a class C violation.

**6.08.05 Livestock License:** See Domestic/Exotic Animals Section 6.21.01

**6.08.06 Domestic Animal/Fowl License:** See Domestic/Exotic Animals Section 6.21.02

### **6.08.07 Kennel licenses**

- A. No person or persons in one household shall own or harbor more than four dogs and cats more than six months in age in any combination without a kennel license. Owner/Harbinger's of dogs of six months of age or older, or more than one litter of pups, or more than a total of four dogs and cats more than six months of age in any combination, or engage in the commercial business, or hobby, or breeding, buying, selling, trading, training or boarding dogs shall obtain a kennel license from the city clerk. All dogs, cats, or ferrets being boarded must have current rabies vaccination verification on site.
- B. All kennel licenses must be renewed and premises inspected by a qualified inspector designated by the Director of Community Development or the Code Enforcement Officer on an annual basis. Said inspector will have the right of entry as described in this section.
- C. No kennel license shall be issued until an inspection certificate has been issued by the Director of Community Development or the Code Enforcement Officer and is in compliance with applicable laws of the city and state of Kansas Pet Animal Act and a certificate by the zoning administrator or his designate has been issued certifying that the applicant for the kennel license is not violating zoning laws of the city.
- D. If the city clerk has not received any protest against the kennel, the city clerk may issue a renewal of an existing license at the same location without any report from the zoning administrator or his/her designate.
- E. If the Director of Community Development, the Code Enforcement Officer, law enforcement officer, or designate inspector finds the holder of any kennel license is violating any zoning law, or any other law of the state of Kansas or the city, or is maintaining the facility in a manner detrimental to the health of animal, safety or peace of mind of any person residing in the immediate vicinity, he or she will report such fact to the Director of Community Development, said license shall not be renewed except after a meeting with the Director of Community Development .
- F. The Director of Community Development, the Code Enforcement Officer, or any law enforcement officer shall have the right to inspect any premises licensed under this section and no one shall prevent the entry onto private property for the purpose of this inspection. The acceptance of a license shall conclusively be deemed to be the consent of the licensee to the right of entry and inspection of the licensed or permitted premises by the Director of Community Development or his/her authorized, or trained representatives at reasonable

times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license. Notice need not be given to any person prior to inspection.

- G. The Director of Community Development or Code Enforcement Officer may suspend or revoke a kennel license if it finds any of the following:
  - 1. The kennel is maintained in violation of any applicable law of the State of Kansas or the City of Valley Center;
  - 2. The kennel is maintained so as to constitute public nuisance.
- H. There shall be an annual license fee for both Hobby Kennels and Commercial (Boarding/Breeding/Training) Kennels. License fees are detailed in the current fee policy.
- I. This section shall not apply to and shall not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital.
- J. When there is a change of ownership, the new owner must apply for a license in his/her own name. The facility must pass an inspection before the license is issued.

#### **6.08.08 Kennel License Violation**

- A. Should the person, corporation, partnership or association fail to obtain the required kennel license, or violate any other requirements of this chapter, the city may file a complaint in the municipal court of the city against such person, corporation, partnership, or association. Failure to obtain the required kennel license, or violate any other requirements of this chapter is a class C violation.
- B. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

#### **6.08.09 Dog Maintenance Agreement**

- A. To facilitate dog owners who desire to exceed the 4 dog limit, a 5th dog could be housed on a single family residence without being considered a hobby kennel in a single family residential district.
- B. Being able to have a 5th dog will require the owner to apply for a Dog Maintenance Agreement. An agreement form is available at the City Clerk's office, which must be completely filled out and a special filing fee paid in addition to individual dog license fees.

**CHAPTER 6.10  
CRUELTY TO ANIMALS**

**Sections:**

<b>6.10.01</b>	<b>Cruelty to animals.....</b>	<b>9</b>
<b>6.10.02</b>	<b>Non-applicability.....</b>	<b>9</b>
<b>6.10.03</b>	<b>Custody of animal.....</b>	<b>9</b>

**6.10.01 Cruelty to animals**

Cruelty to animals is defined as the following:

- A. Intentionally killing, injuring, maiming, torturing or mutilating any animal;
- B. Abandoning or leaving any animal in any place without making provisions for its proper care;
- C. Having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal; or intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment.
- D. No animal will be attached to a motorized vehicle while in operation.

**6.10.02 Non-applicability**

The provisions of this section shall not apply to:

- A. Normal or accepted veterinary practices;
- B. Bona fide experiments carried on by commonly recognized research facilities;
- C. Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;
- D. Rodeo practices accepted by the Professional Rodeo Cowboys' Association (PRCA);
- E. The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;
- F. With respect to farm animals, normal or accepted practices of animal husbandry;
- G. The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;
- H. An animal control officer trained by a licensed veterinarian in the use of a Tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;
- I. Laying an equine down for medical or identification purposes.

**6.10.03 Custody of animal**

- A. The Director of Community Development , the Code Enforcement Officer, public health officer, law enforcement officer, licensed veterinarian, animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto. Such officer, agent or veterinarian may inspect, care for, or treat such animal or place such animal in the care of incorporated licensed veterinarian for treatment, boarding or other care or, if an officer of such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. If the animal is placed in the care of an animal shelter, the animal shelter shall notify the owner or custodian, if known or reasonably ascertainable.

- B. If the owner or custodian is charged with a violation of K.S.A. 21-4310, and amendments thereto, the City of Valley Center may petition the district court to be allowed to place the animal for adoption or euthanize the animal at any time after 21 days after the owner or custodian is notified or, if the owner or custodian is not known or reasonably ascertainable after 21 days once the animal is taken into custody.
- C. The owner or custodian of the animal can file a renewable cash or performance bond with the county clerk of the county where the animal is being held, in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Upon receiving such petition, the court shall determine whether the animal may be placed for adoption or euthanized. The City of Valley Center where the animal was taken into custody shall review the cost of care and treatment being charged by the animal shelter maintaining the animal.
- D. The owner or custodian of an animal placed for adoption or killed pursuant to subsection (A) shall not be entitled to recover damages for the placement or killing of such animal unless the owner proves that such placement or killing was unwarranted.
- E. Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (A), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime.
- F. Upon the filing of a sworn complaint by any public health officer, law enforcement officer, licensed veterinarian or officer, animal shelter or other appropriate facility alleging the commission of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, the City of Valley Center shall determine the validity of the complaint and shall forthwith file charges for the crime if the complaint appears to be valid.
- G. If a person is adjudicated guilty of the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated licensed veterinarian for sale or other disposition.

**CHAPTER 6.16  
ANIMALS RUNNING AT LARGE**

**Sections:**

<b>6.16.01</b>	<b>Dogs running at large.....</b>	<b>11</b>
<b>6.16.02</b>	<b>Livestock running at large.....</b>	<b>11</b>
<b>6.16.03</b>	<b>Fowl running at large.....</b>	<b>11</b>

**6.16.01 Dogs running at large**

- A. It is unlawful for the owner or harborer of any dog to permit such dog, within the city limits, to run at large upon any of the city streets, alleys or public grounds of the city, or to run or trespass upon the private grounds of other citizens or residents of the city.
- B. Any dog found running at large within the city limits may be picked up and/or impounded by authorized city officials including the Code Enforcement Officer or Police officers. If impounded dog has a metallic license tag or other form of owner identification attached thereto, the owner shall be notified.
- C. In order to redeem an impounded dog, it shall be necessary. For the owner and harborer to pay the impound fees to the City of Valley Center and any Veterinarian boarding fees incurred. See current Fee Policy.
- D. In the event that the dog is not redeemed within a minimum of three full business days of custody, not including the day the animal arrives, the dog may be adopted, placed in a foster home, shelter transfer or euthanized in a manner determined by the Director of Community Development or Code Enforcement Officer.
- E. Failure to contain a dog from running at large is a class C violation.

**6.16.02 Livestock running at large**

- A. It is unlawful for the owner or harborer of any livestock to permit such livestock, within the city limits, to run at large, or to run or trespass upon the private grounds of other citizens or residents of the city.
- B. Any livestock found running at large within the city limits may be picked up and/or impounded by authorized city officials including the Code Enforcement Officer or Police officers.
- C. In order to redeem impounded livestock, it shall be necessary for the owner or harborer pay the impound and boarding fees detailed in the current fee policy, to the city of Valley Center and any Veterinarian boarding fees incurred. See current Fee Policy.
- D. In the event that the livestock is not redeemed within a minimum of ten business days of custody, as required in KSA 47-22, the animal will be relocated to a more permanent location in a manner determined by the Director of Community Development or Code Enforcement Officer.
- E. Failure to contain livestock from running at large is a class C violation.

**6.08.03 Fowl running at large**

- A. It is unlawful for the owner or harborer of any fowl to permit such fowl, within the city limits, to run at large, or to run or trespass upon the private grounds of other citizens or residents of the city.
- B. Any fowl found running at large within the city limits may be picked up and/or impounded by authorized city officials including the Code Enforcement Officer or Police officers.
- C. In order to redeem impounded fowl, it shall be necessary, that the owner or harborer pay the impound fees to the city of Valley Center and any Veterinarian boarding fees incurred. See current Fee Policy.
- D. In the event that the fowl is not redeemed within a minimum of three full business days of custody, not including the day the animal arrives, the fowl shall be adopted, placed in a foster home, shelter transfer or euthanized in a manner determined by the Director of Community Development or Code Enforcement Officer.
- E. Failure to contain fowl from running at large is a class C violation.

**CHAPTER 6.20**  
**SICK OR INJURED UNATTENDED ANIMALS**

**6.20.01 Medical Treatment-Time Period Disposal- Reimbursement**

- A. Whenever there is found within the city limits of Valley Center, Kansas, a sick or injured dog, cat or other domestic animal and the owner-harbinger cannot be readily identified or located, said animal shall be taken to the agency/contractor designated by the city and given only emergency medical care and treatment to stabilize the animal and minimize its suffering for a period of a minimum of three full business days of custody, not including the day the animal arrives.
- B. If animal has a metallic license tag or other form of owner identification attached thereto, the owner shall be notified.
- C. In order to redeem an animal, it shall be necessary that the owner or harbinger reimbursement all of the above costs to the City of Valley Center and any Veterinarian boarding fees incurred. See current Fee Policy.
- D. In the event that the animal is not redeemed within a minimum of three full business days of custody, not including the day the animal arrives, the animal may be adopted, placed in a foster home, shelter transfer or euthanized in a manner determined by the Director of Community Development or Code Enforcement Officer.

**CHAPTER 6.21  
DOMESTIC/EXOTIC ANIMALS**

**Sections:**

<b>6.21.01</b>	<b>Livestock License.....</b>	<b>13</b>
<b>6.21.02</b>	<b>Domestic Animal/Fowl Licenses.....</b>	<b>13</b>
<b>6.21.03</b>	<b>Animal Regulations for A-1 and RR-1 Zoning.....</b>	<b>14</b>
<b>6.21.04</b>	<b>Animal Regulations for Residential Zoning Districts.....</b>	<b>15</b>
<b>6.21.05</b>	<b>Minimum standards for animals.....</b>	<b>15</b>
<b>6.21.06</b>	<b>Nuisance prohibited.....</b>	<b>15</b>
<b>6.21.07</b>	<b>Confinement of dogs in heat.....</b>	<b>16</b>
<b>6.21.08</b>	<b>Found Animals.....</b>	<b>16</b>

**6.21.01: Livestock License: required-fee-inspection of premises-renewal**

No person shall maintain or harbor any bovine cattle, horses, hogs, pot-bellied pigs, sheep or goats within the city without first obtaining a license from the city clerk. Said license shall be issued by the city clerk upon the following conditions only:

- A. That application be made in writing upon a form prescribed and provided by the city clerk;
- B. That a nonrefundable license application fee as detailed in the current fee policy must be paid at the time the application is submitted;
- C. Such license shall be conditioned upon the harborer of such animals maintaining his facilities to the standards set forth in this chapter and must comply with all zoning requirements. Premises must be inspected by a qualified inspector designated by the Director of Community Development or the Code Enforcement Officer on an annual basis. Said inspector will have the right of entry as described in 6.08.07 (F).
- D. No license shall be effective for a period in excess of twelve months. All persons granted licenses shall be required to apply for renewal of the same at least thirty days prior to the expiration thereof. The renewal of a license shall be subject to the same conditions and inspection requirements as an initial application. A renewal fee detailed in the current fee policy shall be paid at the time of application for renewal.
- E. It shall be a violation of this chapter for any owner/harbinger to fail to have a current livestock license. Failure to obtain a Valley Center livestock license is a class C violation.

**6.21.02 Domestic Animal/ Fowl Licenses**

Any person desiring to keep within the city any rabbits, chickens, ducks, geese, turkeys or other fowl shall file a written application with the city clerk affirmatively showing that the applicant has facilities for the proper keeping of such animals in quarters meeting the standards set by the Community Development Director or Code Enforcement Officer.

- A. That a nonrefundable license application fee as detailed in the current fee policy must be paid at the time the application is submitted;
- B. Said facilities shall be no closer than 30' (thirty-feet) from the exterior limits of any dwelling resided in by anyone other than the applicant and shall be completely fenced in.
- C. Each such license, unless sooner revoked, shall be valid and effective for not more than twelve months from the date of issuance thereof.
- D. Such license shall be conditioned upon the harbinger of such animals maintaining his facilities to the standards set forth in this chapter. Such animals shall be confined in an enclosure sufficient to prohibit their running at large and the enclosure shall be maintained in a clean and sanitary condition at all times. An improved insecticide shall be used as often as deemed necessary by the Director of Community Development or the Code Enforcement Officer. A shelter or area of sufficient size described in Sections: 6.21.03 and 6.21.04, conducive to good sanitary practices and adequate drainage for the shelter area or areas, shall be provided and litter and droppings shall be collected and disposed of in the manner designated by the Director of Community Development or the Code Enforcement Officer.

- E. It shall be a violation of this chapter for any owner/harbinger to fail to have a current animal/fowl license. Failure to obtain a Valley Center animal/fowl license is a class C violation.

**6.21.03 Animal Regulations for A-1 and RR-1 Zoning**

Maintaining larger domestic animals, including but not limited to bovine cattle, horses, hogs, sheep and goats in accordance with each of the following standards, shall be deemed to not be nuisance, provided, the property where said animals will be allowed are zoned either Agricultural or Suburban Residential. These regulations will not apply to property owners who owned animals when annexed between January 1, 2004 and December 31, 2008. When said owners cease to own animals for more than one year these regulations will apply.

- A. For sheep and goats, at least ten thousand (10,000) square feet of fenced open space per sheep or goat provided the animal shelter or enclosure is beyond three-hundred (300) feet (including street right-of-way) of any residential dwelling on adjoining premises.
- B. For hogs or pot-bellied pigs at least ten thousand (10,000) square feet of fenced open space per hog provided the animal shelter or enclosure is beyond (500) feet (including street right-of-way) of any residential dwelling.
- C. Chickens, Rabbits, Ducks, or pigeon: One (1) animal per two thousand (2,000) square feet of lot area.
- D. Sheep, goats, turkeys, or geese at a ratio of five (5) total animals per acre.

# Horses or Cattle	Acreage amount required
1	1.5 acres
2	2.5 acres
3	4.0 acres
4	5.5 acres
5 or more	7.0 acres (plus 1 acre per each additional animal)

- E. Owners of animals in the City must construct and maintain fences, based on dimension and materials listed below to prevent domestic animals from breaking out or causing hazard to persons or property.

Type of Animal	Type of fence required	Number of Strands	Wiring spacing above ground (inches)
Buffalo	5-strand barbed wire fence	5	Range of 11 to 52
Horses	Highly visible material with posts every 12ft. No barbed wire allowed	3	11-18 / 23-30 / 34-44
Cattle	High tensile wire-electrically charged	2	26-36
Swine	Barbed wire close to the ground with other two strands of high tensile wire electrically charged	3	8-16-28
Sheep	High Tensile wire-electrically charged	7	6-11-16-22-30-38-48
Chickens	Standard chicken wire	--	Ground to 36

- F. A continual water source that is well maintained, with sufficient amounts (depending upon the animal), must be provided within any fenced enclosure. Adequate watering requires a supply of clean, fresh, potable water, supplied in a sanitary manner and in adequate amounts at intervals suitable for animal species and either continuously accessible to each



- animal or supplied to maintain the health and well-being of such animals;
- G. Cleaning the domestic animal shelters at least once each week or as often as necessary to prevent or control odors and fly breeding; provided, however, that this shall not apply to grazing areas;
  - H. Disposing of collected fecal material and other solid organic waste at a sanitary landfill, fertilizer processing plant, or by proper disposal on land used for agriculture purposes;
  - I. Storing grain or protein food in tightly covered, rodent-proof, metal containers or rodent proof bins;
  - J. Maintaining the premises free of rodent harborage;
  - K. Using anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or providing other effective chemical means for the control of rodents and flies;
  - L. Using soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings;
  - M. Storing refuse in proper containers or in a manner approved by Community Development or the Code Enforcement Officer, and disposing of such refuse at least once each week;
  - N. Storing solid waste accumulated from the cleaning of domestic animal shelters in metal containers with tight-fitting metal lids and disposing of such solid waste at least once each week;
  - O. Providing proper drainage so that there is no accumulation of rainfall or liquid waste;
  - P. Stables, coops, pens and other structures or enclosures for the housing of animals shall comply with all zoning requirements of the city of Valley Center Zoning Code. (Ord. 712.4, 1987.)(Ord. No. 1219, 1.10-2-10)

#### **6.21.04 Animal Regulations for Residential Zoning Districts**

No livestock or other agricultural animals in residential zoning districts shall be kept inside of a home or garage, but must be outdoors on a lot or combination of lots under one ownership having a minimum of six-thousand five-hundred (6,500) sq. ft. provided the property owner is able to meet the following criteria:

- A. A structure that houses one or more animals shall be set back from the property lines consistent with setback standards for an accessory structure;
- B. One or more animals are kept within a fenced area at least five (5) feet from the property line(s), or the fence may be on the property line(s) with the use of solid fencing on a neighboring lot;
- C. Animals kept on the site shall be limited to chickens (no roosters), rabbits, pigeons, or ducks
- D. Animals kept on the site shall not exceed one (1) animal per two thousand (2,000) square feet of lot area.

#### **6.21.05 Minimum standards for animals**

- A. The animal(s) shall be kept in such a manner that meets all of the following minimum standards so that a nuisance is not created that would impact adjacent property owners:
- B. In a residential zoning district, the limit is four (4) household pets. Offspring of domestic animals or household pets residing in the home shall be allowed until they have reach (5) five months of age. At that time, the maximum number of animals shall not be exceeded. Any home having more than four (4) household pets will be required to apply for a kennel license that will be required to be renewed annually.

#### **6.21.06 Nuisance prohibited**

No person shall create or cause or maintain such a nuisance within the city. Domestic animals which are maintained within the city so as to cause discomfort to occupants of other premises by reasons of offensive odors, insects or infestations, rodents, noise, are declared to be a nuisance.

- A. The animals will not make disturbing noises, i.e. continued and repeated or untimely howling, barking, whining, or similar utterances causing unreasonable annoyances, disturbance, or discomfort to neighbors where animals are kept or harbored, or otherwise be unreasonable offensive or dangerous to the public health, safety or welfare, by virtue of their behavior, number, type, or manner of keeping.
- B. It shall be the duty of any person harboring or keeping such animal or animals to abate the condition, and if he or she fails to do so, the city may abate it by picking up and/or impounding the animal at the expense of the owner.
- C. Failure to abate the nuisance condition is a class C violation.

#### **6.21.07 Confinement of dogs in heat**

- A. Any unspayed female dog 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 the enclosure shall be so constructed that no other dog or dogs may have access to the confined animal except for purposes of planned breeding;
- B. Any animal that is in the state of estrus (heat) and is not properly confined, or any such animal that is creating a neighborhood nuisance, shall be removed to a boarding kennel, or to a veterinary hospital;
- C. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals removed to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement. (Ord. 780.6, 1991.)
- D. Failure to confine a dog in heat is a class C violation

#### **6.21.08 Found Animals**

No person shall hold or retain possession of any animal without the owner's knowledge or consent for more than twenty-four (24) hours without first reporting the possession of said animal to Community Development or Code Enforcement Officer, and making a reasonable attempt to find and/or notify the animal's owner. Such person must continue to make a reasonable attempt to find and/or notify the animal's owner until either the owner is found or the person relinquishes control of the animal to Community Development, which may adopt the animal back to the finding person. This section does not apply to animals known to have been abandoned.

**CHAPTER 6.22  
DANGEROUS/VICIOUS ANIMALS**

**Sections:**

<b>6.22.01</b>	<b>Dangerous/Vicious Animals Prohibited.....</b>	<b>17</b>
<b>6.22.02</b>	<b>Impoundment of Dangerous/Vicious Animals.....</b>	<b>18</b>
<b>6.22.03</b>	<b>Dangerous/Vicious Animal Complaint.....</b>	<b>18</b>
<b>6.22.03</b>	<b>Animal Bites; Quarantine.....</b>	<b>19</b>
<b>6.22.05</b>	<b>Penalty for Violation of Chapter.....</b>	<b>19</b>
<b>6.22.06</b>	<b>Procedure for the Determination of a Dangerous Dog.....</b>	<b>20</b>
<b>6.22.07</b>	<b>Control of Dangerous Dog; License and Confinement.....</b>	<b>20</b>
<b>6.22.08</b>	<b>Violation of Requirements for Dangerous Dog.....</b>	<b>21</b>
<b>6.22.09</b>	<b>Dogs; Threats to Public Safety.....</b>	<b>21</b>

**Dangerous/Vicious animals prohibited**

- A. It shall be unlawful for any person to own, keep, maintain or have in his possession or under his control within the city limits any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.
- B. Dangerous/Vicious Animal shall include:
  - 1. Any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
  - 2. Any animal which attacks a human being or domestic animal without provocation on more than one occasion;
  - 3. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting;
  - 4. Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack any law enforcement officer while such officers is engaged in the performance of official duty.
- C. It shall be unlawful for any person to own, keep, maintain or have in his possession or under his control within the city limits 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;
  - 5. Bears;
  - 6. Bison;
  - 7. Bobcats;
  - 8. Cheetahs;
  - 9. Constrictor snakes, six feet in length or more;
  - 10. Coyotes;
  - 11. Crocodilians, 30 inches in length or more;
  - 12. Deer, which includes white-tailed deer, elk, antelope & moose;
  - 13. Domestic dogs hybridized with wild canines such as wolves and coyotes;
  - 14. Elephants;
  - 15. Emus;
  - 16. Game cocks and other fighting birds;
  - 17. Hippopotami;
  - 18. Hyenas;
  - 19. Jaguars;
  - 20. Leopards;
  - 21. Lions;

22. Lynxes;
  23. Monkeys;
  24. Ostriches;
  25. Peacocks;
  26. Pumas, also known as cougars, mountain lions and panthers;
  27. Raccoons;
  28. Rhinoceroses;
  29. Skunks;
  30. Tigers;
  31. Wolves.
- D. Subsections A. and B. 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.

#### **6.22.02 Impoundment of dangerous/vicious animals**

- A. While awaiting trial, impoundment of those animals whose owners have been cited for violation of this chapter shall be at the discretion of the Director of Community Development or the Code Enforcement Officer.
- B. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the Director of Community Development or the Code Enforcement Officer, or his/her agent, to impound such animal.
- C. The animal shall not be released pending trial except on the order and pursuant to any conditions set by the municipal court judge who may also direct the owner to pay all impounding fees accrued to date.
- D. Nothing in this chapter shall be construed to prevent the Director of Community Development or the Code Enforcement Officer or his/her agent so delegated from taking whatever action is reasonably necessary to protect him/herself or others of the public from immediate injury or danger, including the immediate destruction of any vicious animal without notice to the owner. (Ord. 737.1 (part), 1988.)

#### **6.22.03 Dangerous/Vicious Animal Complaint**

- A. Whenever a complaint is filed in the municipal court against the owner of an animal alleging that such animal is a dangerous/vicious animal and the owner is in violation of this chapter, the municipal judge shall hold a hearing to determine whether or not the animal is vicious within the meaning of this chapter and thereby in violation of this chapter.
- B. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week prior to the hearing. In making a determination of whether the animal is a vicious animal, the municipal judge shall consider the following:
  1. Any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
  2. Any animal which attacks a human being or domestic animal without provocation on more than one occasion;
  3. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting;
  4. Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack any law enforcement officer while such officers is engaged in the performance of official duty.
  5. The seriousness of any attack or bite;
  6. Past history of attacks or bites;

7. Likelihood of attacks or bites in the future;
  8. The condition and circumstances under which the animal is kept or confined;
  9. Other factors which may reasonably relate to the determination of whether or not the animal is vicious.
- C. Upon the making of such relocation arrangements that are acceptable to the municipal court judge, the judge shall authorize the release of the animal to be relocated outside of the Valley Center city limits.

#### **6.22.04 Animal Bites; Observation**

(A) **Owner Known.** Upon receipt of notification from a duly licensed practitioner of medicine or registered nurse that an animal bite incident has occurred, the officer shall make reasonable effort to contact the owner of the animal involved in the incident and advise the owner to place the animal immediately with the Wichita Animal Shelter or a regularly licensed and practicing veterinarian of the owner's choice for a confinement period of a minimum of ten (10) days from the time of the occurrence of the bite. The owner shall be liable for all such costs incurred.

(B) **Failure to Comply.** Any owner who shall fail to comply with the provisions of this Section, within twenty-four (24) hours or one (1) business day of notification, shall be deemed in violation of this Article and the officer shall take such animal into custody and commit it for the above described confinement period.

(C) **Owner Unknown.** Biting animals for which an owner cannot be located shall be taken into custody by the animal control officer and confined for observation. If the bite to the victim is on the neck or head, or if the animal is behaving strangely or is ill, the animal shall be sent to K-State. If the bite to the victim is not on the neck or head, and if the animal is not behaving strangely or is not ill, the animal shall be held for three days before being euthanized. If the owner seeks to claim the animal, the provisions of Subsection (A) shall govern the confinement of the animal. Should such animal become ill, die or is euthanized within the confinement period, the bite victim or victim's representative shall be notified and the City shall direct further management of the animal or animal remains. If the animal is alive and well at the end of the confinement period, the bite victim or victim's representative shall be notified, and the animal shall become the property of the City of Valley Center.

(D) **State Law.** Kansas Administrative Regulations (K.A.R.) 28-1-13, and amendments thereto, shall be followed concerning the isolation of biting animals for observation, examination, unless the provisions of this Chapter require more stringent procedures. (K.S.A. 47-125)

#### **6.22.05 Penalty for Violation of Chapter.**

Any person convicted of the violation of any of the provisions of this Chapter shall upon conviction thereof be fined not less than \$10.00 nor more than \$500.00. Each consecutive day's violation shall constitute a separate punishable offense.

#### **6.22.06 Procedure for the Determination of a Dangerous Dog.**

A. In the event that an animal control officer or law enforcement officer has probable cause to believe that a dog is dangerous, as defined by Section 6.04 (Definitions), the municipal judge shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared dangerous as defined by Section 6.04. The animal control officer or law enforcement officer may order the dog to be impounded at a licensed veterinary clinic or the Wichita Animal Shelter pending the determination of whether the dog is dangerous. The owner or harbinger of the dog shall be liable for the costs of keeping such dog.

- B. The animal control officer or law enforcement officer shall notify the owner or harbinger of the dog that the hearing will be held, at which time evidence will be presented that the dog is dangerous and at which time the owner or harbinger of the dog may present evidence to rebut evidence presented by the City and present such other evidence as may be relevant. The failure of the owner or harbinger to attend or participate in the hearing shall not keep the judge from making the appropriate determination concerning the dog. The hearing shall be held promptly within no less than five (5) nor more than twenty (20) days after service of notice upon the owner or harbinger of the dog. The City shall have the burden of proof to show that the dog is dangerous pursuant to Section 6.04.
- C. After the hearing, the owner or harbinger of the dog shall be notified by the Court Clerk in writing of the determination. If a determination is made that the dog is dangerous, the owner or harbinger shall comply with the provisions of this Article within fifteen (15) days. If the owner fails to comply with the provisions of this Article within the time provided, the dog shall be destroyed. If the owner or harbinger of the dog contests the determination, he or she may appeal within ten (10) days to the district court pursuant to law.

#### **6.22.07 Control of Dangerous Dog; Licenses and Confinement.**

If the municipal court judge determines that a dog is dangerous pursuant to this Article, the owner or harbinger of the dangerous dog shall be required to comply with the following:

(A) **Dangerous Dog License.** The owner or harbinger shall annually register the dangerous dog with the City, on such forms designated by the City Clerk, and shall have a microchip inserted into the dog. The microchip shall detail the dangerous dog license and such other information as may be appropriate to determine the ownership of the dog. The owner or harbinger shall pay a \$50.00 annual Dangerous Dog License and shall pay all costs associated with the microchip procedure and license of the dog. The owner or harbinger shall be responsible for maintaining with the City Clerk the address of the owner or harbinger and the dangerous dog. The owner or harbinger shall notify the City Clerk within seven (7) days of a change in address for the owner or harbinger and dangerous dog.

(B) **Confinement.** All dangerous dogs shall be confined in an enclosure. It shall be unlawful for any owner or harbinger to maintain a dangerous dog upon any premises that does not have a locked enclosure. It shall be unlawful for any owner or harbinger to allow a dangerous dog to be outside of the dwelling of the owner or harbinger or outside the enclosure unless it is necessary for the owner or harbinger to obtain veterinary care for the dangerous dog or for the limited purposes of allowing said dangerous dog to urinate or defecate or to sell or give away the dangerous dog or respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four (4) feet in length, and shall be under the direct control and supervision of the owner or harbinger of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

#### **6.22.08 Violation of Requirements for Dangerous Dog**

It shall be unlawful for any person to violate the provisions of this Article. Any person found guilty of violating the provisions of this Article shall be assessed, fined, and the animal disposed of, as provided below:

- A. **At-Large.** Any dangerous dog that is not confined or licensed as required pursuant to this Article shall be impounded by an animal control officer or a law enforcement officer. In addition to all costs for impoundment, the owner or harbinger shall pay a Two Hundred Fifty Dollar (\$250.00) fine. For a second offense within twenty-four (24) months in which the dog is not confined or licensed as required pursuant to this Section, in addition to all costs for impoundment, the owner or harbinger shall pay a Five Hundred (\$500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a five (5) day waiting period, exclusive of Sundays and holidays, shall destroy

said dog. The judge shall have no authority to suspend the fine or any portion thereof.

- B. **Attack on Human.** If any dangerous dog shall attack, assault, wound, bite, or otherwise injure or kill, or assist in such injury or killing, a human being, the owner or harbinger shall pay a Five Hundred Dollar (\$500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a five (5) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. The judge shall have no authority to suspend the fine or any portion thereof.
- C. **Attack on other animal.** If any dangerous dog shall kill or wound, or assist in killing or wounding, any animal, the owner or harbinger shall pay a Two Hundred Fifty Dollar (\$250.00) fine, and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a five (5) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. The judge shall have no authority to suspend the fine or any portion thereof. If the owner or harbinger of a dog impounded pursuant to this Section shall believe that there shall not have been a violation of the provisions of this Section, such owner may petition the Municipal Court, on forms approved by the Municipal Judge, requesting the impounded dog not be destroyed. The impounded dog shall not be destroyed pending the resolution of such owner's petition if the petition shall have been filed within five (5) days of impoundment of such dog and notice shall have been delivered within five (5) days of the impoundment of such dog to the Wichita Animal Shelter. The dog shall remain impounded pending the determination of the petition. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner upon the payment of the expenses by the owner or harbinger.
- D. In addition to the fines provided in this Section, the Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Article to serve up to a maximum of six (6) months in jail.

**6.22.09 Dogs; Threats to Public Safety.**

Notwithstanding any other provision of this Article to the contrary and irrespective of whether the dog has been declared dangerous pursuant to this Article, the Municipal Judge may order any dog destroyed if the Judge determines that the dog is an immediate threat to public health and safety and that confinement and license of the dog by the owner or harbinger of the dog as provided in this Article will not adequately protect public health and safety. No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety. In making such determination the Judge may consider the severity of the attack and such other relevant information. The Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Section to serve up to a maximum of six (6) months in jail and to pay a fine not to exceed \$1,000.00.

**CHAPTER 6.24  
VIOLATIONS AND PENALTIES**

**Sections:**

<b>6.24.01</b>	<b>Violation- Civil Nuisance Abatement Procedure.....</b>	<b>22</b>
<b>6.24.02</b>	<b>Classes of Violation: Confinements and Fines.....</b>	<b>22</b>
<b>6.24.03</b>	<b>Legal action.....</b>	<b>22</b>
<b>6.24.04</b>	<b>Separate Offense.....</b>	<b>22</b>
<b>6.24.05</b>	<b>Habitual Violator.....</b>	<b>23</b>
<b>6.24.06</b>	<b>Interfering with an officer.....</b>	<b>23</b>

**6.24.01 Violation-Civil Nuisance Abatement Procedure**

Nothing contained in this chapter shall prevent the city from pursuing any civil nuisance abatement procedure against any person who may be in violation of this chapter.

**6.24.02 Classes of Violation: Confinement and Fines**

A. For the purpose of sentencing, the following classes of violations and the punishment and the terms of confinement authorized for each class are established:

1. Class A, the sentence for which shall be a definite term of confinement in the city or county jail which shall be fixed by the court and shall not exceed one year;
2. Class B, the sentence for which shall be a definite term of confinement in the city or county jail which shall be fixed by the court and shall not exceed six months;
3. Class C, the sentence for which shall be a definite term of confinement in the city or county jail which shall be fixed by the court and shall not exceed one month;
4. Unclassified violations, which shall include all offenses declared to be violations without specification as to class, the sentence for which shall be in accordance with the sentence specified in the section that defines the offense; if no penalty is provided in such law, the sentence shall be the same penalty as provided herein for a Class C violation.

B. Upon conviction of a violation, a person may be punished by a fine instead of or in addition to confinement, as provided by this Chapter.

A. A person convicted of a violation may, in addition to or instead of the confinement authorized by law, be sentenced to pay a fine which shall be fixed by the court as follows:

1. Class A violation, a sum not exceeding \$2,500.
2. Class B violation, a sum not exceeding \$1,000.
3. Class C violation, a sum not exceeding \$500.
4. Unclassified violation, any sum authorized by the section that defines the offense. If no penalty is provided in such law, the fine shall not exceed the fine provided herein for a Class C violation.
5. As an alternative to any of the above fines, the fine imposed may be fixed at any greater sum not exceeding double the pecuniary gain derived from the crime by the offender. (K.S.A. Supp.21-6611)

**6.24.03 Legal action**

Whenever the Director of Community Development, or the Code Enforcement Officer, or law enforcement officer has probable cause to believe that a person is committing or has committed a violation of this chapter, the officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative may sign a complaint against the accused person and cause a notice to appear to be issued, the code for the enforcement of city codes.

**6.24.04 Separate Offense**

Each violation of this chapter shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person is found guilty of a violation hereunder



and it shall appear to the court that the violation complained of as prescribed in this chapter is continuing, then in addition to the penalty set forth, the court shall enter such order as it deems appropriate to cause the violation to be abated.

#### **6.24.05 Habitual Violator**

"Habitual violator" means any person who is alleged to have committed a fourth or subsequent violation of any provision of this chapter if such violation has occurred within twelve (12) months of the first violation. Such fourth or subsequent violation shall be a class B violation and shall be prosecuted in the same manner as any other violation offense in the state.

#### **6.24.06 Interfering with an officer**

- A. No person shall interfere with or hinder an animal control officer, Code Enforcement Officer, enforcement officer or law enforcement officer in the lawful discharge of that person's duties. It shall be a violation of this chapter for any person to interfere with or hinder an animal control officer, Code Enforcement Officer, enforcement officer or law enforcement officer in the lawful discharge of that person's duties.