

Chapter 5 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means for any owner or harbinger to leave an animal in any place without making reasonable provisions for its proper care or without a demonstrated or apparent intent to recover or resume custody. This includes leaving any animal in a vehicle during extreme weather conditions as determined by the animal control officer and a heat index chart.

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, 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 care advisory board means the board established and appointed by the board of county commissioners, as indicated within sections 5-51 through 5-55 of the Code. The term "animal care advisory board" also includes any subcommittee(s) to whom the advisory board might delegate certain functions.

Animal control officer means the director of the county department of animal control and/or that person's designee, or any other person or agency designated by the board of county commissioners 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 director.

Approved location means a location approved by the animal control director, with such location being subject to the provisions of this Code that pertain to inherently dangerous animals.

At large means the act of an animal which constitutes:

- (1) Being off property of the owner; and/or
- (2) Not being effectively physically restrained on a chain or leash or not being kept in a suitable fence or by or in another means of physical restraint from which the animal can escape; or
- (3) In the case of an inherently dangerous animal, not being properly restrained as required by section 5-228(b)(1)m. and section 5-228(c)(1)l. of this Code.

Attack means violent or aggressive physical contact or attempted violent or aggressive physical contact.

¹Cross reference(s)—Health and human services, Ch. 14.

State law reference(s)—County home rule powers, K.S.A. 19-101, 19-101a, 19-212; livestock and domestic animals generally, K.S.A. 47-120 et seq.; criminal statutes regarding crimes committed against animals, K.S.A. 21-6411 et seq.

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

Completed license application means an inherently dangerous animal license application form that is submitted with all required information and that is accompanied by all required documents.

Cruelty to animals is defined within section 5-191.

Dangerous animal is defined within section 5-163.

Director means the director of the county department of animal control and/or that person's designee, which shall include law enforcement officers.

Enclosure means a fence, cage or structure which forms an enclosed area intended to prevent the entry of members of the public into such enclosure, and intended to confine a dangerous or inherently dangerous animal. Such enclosure shall be designed to prevent a dangerous or inherently dangerous animal from escaping from the enclosure and shall have a secure top attached to all sides and one (1) or more of the following:

- (1) The sides shall be embedded or buried two (2) feet into the ground;
- (2) The sides must be secured into a concrete pad or slab; or
- (3) The sides must be securely attached to a wire bottom.

Such enclosure shall be locked and shall provide adequate lighting and shelter from the elements and shall be kept in a clean and sanitary condition.

Enclosures for inherently dangerous animals shall be subject to more stringent requirements as set forth herein.

Farm animal means an animal raised on a farm or ranch and used or intended for use as food or fiber.

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

Habitual nuisance animal means any animal determined to be such by the director after a hearing as provided in section 5-162, and which is based on the animal's owner having been convicted three (3) times in a twelve-month period of harboring a nuisance animal when each of the three (3) convictions relates to the same animal.

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.

Health officer means the director of the Sedgwick County Department of Health or his authorized representative, including any employee of the Sedgwick County Department of Health.

Inherently dangerous animal means an inherently dangerous mammal and/or an inherently dangerous reptile.

Inherently dangerous mammal is any live member of the *canidae*, *felidae*, or *ursidae* families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and which include:

- (1) *Canidae*, including any member of the dog (*canid*) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).
- (2) *Felidae*, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).
- (3) *Ursidae*, including any member of the bear family, or any hybrids thereof.

Inherently dangerous reptile is any live member of the class *reptilia* which is:

- (1) Venomous, including, but not necessarily limited to, all members of the following families: *Helodermidae*; *Viperidae*; *Crotalidae*; *Atractaspidae*; *Hydrophilidae*; and *Elapidae*.
- (2) A "rear fanged" snake of the family *Colubridae* that are known to be dangerous to humans, including, but not necessarily limited to, all members of the following families: *Dispholidus typus*; *Thebtornis kirtlandii*; and *Rhabdophis spp.*
- (3) Of the family *Boidae* (boas and pythons); specifically the following species: *Python reticulatus*; *Eunectes sp.*; *Python sebae*; and *Python molurus*.
- (4) A member of the order *Crocodylia* (crocodiles, alligators and caiman).

Inhumane treatment is defined within section 5-193.

License holder or licensee means a person at least eighteen (18) years of age who has a valid inherently dangerous animal license and is in compliance with all provisions of the inherently dangerous animal article of this Code.

Notice means written notice to the owner of an animal which:

- (1) Is mailed or hand-delivered to the owner's address of record on the license issued to that owner for the licensed animal;
- (2) Is mailed or hand-delivered to the owner's address as ascertained from any other public record;
- (3) Is mailed to an address which has been ascertained by personal observation of an animal control officer to be a premises or building at which the owner may be contacted;
- (4) Has been tacked, taped or attached upon or to the owner's premises or dwelling, if such can be ascertained; or
- (5) Has been left with a person of suitable age and discretion at such owner's premises or dwelling.

If the owner is not known, notice shall be published in the official county newspaper at least one (1) week prior to any hearing regarding the animal.

Nuisance is defined within section 5-161(a).

Nuisance animal is defined within section 5-161(b).

Owner means any person who:

- (1) Has a right of property in an animal;
- (2) Keeps or harbors an animal;
- (3) Has an animal in that person's care;
- (4) Acts as a custodian of an animal;
- (5) Licenses a dog in compliance with article III of this chapter; and/or
- (6) Obtains a vaccination certificate or veterinarian's confirmation for a dog and/or cat in compliance with article IV of this chapter.

Additionally, any person who knowingly permits a dog or cat to remain on or about any premises occupied by that person shall be considered the owner of such dog or cat.

Person means an individual, organization, partnership or corporation.

Shelter means a structure or housing, with insulation, that provides dry protection from all elements of the weather.

Shift cage means a cage in which an inherently dangerous animal may be placed without physical contact between the animal and any person to permit safe feeding, cleaning, cage repair or other separations.

Take up means to put into physical custody and impound at an animal shelter or veterinary hospital.

Tether means attaching a leash, rope, chain, lead or other similar apparatus or device to the body of an animal and an inanimate or immovable object for the purpose of confining the animal or limiting the movement of the animal.

Trained personnel means an individual, at least eighteen (18) years of age, who is an employee, volunteer, family member and/or owner who has received training according to the provisions of the inherently dangerous animal article.

Traveling circus means a circus that harbors one (1) or more inherently dangerous animals in the unincorporated area of the county for not more than two (2) weeks in any calendar year, that does not own real property in the unincorporated area of the county that is used for a purpose associated with said circus, and that does not have its primary place of business in the county.

Trespass means entering or remaining without consent upon property other than the property of the owner.

Unincorporated area means outside the corporate limits of any city.

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

Veterinarian means a doctor of veterinary medicine currently licensed by the state.

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.

(Res. No. 270-1992, § 1, 12-2-92; Res. No. 22-1996, § 1, 1-24-96; Res. No. 79-1996, 4-10-96; Res. No. 35-00, § 2, 3-8-99; Res. No. 189-2001, 12-12-01; Res. No. 142-2002, § 1, 10-2-02; Res. No. 51-2014, § 2, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 1, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 5-2. Penalty; fines.

- (a) *Legal action.* Whenever an animal control officer, 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 according to the provisions of K.S.A. 19-4701 et seq., the code for the enforcement of county codes and resolutions. Procedures for prosecution of violations of this chapter shall be pursuant to chapter 8 of this Code.
- (b) *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.

- (c) *Schedule of fines.* Except as provided in subsection (b) of this section, any accused person who shall be convicted in county court for violation of any provision of this chapter shall be deemed guilty of a violation thereof in accordance with K.S.A. 19-4716, and shall be subject to payment of a fine which shall be fixed by the court at a sum not to exceed five hundred dollars (\$500.00); provided further, the maximum fine for any violation of this chapter shall be assessed according to the classification of violations and schedule of fines pursuant to section 8-5, and subject to the enhancements contained therein, and each and every violation of this chapter shall be classified according to the classification indicated in the violation.

(Res. No. 270-1992, §§ XVII, XVIII, XIX, XX, 12-2-92; Res. No. 212-2013, § 2, 12-11-13; Res. No. 51-2014, § 3, 4-16-14; Res. No. 4-2015, § 1, 1-21-15)

Editor's note(s)—Res. No. 212-2013, § 2, adopted December 11, 2013, amended the title of section 5-2. The former § 5-2 was titled penalty; habitual violators; fines. Subsequently, Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

State law reference(s)—Authorized penalties, K.S.A. 19-101d.

Sec. 5-3. Appeals; agreements.

- (a) *Appeals.* An appeal may be taken from any judgment under the code for the enforcement of county codes and resolutions (K.S.A. 19-4701 et seq.) pursuant to the procedures at K.S.A. 19-4737, as amended.
- (b) *Agreements.* The board of county commissioners may enter into agreements with any veterinarian, governmental agency, city, township, improvement district, corporation or individual it deems necessary to carry out the provisions of this chapter.

(Res. No. 270-1992, §§ XXI, XXII, 12-2-92)

Sec. 5-4. Interfering with an officer; violation.

- (a) No person shall interfere with or hinder an animal control officer, code enforcement officer, health officer or law enforcement officer in the lawful discharge of that person's duties.
- (b) It shall be a violation of this chapter for any person to interfere with or hinder an animal control officer, code enforcement officer, health officer or law enforcement officer in the lawful discharge of that person's duties. Interference with an officer is a class H violation.

(Res. No. 270-1992, § XII, 12-2-92)

Sec. 5-5. Animal pickup fees; violations; penalty.

- (a) *Request for animal pickup.* Any citizen requesting county animal control to pickup dead animal(s) from private property for disposal, to pickup and deliver live animals to the Wichita Animal Shelter for humane euthanasia, or the pickup of nuisance, dangerous, or biting animal shall pay fees assessed as follows:
- (1) A fee of twenty-nine dollars (\$29.00) per dead animal removed from private property by county animal control shall be paid by the person requesting the pickup, which fee shall be paid to the county within ten (10) calendar days of the pickup.

-
- (2) A fee of twenty-nine dollars (\$29.00) per animal for pickup by county animal control of a living animal for humane euthanasia and disposal requested by the owner of the animal shall be paid by the owner to the county within ten (10) calendar days of the pickup.
 - (3) A fee of thirty-nine dollars (\$39.00) shall be assessed by county animal control to the owner of any nuisance, dangerous, or biting animal captured, controlled and transported by county animal control to the Wichita Animal Shelter. This fee shall be paid to the county by the owner of the animal prior to the animal's release from the Wichita Animal Shelter and shall be in addition to fees charged by the Wichita Animal Shelter.
 - (4) Requests for pickup of multiple dead animals shall be handled by the director of the county animal control department. The frequency of such pickups and the fees charged shall be at the discretion of the director. However, such fees shall not be in excess of twenty-nine dollars (\$29.00) per dead animal.
 - (5) The director shall have the authority to determine the size of animals which the county will pick up based upon the capabilities, equipment and facilities available for use.
 - (6) Any animal that comes into the custody or control of Sedgwick County Animal Control that is not acceptable to be placed with the Wichita Animal Shelter may be delivered by the director or designee to a proper facility, as determined in the sole discretion of the director or designee. The charges of the facility, including daily fees or pickup fees, wholesome food, potable water, veterinarian care, any procedures deemed necessary for the wellbeing and maintenance of said animal, medical supplies, medications and/or vaccinations shall be the responsibility of the owner/harbinger of the animal. The owner/harbinger shall pay in full the facility and in compliance with the requirements or policies of the facility prior to the animal's release. The facility and/or the director may request the judge of the county court to order the payment of such fees and expenses as part of any proceeding against the owner/harbinger, and the owner/harbinger shall pay the fees, expenses and costs as the court shall direct.
- (b) *Fail to pay pickup fees.* It shall be a violation of this chapter for any person to fail to pay the pickup fee as required in subsections (a)(1) and (2), inclusive, of this section. Fail to pay pickup fees is a class F violation.
 - (c) *Fail to pay pickup fees: nuisance, dangerous, or biting animal.* It shall be a violation of this chapter for any person to fail to pay the pickup fee as required in subsection (a)(3), of this section. Fail to pay pickup fees: nuisance, dangerous, or biting animal is a class H violation.

(Res. No. 270-1992, § XI, 12-2-92; Res. No. 22-1996, § I, 1-24-96; Res. No. 277-1996, § I, 12-23-96; Res. No. 190-03, § I, 8-6-03; Res. No. 202-2010, § 1, 12-15-10; Res. No. 222-2019, § 2, 10-9-19)

Sec. 5-6. Reimbursement for cost of animal care; violation.

- (a) *Owner/harbinger responsible.* The owner/harbinger of any animal that comes into the custody or control of the director or designee shall be responsible for the fees, expenses and costs for the care of said animal. The animal care costs shall include, but not be limited to: wholesome food, potable water, veterinarian care, any procedures deemed necessary for the wellbeing and maintenance of said animal, medical supplies, medications, vaccinations, and/or daily fees or pickup fees of any facility caring for the animal. The owner/harbinger shall pay in full the facility and in compliance with the requirements or policies of the facility prior to the animal's release. The facility and/or the director may request the judge of the county court to order the payment of such fees and expenses as part of any proceeding against the owner/harbinger, and the owner/harbinger shall pay the fees, expenses and costs as the court shall direct.
- (b) *Failure to pay animal care costs.* It shall be a violation of this chapter for any owner/harbinger of any animal that receives care to fail to pay the animal care fees, expenses and costs. Failure to pay the animal care fees, expenses and costs is a class H violation.

(Res. No. 270-1992, § X, 12-2-92; Res. No. 202-2010, § 1, 12-15-10)

Secs. 5-7—5-35. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 5-36. County animal control department.

There is hereby established by the board of county commissioners a department of animal control, which shall be responsible for the implementation and enforcement of this chapter in the unincorporated area of the county, and in any city which contracts with the county for such service. The department shall consist of a director and such other personnel as deemed necessary.

(Res. No. 270-1992, § II(A), 12-2-92; Res. No. 51-2014, § 3, 4-16-14; Res. No. 4-2015, § 1, 1-21-15)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-37. Director; duties.

- (a) The director and the director's designee are hereby appointed to serve as code enforcement officers pursuant to K.S.A. 19-101d(b)(2), and shall have the power to sign, issue and execute uniform complaints and notices to appear as is fully set out in the code for the enforcement of county codes and resolutions (K.S.A. 19-4701 et seq.).
- (b) The director and the director's designee shall constitute animal control officers.
- (c) The director shall have the following power and authority:
 - (1) To oversee and direct the enforcement of this chapter and any other animal control resolutions of this jurisdiction through the hiring of personnel, subject to county policy.
 - (2) To designate such employees as code enforcement officers and animal control officers.
 - (3) To administer the licensing and vaccinating of dogs and the vaccinating of cats as required under the provisions of this chapter.
 - (4) To conduct hearings and issue orders pursuant to sections 5-162 and 5-163 of this chapter.
 - (5) To cause the taking up of any nuisance animal and to cause its impoundment until further order of the director.
 - (6) To cause the taking up of any dangerous animal and to cause its impoundment until further order of the director.
 - (7) To cause the investigation of any complaints about or instances of cruelty or inhumane treatment to animals.

-
- (8) To cause the picking up and disposal of dead animals and living animals for humane euthanasia upon notification of the location of such animal in the unincorporated area of the county, and in the appropriate circumstances, to cause the waiver of pickup fees.
 - (9) To cause the seizure, impoundment, or taking up, on private or public property, of any animal which has bitten a person or other animal and impound the animal in a veterinary hospital or animal care facility. Such impoundment shall not exceed a period of more than thirty (30) days, during which time the health officer shall determine whether or not such animal is suffering from a disease and, if not, the health officer and the director or the director's designee shall authorize the release of the animal upon payment by the owner of the boarding fee, any costs for such confinement, and compliance with other applicable laws, resolutions and ordinances. The health officer or animal control officer may authorize the confinement of the animal on the owner's premises if the owner produces a current rabies vaccination certificate, and the owner is otherwise in compliance with other applicable laws, resolutions and ordinances. To be considered current, the expiration date of the rabies vaccination certificate shall be less than twelve (12) months from the date of the bite alleged, and the date of the rabies vaccination and the identification of the animal shall be recorded on the rabies vaccination certificate.
 - (10) To cause the taking up of any animal subjected to inhumane treatment for purposes of impoundment, veterinary care or humane euthanasia.
 - (11) To cause the pickup/take up of any inherently dangerous mammal or inherently dangerous reptile for purposes of impoundment, veterinary care or humane euthanasia, and to determine the disposition thereof.
 - (12) To inspect the premises where any inherently dangerous mammal or inherently dangerous reptile is harbored at any time between 7:00 a.m. and 9:00 p.m. daily for the purpose of determining whether the harbinger is in compliance with the provisions of this chapter.

(Res. No. 270-1992, §§ II(B)—(D), 12-2-92; Res. No. 22-1996, § I, 1-24-96; Res. No. 51-2014, § 3, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 3, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Secs. 5-38—5-50. Reserved.

DIVISION 2. ANIMAL CARE ADVISORY BOARD²

Sec. 5-51. Established.

The county animal care advisory board is hereby reestablished under the terms and conditions set forth in this division.

²Editor's note(s)—Res. No. 4-2015, §§ 1, 2, adopted Jan. 21, 2015 repealed a resolution, Res. No. 51-2104, which amended various sections of ch. 5, including ch. 5, div. 2, §§ 5-51—5-55, and reinstated in full effect the provisions of said division that existed prior to the adoption of Res. No. 51-2014, as set out herein.

Cross reference(s)—Boards, commissions, etc., § 2-151 et seq.

(Res. No. 17-1987, § 2, 2-4-87; Res. No. 4-2015, §§ 1, 2, 1-21-15)

Sec. 5-52. Membership.

The county animal care advisory board shall consist of ten (10) members who shall be appointed by and serve at the pleasure of the board of county commissioners.

- (1) Each county commissioner shall appoint two (2) members to the advisory board.
- (2) The members appointed shall serve for a period of four (4) years from the date of appointment. If the commissioner appointing a board member leaves office for any reason, the term shall expire, except that a member may serve until a successor has been duly appointed.
- (3) In the event of the death, resignation or disqualification of any member, such member's successor shall be appointed as provided in this section to fill only the unexpired term caused by such vacancy.
- (4) Members appointed by the board of county commissioners shall as nearly as possible be represented by and include a veterinarian, a second or third class city animal control officer, a kennel/breeder, a member of the animal care organization, and a member of the Kansas Humane Society.

(Res. No. 17-1987, § 3, 2-4-87; Res. No. 4-2015, §§ 1, 2, 1-21-15)

Sec. 5-53. Meetings; organization; records.

The animal care advisory board shall elect one of its members as chair and one member as its vice-chair. Terms of the chair and vice-chair shall be for one year, or until a successor is duly elected. The advisory board shall convene for its meetings at such time and place as shall be fixed by the chair of the advisory board. The director of the county animal control department shall serve in an ex officio capacity on the advisory board and shall serve as staff to the advisory board and shall cause a proper record to be kept of all proceedings before the advisory board.

(Res. No. 17-1987, § 4, 2-4-87; Res. No. 4-2015, §§ 1, 2, 1-21-15)

Sec. 5-54. Bylaws, rules and procedures.

The animal care advisory board may, by majority vote, adopt bylaws, rules and procedures for the conduct of its meetings and business. Such bylaws, rules and procedures shall not be in conflict with law and shall be subject to approval by the board of county commissioners.

(Res. No. 17-1987, § 5, 2-4-87; Res. No. 4-2015, §§ 1, 2, 1-21-15)

Sec. 5-55. Duties.

The duties of the county animal care advisory board shall include the following:

- (1) Guiding the county animal control department in all phases of its operations.
- (2) Determining operational policies and procedures of the county animal control department to be approved by the board of county commissioners.
- (3) Making recommendations concerning the operational policies and procedures to the board of county commissioners for implementation.

-
- (4) Annually, along with the director of the county animal control department, developing an operating budget and recommending the budget to the county manager, who will submit it for approval to the board of county commissioners.
 - (5) Providing such other guidance, study, analysis or other assistance deemed necessary and approved by the chair of the county animal care advisory board, the director of the county animal control department and the board of county commissioners.

(Res. No. 17-1987, § 3, 2-4-87; Res. No. 4-2015, §§ 1, 2, 1-21-15)

Secs. 5-56—5-65. Reserved.

ARTICLE III. DOG LICENSE

Sec. 5-66. Required; renewal.

- (a) *Required.* An owner/harbored of any dog, five (5) months or older which is harbored within the unincorporated area of the county shall be required to obtain and possess an annual one (1) year or upon renewal, a three-year license for the dog. An owner/harbored shall show the license immediately upon the request of an animal control officer or a code enforcement officer. The license, except in the case of a dangerous dog, may be obtained from a veterinarian or from the director in the manner prescribed in section 5-69. The expiration date of the initial dog license issued shall be one (1) year from the date of issuance shown thereon or from the date of the veterinarian's confirmation attached thereto. Thereafter, the owner/harbored may renew a license for one (1) year or a three-year period. Any dog maintained in foster care or with a rescue organization shall not be required to be licensed until adopted or placed.
- (b) *Renewal.* An owner/harbored of any dog which has been previously licensed in the county and which remains harbored within the unincorporated area of the county shall be required to obtain and possess a new license for the dog on or before the expiration date of the previous license. An owner/harbored shall show the license immediately upon the request of an animal control officer or a code enforcement officer. The license, except in the case of a dangerous dog, may be obtained from the director in the manner prescribed in section 5-69. The expiration date of the initial dog license shall be one (1) year from the date of issuance shown thereon or from the date of the veterinarian's confirmation attached thereto. In the case of a renewal license, the owner/harbored may obtain a one-year license or with a valid three-year vaccination, the owner/harbored may purchase a three-year dog license.

(Res. No. 270-1992, § III(A), (B), 12-2-92; Res. No. 15-2007, § 1, 1-3-07; Res. No. 202-2010, § 1, 12-15-10)

Sec. 5-67. Dangerous dogs.

An owner of any dog that has been previously determined to be a dangerous dog by the director, or which has previously been determined, declared, or adjudged dangerous or vicious in any other jurisdiction of which the director has notice or of which the owner has knowledge and which jurisdiction uses substantially the same standards as Sedgwick County for determination of a dangerous animal, which is harbored within the unincorporated area of the county, shall be required to obtain and possess an annual dangerous dog license for such dog. An owner shall show the license immediately upon the request of an animal control officer or a code enforcement officer. Such license shall only be obtained from the director. The expiration date of all dog licenses shall be one year from the date of rabies vaccination shown thereon, or from the date of the veterinarian's confirmation attached thereto, regardless of the date the license is obtained. The director is prohibited from

allowing any grace period for an owner to obtain a new license. All subsequent licenses for such dog shall also be obtained only from the director.

(Res. No. 270-1992, § III(C), 12-2-92; Res. No. 15-2007, § 1, 1-3-07; Res. No. 51-2014, § 4, 4-16-14; Res. No. 4-2015, § 1, 1-21-15)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-68. Exemptions.

Exemptions from licensing requirements shall be as follows:

- (1) All dogs being used in research work to develop disease-free animals;
- (2) Any dog which is registered as a seeing eye dog or which has been specially trained to aid hearing impaired, disabled or handicapped persons; or
- (3) Any dog which performs law enforcement or security functions for a governmental entity.

Such dogs as are identified in this section shall be subject to all other requirements contained in this chapter or any other resolution governing animal control or care in the unincorporated area of the county.

(Res. No. 270-1992, § III(F), 12-2-92; Res. No. 51-2014, § 4, 4-16-14; Res. No. 4-2015, § 1, 1-21-15)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-69. Procedure for obtaining a license.

(a) *Obtaining a license from a veterinarian.* The director shall provide suitable license forms to veterinarians practicing in the county. The license form shall be designed to receive information regarding:

- (1) The dog's physical description;
- (2) The date of rabies vaccination from its vaccination certificate, or a separately attached veterinarian's confirmation (which veterinarian's confirmation shall not excuse or invalidate the requirement that all dogs be licensed as described in sections 5-66 and 5-67);
- (3) The metallic vaccination tag number;
- (4) The owner's name, address and telephone number;
- (5) A statement to be signed by the owner that the dog has never been previously determined, declared or adjudged to be a dangerous or vicious animal in the county or in any other jurisdiction, and such other information as may be deemed necessary by the director; and
- (6) The appropriate license fee payment and indication of receipt thereof by the veterinarian.

The license form shall be completed by the veterinarian at the time of vaccination or preparation of veterinarian's confirmation. The veterinarian's signature thereon shall serve as verification of administration of the required vaccination, and the license form shall be distributed as indicated thereon. The dog owner may pay the appropriate license fee to the veterinarian, who shall mark the license form with the veterinarian's assigned "paid" stamp, or the dog owner may pay the appropriate license fee to the director. The license form shall be considered invalid unless the entire license form is completed and a veterinarian's confirmation is attached in appropriate

cases, the license fee is paid and the license form and license fees are received by the director. The veterinarian shall send the completed license form and license fee received to the director, who shall deposit the license fee in the county general fund. The director shall maintain official records of the licenses issued. The director shall provide postage-paid, pre-addressed envelopes to the veterinarians for their use in forwarding the license form, veterinarian's confirmation, if any, and license fee to the director.

- (b) *Obtaining a license from the director.* An owner may also obtain a license by providing the following information to the director:
- (1) The dog's physical description;
 - (2) A verification of rabies vaccination by presenting the dog's vaccination certificate or by presenting a veterinarian's confirmation (which veterinarian's confirmation shall not excuse or invalidate this requirement that all dogs be licensed as described in sections 5-66 and 5-67);
 - (3) A verification of the metallic vaccination tag number by presenting the dog's vaccination certificate;
 - (4) The owner's name, address and telephone number;
 - (5) A statement to be signed by the owner that the dog has never been previously determined, declared or adjudged to be a dangerous or vicious animal in the county or in any other jurisdiction, and such other information as may be deemed necessary by the director; and
 - (6) The appropriate license fee payment and indication of receipt thereof by the director.

The director shall receive subsections (1) through (6), inclusive, and the director shall thereupon complete the license form and shall sign the license form. The license form shall be considered invalid unless the entire license form is completed and a veterinarian's confirmation is attached in appropriate cases, the license fee is paid, and the license form and license fee are received by the director. Upon completion of the license form, the director shall deposit the license fee into the county general fund. The director shall maintain official records of the licenses issued.

- (c) *Licensing of dogs previously determined, declared or adjudged dangerous or vicious.* The owner of any dog which has previously been determined, declared, or adjudged dangerous or vicious by the director or by any other authorized person in another jurisdiction as provided in section 5-162 shall be required to obtain the animal's license from the director in the manner described in subsection (b) of this section and shall be prohibited from obtaining the license from a veterinarian. The director shall write upon the face of the license issued, clearly and obviously, "*Dangerous Dog*." In addition, the owner shall be required to provide to the director at the time of making application for such license either:
- (1) Proof of homeowner's, renter's or other insurance acknowledging the ownership of such animal previously determined, declared or adjudged to be dangerous or vicious and demonstrating that such animal's subsequent acts are insured by such policy and with such policy listing the Sedgwick County Animal Control Department as an entity to be notified ten (10) days in advance if the policy is cancelled for any reason; or
 - (2) A surety bond in the amount of three hundred thousand dollars (\$300,000.00) written to cover any acts of such animal previously determined, declared or adjudged to be dangerous or vicious, which bond shall list the Sedgwick County Animal Control Department as an entity to be notified ten (10) days in advance if the surety bond is cancelled for any reason.

Upon notification to the director of cancellation of a policy of insurance or of a surety bond, the director shall make an investigation into the current condition of the dog.

(Res. No. 270-1992, § III(E), 12-2-92; Res. No. 15-2007, § 1, 1-3-07; Res. No. 51-2014, § 4, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 4, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-70. Fees.

Annual license fees for dogs shall be as follows:

- (1) Each spayed or neutered dog \$ 12.00
- (2) Each unspayed or unneutered dog 22.00
- (3) Each dangerous dog 100.00

(Res. No. 270-1992, § III(D), 12-2-92; Res. No. 63-03, § 1, 3-26-03)

Sec. 5-71. False statement; dishonored or worthless checks.

- (a) Any false statement in a license form shall render the license issued invalid from the date of its issuance.
- (b) Any check used in payment of license fees returned to the county treasurer marked "nonsufficient funds" or "account closed" or otherwise dishonored renders the license invalid from the date of its issuance. The county treasurer shall notify the director immediately upon receipt of a returned check, and the director shall thereupon notify the owner.

(Res. No. 270-1992, § III(G), 12-2-92; Res. No. 15-2007, § 1, 1-3-07)

Sec. 5-72. Violations.

- (a) *Failure to obtain or possess dog license.* It shall be a violation of this chapter for any owner of any dog aged five (5) months or more to fail to obtain or possess a license for such dog. Failure to obtain or possess a dog license is a class F violation.
- (b) *Failure to renew or possess dog license.* It shall be a violation of this chapter for any owner of any dog whose license has expired to fail to obtain or possess a new license for such dog. Failure to renew or possess a dog license is a class F violation.
- (c) *Failure to obtain or possess dangerous dog license.* It shall be a violation of this chapter for any owner of any dog which has previously been determined dangerous as described in section 5-67 to fail to obtain or possess a dangerous dog license for such dangerous dog. Failure to obtain or possess a dangerous dog license is a class H violation.
- (d) *Failure to show dog license.* It shall be a violation of this chapter for any owner to fail to show any dog's license to an animal control officer, code enforcement officer or other authorized person upon request. Failure to show a dog license is a class F violation.
- (e) *Obtaining a dangerous dog license from veterinarian.* It shall be a violation of this chapter for any owner of any dog which has previously been determined dangerous as described in section 5-67 to obtain a license for such dog from a veterinarian. Obtaining a dangerous dog license from a veterinarian is a class H violation.
- (f) *Making a false statement on license form.* It shall be a violation of this chapter for any owner of any dog to make any false statement in a license form. Making a false statement on license form is a class F violation.
- (g) *Giving a worthless check for a dog license.* It shall be a violation of this chapter for any owner of any dog to give in payment for any license fee a check which is returned to the county treasurer marked "nonsufficient

funds" or "account closed" or otherwise indicating that the check has been dishonored. Giving a worthless check for a dog license is a class F violation.

(Res. No. 270-1992, § III(H), 12-2-92)

Secs. 5-73—5-100. Reserved.

ARTICLE IV. RABIES CONTROL³

DIVISION 1. GENERALLY

Sec. 5-101. Reporting animal bites.

Any person having an animal bite or other persons knowing of such bite shall report to the animal control officer or health officer information concerning the bite, including the location of the biting animal and the bitten person at the time of the bite, the victim's name, address and phone number, a description of the animal and the name and address of the animal's owner, if known.

(Res. No. 270-1992, § IX(A), 12-2-92)

Sec. 5-102. Failure to report animal bite; violation.

It shall be a violation of this chapter for any person having been bitten by an animal or knowing of other persons having been bitten by an animal to fail to make a bite report to the animal control officer or health officer, including information concerning the bite, the location of the animal and the bitten person at the time of the bite, the victim's name, address and phone number, a description of the animal and the name and address of the animal's owner, if known. Failure to report an animal bite is a class G violation.

(Res. No. 270-1992, § IX(B), 12-2-92)

Sec. 5-103. Biting animals.

- (a) Any animal control officer may take up, upon private or public property, any animal that has bitten a person or other animal, and impound the animal in a veterinary hospital or an animal care facility, or order the owner of such animal to confine or enclose such animal in accordance with the instructions of the animal control officer, for a period of not more than thirty (30) days, during which time the animal control department shall determine whether or not such animal is suffering from a disease, and, if not, the animal control department shall authorize the release of the animal upon payment by the owner of the boarding fee therefor. An animal control officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has been vaccinated for rabies within the prior twelve (12) months.
- (b) It shall be a violation of this chapter for any owner of any animal that has been ordered confined, enclosed or surrendered for disease observation by an animal control officer to fail to confine, enclose or surrender the

³Cross reference(s)—Health code provisions pertaining to rabies control, § 14-256 et seq.

animal in accordance with such orders. Failure to comply with orders regarding a biting animal shall be a class H violation.

(Res. No. 270-1992, § VIII, 12-2-92; Res. No. 142-2002, § 1, 10-2-02)

Sec. 5-104. Destruction or confinement of rabid animals or animals exposed to rabies.

When an animal is known to be rabid or has been bitten by a rabid animal, the director may order such animal to be destroyed or confined for a period of ninety (90) days in a veterinary hospital or an animal care facility specified by the director. In the case of domestic animals unvaccinated against rabies, the director may require post-exposure prophylaxis and one-hundred-eighty-day confinement of such animals that have been exposed to a known rabid animal at a veterinary hospital or an animal care facility.

(Res. No. 142-2002, § 1, 10-2-02)

Secs. 5-105—5-130. Reserved.

DIVISION 2. VACCINATION OF DOGS, CATS AND FERRETS⁴

Sec. 5-131. Vaccinations required.

The owner/harbinger of any dog, cat or ferret aged five (5) months or older harbored in the unincorporated area of the county (or by municipal agreement) shall have such dog, cat or ferret vaccinated against rabies subject to the exemption contained in section 5-133.

- (1) *Time period.* Vaccinations shall be obtained as set forth below:
 - (a) *Dogs.* The first inoculation of a dog over five (5) months old shall be for a period of one (1) year (twelve (12) months). Prior to the expiration of the first inoculation, the harbinger/owner shall have the option of renewing the vaccination for a period of one (1) year (twelve (12) months) or three (3) years (thirty-six (36) months). The harbinger/owner shall obtain a veterinarian's written certification annually or for the three-year period, that the dog has been properly vaccinated and a new vaccination tag shall be assigned to each dog.
 - (b) *Cats.* The first inoculation of a cat over five (5) months old shall be for a period of one (1) year (twelve (12) months). Each subsequent inoculation shall be obtained annually. The harbinger/owner shall obtain a veterinarian's written certification annually that the cat has been properly vaccinated.
 - (c) *Ferrets.* The first inoculation of a ferret over five (5) months old shall be for a period of one (1) year (twelve (12) months). Each subsequent inoculation shall be obtained annually. The harbinger/owner shall obtain a veterinarian's written certification annually that the ferret has been properly vaccinated.
- (2) *Mandatory requirements of owner/harbinger.* Each owner/harbinger shall:
 - (a) 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;

⁴Editor's note(s)—Res. No. 202-2010, adopted Dec. 15, 2010, amended the title of div. 2 to include Ferrets.

-
- (b) Have in the harborer/owner's possession the vaccination certificate or veterinarian's confirmation at all times;
 - (c) Show the vaccination certificate or veterinarian's confirmation immediately upon the request of an animal control officer, code enforcement officer, or other authorized person.

(Res. No. 270-1992, § IV(A), 12-2-92; Res. No. 202-2010, § 1, 12-15-10)

Sec. 5-132. Vaccination 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 the director of animal control 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 above.
- (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 harborer/owner.

(Res. No. 270-1992, § IV(B), 12-2-92; Res. No. 202-2010, § 1, 12-15-10)

Sec. 5-133. 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 section 5-66.

(Res. No. 270-1992, § IV(C), 12-2-92; Res. No. 202-2010, § 1, 12-15-10)

Sec. 5-134. Violations.

- (a) *Failure to obtain dog, cat or ferret vaccination; failure to possess 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 vaccination of such animal each year or for the optional three (3) years (for dogs only), as determined by the vaccination administered and type of animal, or to fail to possess a current vaccination certificate or veterinarian's confirmation for such dog, cat or ferret. Failure to obtain a vaccination or to possess a vaccination certificate or veterinarian's certificate is a class F violation.
- (b) *Failure to show dog, cat or ferret 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 vaccination certificate, or veterinarian's confirmation as described in subsection 5-133(b), to any

animal control officer, code enforcement officer, sheriff officer or other authorized person upon request. Failure to show the vaccination certificate or veterinarian's confirmation is a class F violation.

- (c) *Failure to have metallic 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 vaccination tag secured to the animal's collar, except when a veterinarian's confirmation has been issued. Failure to have a metallic vaccination tag on the animal's collar is a class F violation.
- (d) *Misappropriate dog's metallic vaccination tag.* It shall be a violation of this chapter for any harborer/owner of any dog aged five (5) months or older to display or allow to be displayed a metallic vaccination tag on the collar of any dog other than the dog for whom it was issued. Misappropriate dog's metallic vaccination tag is a class F 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 F violation.

(Res. No. 270-1992, § IV(D), 12-2-92; Res. No. 202-2010, § 1, 12-15-10)

Secs. 5-135—5-160. Reserved.

ARTICLE V. NUISANCE ANIMALS; DANGEROUS ANIMALS

Sec. 5-161. Nuisance animals; maintaining a nuisance.

- (a) *Nuisance defined.* Nuisance means the maintenance of animals so as to cause discomfort to occupants of other premises by reason of offensive odors, insects or infestations, rodents, noise, nonconfinement or safety hazards. 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 not be deemed to be a nuisance:
 - (1) Providing at least ten thousand (10,000) square feet of fenced open space per animal if the animal shelter or enclosure is within three hundred (300) feet of any dwelling on adjoining premises, provided that this distance shall be five hundred (500) feet for hogs;
 - (2) Maintaining the animals within a fenced enclosure;
 - (3) 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;
 - (4) Disposing of collected fecal material and other solid organic waste at a sanitary landfill or fertilizer processing plant or by proper disposal on land used for agricultural purposes;
 - (5) Storing grain or protein food in tightly covered, rodent-proof, metal containers or rodent-proof bins;
 - (6) Maintaining the premises free of rodent harborage;
 - (7) Using anticoagulant rodenticides for the control of rodents and organophosphorus insecticides for the control of flies, or providing other effective chemical means for the control of rodents and flies;
 - (8) Using soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings;
 - (9) Constructing and maintaining animal shelters and enclosures, including fences, by the use of dimension materials or other effective means so as to prevent domestic animals from breaking out or causing a hazard to persons or property;

-
- (10) Storing refuse in proper containers or in a manner approved by the health officer, and disposing of such refuse at least once each week or as frequently as may be required by the health officer;
 - (11) Storing solid waste accumulated from the cleaning of domestic animal shelters in metal or plastic containers with tightfitting metal or plastic lids and disposing of such solid waste at least once each week; and
 - (12) Providing proper drainage so that there is no accumulation of rainfall or liquid waste.
 - (13) Furthermore, no animal may be declared a nuisance if, at the time of any potential nuisance activity, the animal was being teased, tormented, abused, or assaulted. No animal may be declared a nuisance if the animal was protecting or defending a human being and/or their property within the immediate vicinity of the animal from an attack or assault.
- (b) *Nuisance animal defined.* Nuisance means any animal that has acted in such a manner as to constitute any one (1) or a combination of the following:
- (1) Trespassing to the property of a person other than the owner, or in the case of an inherently dangerous animal, trespassing to property other than the approved location;
 - (2) Threatening the safety of a person or other animal at a place other than on the property of the owner, or in the case of an inherently dangerous animal, threatening the safety of a person or other animal either at or away from the approved location;
 - (3) Molesting any passerby or chasing a passing vehicle, including a bicycle;
 - (4) Attacking any other animal;
 - (5) Causing injury to any person;
 - (6) Threatening or causing a condition which endangers public health or the health of other animals, whether through its behavior or physical condition;
 - (7) Damaging public or private property;
 - (8) Being at large;
 - (9) Being in season and not being confined or enclosed as to prevent impregnation;
 - (10) Being ridden on public property in a manner that obstructs, impedes or interferes with vehicular or pedestrian traffic;
 - (11) Interfering with or impeding refuse or trash collection by ripping, tearing, upsetting or tipping any container of such;
 - (12) Barking, whining or howling in an excessive fashion, which is hereby defined as continuous or untimely so as to disturb the sleep or peaceful enjoyment of an individual who is a neighbor (a neighbor for this purpose is hereby defined as an individual residing in a residence structure which is within one hundred (100) yards of the property on which the animal is kept or harbored), and who will agree to testify if called upon to testify about such matter under oath; and/or
 - (13) Being sick or injured and not receiving such care as is needed for the health or well-being of such kind of animal.
- (c) *Nuisance animals prohibited; impoundment.* The owner of an animal shall prevent such animal from committing a nuisance or being a nuisance animal. An animal control officer is authorized to take up any animal suspected of being a nuisance animal. In accordance with K.S.A. 47-1711, such officer shall immediately record the color, breed, sex, approximate weight and other description of the animal, the reason for the seizure, the location of seizure, the owner's name and address, if known, the animal's license number, if any, and any other identification number. The animal control officer may order impoundment of a

nuisance animal at an animal shelter, and the animal control officer shall notify the owner, provided the owner is known, pending any one (1) or a combination of the following:

- (1) A hearing to determine whether the animal is a habitual nuisance animal, as defined in sections 5-1 and 5-162; or
- (2) A hearing to determine whether the animal is a dangerous animal as defined in sections 5-1 and 5-163.

The animal control officer shall take up an injured or diseased nuisance animal to a veterinarian for treatment, and such costs shall be the responsibility of the owner. A nuisance animal shall not be impounded for more than ten (10) calendar days unless its owner has failed to pay in full all costs and fees associated therewith and has failed to comply with all animal control laws, resolutions and ordinances. If the animal is impounded more than ten (10) days, the director may order the animal to be placed for adoption or humane euthanasia.

- (d) *Persons aggrieved.* Any person who is aggrieved by a nuisance animal may confine the animal on the aggrieved person's property, but shall immediately notify the owner, if known, or the animal control officer if the owner is not known, for pickup and disposition of the animal. In the alternative, any person who is aggrieved by a nuisance animal may notify the animal control officer with the information concerning the nuisance, including the name and address of the owner of such animal, if known. The animal control officer shall investigate the allegations and may take up the animal. If the animal cannot be located and if the owner is known, or if the animal is found on its owner's premises, the animal control officer shall notify the owner that the nuisance actions of the animal must be abated, and upon probable cause the animal control officer may issue a uniform complaint and notice to appear alleging a violation of this chapter.
- (e) *Harboring a nuisance animal.* It shall be a violation for any owner to harbor a nuisance animal, as defined in this chapter. Harboring a nuisance animal is a class G violation. In the event that a nuisance animal causes economic damages to another party, the court may order the owner to pay restitution to such party.
- (f) *Additional acts of nuisance are separate violations.* Any act of nuisance after a complaint is issued to the owner against the same animal or animals alleging a violation of subsection (c) of this section, shall constitute an additional and separate violation. The first complaint after two (2) convictions for violation of subsection (c) of this section issued to the owner within twelve (12) months from the date of the first conviction regarding the same animal or animals, shall subject the owner to the provisions of this article regarding a habitual nuisance animal.
- (g) *Maintaining a nuisance.* It shall be a violation for any owner to maintain a nuisance, as defined in this chapter. Maintaining a nuisance is a class G violation. Whenever an animal control officer has determined that there has been a violation of this subsection, the animal control officer shall give written notice of such alleged violation to the owner, which shall give the owner at least seven (7) days to correct the violation particularized.

(Res. No. 270-1992, § V, 12-2-92; Res. No. 142-2002, § 1, 10-2-02; Res. No. 51-2014, § 5, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 5, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-162. Habitual nuisance animal.

- (a) *Habitual nuisance animal defined.* A habitual nuisance animal means any animal determined to be such by the director after a hearing as provided in this section. A prerequisite for an animal to be brought before the director for a hearing is the animal's owner having been convicted three (3) times in a twelve-month period of harboring a nuisance animal with each of the three (3) convictions relating to the same animal.

-
- (b) *Hearing.* Upon the director's own volition, the director may hold a hearing to determine whether an animal is a habitual nuisance animal. The owner of the animal shall be notified of the time and place of hearing. Witnesses may be called by the director and owner.
- (c) *Determination.* In making a determination, the director may consider whether such owner knowingly permitted such animal to commit acts of nuisance; and whether the animal can be kept in a manner that will prevent nuisance acts in the future and the likelihood thereof. If the director determines that the animal is a habitual nuisance, the director may order that the owner, at the owner's expense, abate the animal's nuisance actions in any one, or in any combination, of the following:
- (1) That the owner enclose or confine the animal in a manner and location that will ensure that the animal cannot repeat its nuisance actions;
 - (2) That the owner securely tie or chain the animal within an enclosed area;
 - (3) That the owner muzzle the animal;
 - (4) That the owner cause the animal to be examined and treated by a currently licensed veterinarian practicing in the county and that the owner obtain a written statement from the veterinarian that the animal is not threatening or causing a condition which endangers public health or the health of other animals;
 - (5) That the owner prohibit the animal from being on particular parcels of public or private property;
 - (6) That the owner provide an enclosure or an enclosed area for the animal and retain the animal there at all times unless in the owner's custody and securely leashed to the owner;
 - (7) That the owner cause the animal to be spayed or neutered by a currently licensed veterinarian practicing in the county, and that the owner obtain a written statement from the veterinarian that the animal has been spayed or neutered;
 - (8) That the owner cause the animal to be enclosed or be in any enclosure which will prevent impregnation of the animal while it is in season;
 - (9) That the owner is prohibited from riding the animal on public property; and
 - (10) That the owner's license to keep the animal be revoked.

If the director determines at the hearing that none of the methods outlined in this subsection will abate the nuisance action of the animal, the director may order that the animal be relinquished to an animal shelter or pound for adoption or humane euthanasia, or that the animal be humanely euthanized. The director is granted authority to order an animal impounded, at the owner's expense, for not more than ten (10) calendar days from the date of issuance of the director's determination and orders, which shall be the time allowed for the owner to show compliance therewith. At the end of the ten-day period, if the owner has not complied with the director's orders, the director may order the animal made available for immediate adoption or humane euthanasia. If the director determines that the director's orders are not being complied with during the remaining lifetime of the animal determined to be a habitual nuisance, the director shall have the authority, after a hearing, to cause the habitual nuisance animal to be impounded and humanely euthanized.

- (d) *Appeal.* Any owner dissatisfied with any decision of the director of the animal control department made pursuant to this section may appeal such decision within three (3) days, excluding Saturdays, Sundays and holidays, to the board of county commissioners by filing written notice thereof with the county clerk, with copies of the appeal notice to be provided to the director of the animal control department and the county counselor. The appeal shall be taken upon the record to be provided by the animal control department and shall not be a hearing de novo. A quorum of the board shall constitute a sufficient board for the purpose of conducting the appeal hearing.

(Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 6, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, including the repeal of former § 5-162, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014, as set out herein.

Sec. 5-163. Dangerous animals.

(a) *Dangerous animal defined.* Dangerous animal means any animal determined dangerous by the director after a hearing as provided in this section, and such animal fulfills any one (1) or a combination of the following as the reason(s) the director is bringing such hearing:

- (1) Any animal which when unprovoked, in a vicious or terrorizing manner, approaches any person upon the streets, sidewalks or any public grounds or places in apparent attitude of attack;
- (2) 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;
- (3) Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property;
- (4) Any animal owned or harbored for the purpose of fighting or any animal trained for fighting; and/or
- (5) Any animal not licensed according to state, county or city law, resolution or ordinance, as required.

Exception: Notwithstanding the definition of a dangerous animal in this section, no animal may be determined dangerous if:

- (1) Any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner of the animal or was committing or attempting to commit a crime; or
- (2) The animal was protecting or defending a human being or another animal within the immediate vicinity of the animal from an unjustified attack or assault.

(b) *Hearing.* Upon the complaint of any person or upon the director's own volition, or upon the issuance of a uniform complaint and notice to appear, the director of the animal control department may hold a hearing to determine whether or not an animal is a dangerous animal as defined in section 5-1. The owner of the animal shall be notified of the time and place of the hearing. Witnesses may be called by the director and owner.

(c) *Determination.* In making a determination, the director may consider any one (1) or all of the following factors:

- (1) The seriousness of the approach, attack or bite;
- (2) The history of attacks or bites;
- (3) Whether the animal had been previously determined, declared or adjudicated to be dangerous or vicious by the director or in any other jurisdiction of which the director has notice or of which the owner has knowledge, and which jurisdiction uses substantially the same standards as the county for determination of a dangerous or vicious animal;
- (4) The conditions and circumstances existing at the time of the approach, attack or bite;
- (5) The conditions under which the animal is kept, enclosed or confined; and
- (6) The status of the animal's license and vaccination, if required under applicable state, county or city law, resolution or ordinance.

(d) *Action by director.* If the director determines that the animal is dangerous, the owner will be required to:

-
- (1) Have a microchip implanted into the animal at the owner's expense and the owner will be required to register the microchip with the director;
 - (2) Have such dangerous animal that is a dog wear a muzzle deemed appropriate by the director at any time during which the dog is not on property owned or occupied by the dog's owner;
 - (3) Post a sign provided by the director visible to the public and displayed in a location deemed satisfactory by the director and such sign shall be intended to make the public aware of the presence of the dangerous animal; and
 - (4) Spay or neuter the animal at the owner's expense.

In addition to those items included in (d)(1) through (4) of this section, if the director determines that the animal is dangerous, the director may order that the owner, at the owner's expense, do any one (1), or any combination of the following:

- (5) Enclose or confine the animal in a manner and in a location that will ensure that the animal poses no threat of repeating any act which may result in the animal being declared dangerous on a subsequent occasion; or
- (6) If such confinement is not possible or if prior orders have not been heeded, the director may cause the animal to be humanely euthanized.

If the director determines that the director's orders are not being complied with during the remaining lifetime of the animal determined to be a dangerous animal, the director shall have the authority, after a hearing, to cause the dangerous animal to be impounded or humanely euthanized.

(e) *Appeal.* Any owner dissatisfied with any determination or order of the director made pursuant to this section may appeal such order or determination within three (3) days, excluding Saturdays, Sundays and holidays, to the board of county commissioners by filing written notice thereof with the county clerk, with copies of the appeal notice to be provided to the director of the animal control department and the county counselor. The appeal shall be taken upon the record to be provided by the animal control department and shall not be a hearing de novo. A quorum of the board shall constitute a sufficient board for the purpose of conducting the appeal hearing.

(f) *Violations.*

- (1) *Harboring a dangerous animal.* It shall be a violation of this chapter for any owner to harbor a dangerous animal. Harboring a dangerous animal is a class G violation.
- (2) *Failure to comply with director's hearing orders.* It shall be a violation of this chapter for any owner of any animal that has been determined to be a dangerous animal after a hearing by the director to fail to comply with any and all written orders issued as conditions upon which the owner was allowed to regain physical custody of the animal. Failure to comply with director's orders is a class H violation.

(Res. No. 270-1992, § VII, 12-2-92; Res. No. 51-2014, § 5, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 7, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

State law reference(s)—Permitting dangerous animal to be at large, K.S.A. 21-6418.

Secs. 5-164—5-190. Reserved.

ARTICLE VI. ANIMAL CRUELTY

Sec. 5-191. Cruelty to animals prohibited.

(a) *Defined.* For purposes of this article, cruelty to animals means:

- (1) Intentionally and maliciously killing, injuring, maiming, torturing or mutilating any animal, or setting an animal upon another animal for the purpose causing physical harm to one (1) or more animals;
- (2) 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;
- (3) Intentionally or recklessly causing physical injury for the purpose of sport, contest, practice or entertainment, other than acts described in section 5-191;
- (4) Promote, stage, hold, manage, incite, or in any way conduct any game, exhibition, contest or fight in which one (1) or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal; or
- (5) For any owner or harbinger to abandon any animal.

(b) *Exceptions.* The provisions of this section shall not apply to:

- (1) Normal or accepted veterinary practices;
- (2) Bona fide experiments carried on by commonly recognized research facilities;
- (3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. ch. 32 or 47;
- (4) Rodeo practices accepted by the rodeo cowboys' association;
- (5) 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, 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, local or state health officer or licensed veterinarian three (3) business days following the receipt of any such animal at such society, shelter or pound;
- (6) With respect to farm animals, normal or accepted practices of animal husbandry;
- (7) 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; or
- (8) 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.

(c) *Violation.* It shall be a violation of this chapter for any person to commit cruelty to any animal. Committing cruelty to any animal is a class I violation.

(Res. No. 270-1992, § XIII(A), (C), 12-2-92; Res. No. 202-2010, § 1, 12-15-10; Res. No. 51-2014, § 6, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 8, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

State law reference(s)—Similar provisions, K.S.A. 21-6412.

Sec. 5-192. Authority to take custody of animal when animal shows evidence of cruelty.

- (a) Any code enforcement officer, public health officer, animal control officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, 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 section 5-191. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care, or, if an officer of such humane society or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing.
- (b) The owner, custodian or harbinger of an animal killed pursuant to subsection (a) of this section shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.
- (c) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to subsection (a), pending prosecution of the owner, custodian or harbinger of such animal for the violation of cruelty to animals, as defined in section 5-191, shall be assessed to the owner, custodian or harbinger as a cost of the case if the owner, custodian or harbinger is adjudicated guilty or pleads guilty or nolo contendere.
- (d) If the owner, custodian or harbinger is found guilty by the court of committing cruelty to any animal, as defined in section 5-191, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such violation, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

(Res. No. 270-1992, § XIII(B), 12-2-92; Res. No. 51-2014, § 6, 4-16-14; Res. No. 4-2015, § 1, 1-21-15)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

State law reference(s)—Similar provisions, K.S.A. 21-6412.

Sec. 5-193. Inhumane treatment of animals prohibited; violation.

- (a) *Defined.* Inhumane treatment means any treatment to any animal which constitutes a material deviation from the standard of care which a reasonable person would observe under the same circumstances and which:
 - (1) Deprives the animal of necessary sustenance, including but not limited to, a sufficient supply of food and fresh, potable water supplied in a sanitary manner and at reasonable intervals;
 - (2) Deprives the animal of proper shelter;

-
- (3) Deprives the animal of exercise appropriate to the animal's species except for normal and customary husbandry practices; or
 - (4) Causes the animal to be kept in an unsanitary condition or tethered in such a manner as to cause injury, strangulation, or entanglement of the animal.

(b) *Violation.* It shall be a violation of this chapter for any person to treat any animal in an inhumane manner or to provide inhumane treatment to any animal. Treating an animal inhumanely is a class H violation.

(Res. No. 270-1992, § XIV, 12-2-92; Res. No. 51-2014, § 6, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 9, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-194. Unlawful disposition of animals.

- (a) Any person who shall put any dead animals, carcasses of such animals, or any part thereof, into any well, spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field, meadow or common shall be deemed guilty of a class I violation.
- (b) Any owner of any dead animals, carcasses of such animals, or any part thereof, who shall knowingly permit the same to remain in any well, spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field, meadow or common to the injury of the health or to the annoyance of or damage to the citizens of the county or any of them, shall be deemed guilty of a class H violation. Each day the owner or owners shall permit the same to remain shall be deemed an additional offense.
- (c) Persons disposing of dead animals shall do so in one (1) of the following ways: (1) burial, (2) incineration, (3) delivery or unloading of the carcasses of dead animals or packing house refuse at a disposal plant, substation, rendering plant or place of transfer licensed by the livestock commissioner of the state, or (4) in accordance with appropriate state and local rules and regulations.
- (d) Any person who shall raffle, give as a prize or premium or use as an advertising device or promotional display, any living rabbit, chicken, duck, or goose, shall be deemed guilty of a class G violation. This subsection shall not apply to the giving of such animals to minor for use in agricultural projects under the supervision of commonly recognized youth farm organizations.

(Res. No. 270-1992, § XV, 12-2-92; Res. No. 142-2002, § 1, 10-2-02)

State law reference(s)—Similar provisions, K.S.A. 21-6413.

Sec. 5-195. Fighting animals.

- (a) *Fighting animals prohibited.* For purposes of this section, unlawful conduct of animal fighting is:
 - (1) Causing, for amusement or gain, any animal to fight with or injure another animal;
 - (2) Knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or
 - (3) Training, owning, keeping, transporting or selling any animal for the purpose or with the intent of having it fight with or injure another animal.
- (b) *Disposition of fighting animals.*

-
- (1) When a person is cited under this section, any code enforcement officer, public health officer, animal control officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility may take into custody any dog on the premises where the dogfight is alleged to have occurred, and any dog owned, harbored or kept on the premises of any person cited under this section.
 - (2) When a code enforcement officer, public health officer, animal control officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility takes custody of a dog under this section, such officer may place the dog in the care of a duly incorporated humane society, animal shelter or licensed veterinarian for boarding, treatment or other care. If it appears to an officer of such humane society or a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely euthanized. Except as provided in subsection (b)(3) of this section, if it appears to the licensed veterinarian familiar with animal fighting, by physical examination that the animal has not been trained for aggressive conduct or is a type of animal that is not commonly bred or trained for aggressive conduct, the county counselor may request that the animal be returned to its owner when the animal is not needed as evidence in a case filed under this section or under section 5-191. The owner, harbored, or keeper of a animal humanely euthanized under this subsection shall not be entitled to damages unless the owner proves that such humane euthanization was unwarranted.
 - (3) If a person is convicted of causing or permitting animals to fight or of attending an animal fight under this section, an animal taken into custody pursuant to subsection (b)(1) shall not be returned to such person, and the expenses incurred for the examination, veterinary care, treatment and boarding of such animal prior to conviction of the owner, harbored or keeper shall be assessed to the owner, harbored or keeper. Disposition of such animal shall be in accordance with section 5-191.

(c) *Violations.*

- (1) *Causing or permitting an animal to fight.* It shall be a violation of this chapter for any person to cause or to permit any animal to fight. Causing or permitting an animal to fight is a class H violation.
- (2) *Attending an animal fight.* It shall be a violation of this chapter for any person to attend any unlawful conduct of an animal fight. Attending an animal fight is a class H violation.
- (3) *Harboring an animal after a conviction.* It shall be a violation of this chapter for any person to harbor any animal after a conviction for any violation of this section within five (5) years of the date of such conviction. Harboring an animal after a conviction is a class I violation.

(Res. No. 270-1992, § XVI, 12-2-92; Res. No. 51-2014, § 6, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 10, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Subsequently, Res. No. 222-2019, § 10, adopted Oct. 9, 2019, changed the title of § 5-195 from "Fighting dogs" to read as herein set out.

State law reference(s)—Dog fighting, K.S.A. 21-6414 et seq.

Sec. 5-196. Surrendered animal by harbored/owner.

(a) *Defined.* For purposes of the animal code, surrendered animal means:

- (1) Where the name and address of the animal's owner/harbored is reasonably known to the animal control officer or code enforcement officer, and reasonable notice is provided of the animal being

taken into the custody of animal control, any animal subsequently not redeemed by the harborer/owner from the animal shelter or appropriate facility within six (6) calendar days of the notice, shall be deemed surrendered.

- (2) Where the name and address of the animal's harborer/owner is not reasonably known to the animal control officer or code enforcement officer, and reasonable notice cannot be provided of the animal being taken into the custody of animal control, any animal subsequently not redeemed by the harborer/owner from the animal shelter or appropriate facility within three (3) calendar days of the date the animal comes into the custody of animal control, shall be deemed surrendered.
- (3) Where the animal is defined as livestock (cow, ox or other bovine, goat, sheep, horse, ratites, donkey, swine, mule or other animal of similar or larger size) and the name and address of the animal's owner/harborer is reasonably known to the animal control officer or code enforcement officer, and reasonable notice is provided of the animal being taken into the custody of animal control, any animal subsequently not redeemed by the harborer/owner from the appropriate facility within ten (10) calendar days of the notice, shall be deemed surrendered. Where the name and address of the livestock's owner/harborer is not reasonably known to the animal control officer or code enforcement officer, and reasonable notice cannot be provided of the animal being taken into the custody of animal control, any livestock animal subsequently not redeemed by the owner/harborer from the appropriate facility within ten (10) calendar days of the date the livestock animal comes into the custody of animal control, shall be deemed surrendered.

(b) *Disposition of surrendered animal.*

- (1) *Inhumane treatment/cruelty.* If the animal control or code enforcement officer takes into custody any animal suspected to be inhumanely treated or subjected to animal cruelty, the said officer may request the county court judge to be allowed to place the animal for adoption or humanely euthanize the animal after three (3) calendar days following notification to the owner/harborer of such surrendered animal, or in the case where notice cannot be provided, after six (6) calendar days after the animal comes into the custody of animal control or in the case of livestock within ten (10) calendar days after the animal comes into the custody of animal control; unless the harborer/owner files a cash bond with the clerk of the county court, in an amount not less than the cost of care and treatment which is to include daily fees or pickup fees, wholesome food, potable water, veterinarian care, any procedures deemed necessary for the wellbeing and maintenance of said animal, medical supplies, medications and/or vaccinations deemed necessary for said animal for thirty (30) days, as determined by the director or designee. If the animal remains in the legal custody of the animal control or code enforcement officer for a period exceeding thirty (30) days, after written notice to the owner/harborer, the officer may request the county court judge to increase the amount of the cash bond to cover the costs for the animal. The increased amount, if any, must be paid in to the county court clerk within three (3) calendar days. If not so paid, the said officer may make proper disposition of the animal or authorize the shelter or authorized facility to make disposition of the animal. The owner/harborer shall then be deemed to have abandoned the cash bond which shall be paid over to the shelter or authorized facility.
- (2) *Adjudication.* If the harborer/owner of such animal is adjudicated not guilty or the county court judge after an adjudication of guilty is made, finds that such animal should be returned, such person may redeem the animal within three (3) calendar days. If such animal is not redeemed within three (3) calendar days, then the shelter or authorized facility shall make disposition of the animal. Any proceeds derived from such sale or disposition shall be paid to the shelter or authorized facility. If the harborer/owner is adjudicated guilty and the county court judge finds the animal should not be returned, the animal control officer or code officer shall make disposition or direct the shelter or authorized facility to make disposition of the animal.

-
- (3) *Nuisance.* The harbinger/owner of a nuisance animal shall redeem the animal within the time limits set forth in subsection 5-196(a) regardless of the adjudication of the nuisance case. If the animal is not so redeemed and found surrendered, the animal control officer or code officer shall make disposition or direct the shelter or authorized facility to make disposition of the animal.

(Res. No. 202-2010, § 1, 12-15-10; Res. No. 51-2014, § 6, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 11, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-197. Tethering of animals.

(a) It is unlawful for any person to:

- (1) Continuously tether an animal for more than one (1) continuous hour, except that tethering of the same animal may resume after a hiatus of three (3) continuous hours. An animal may not be tethered for a total time period exceeding three (3) hours within any twenty-four-hour period.
- (2) Attach chains or other tether restraint implements directly to an animal without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.
- (3) Tether an animal in any manner that is not consistent with the tethering requirements included within subsection (b) of this section.

(b) When an animal is tethered, the following requirements shall apply:

- (1) A chain, leash, rope, lead or other similar apparatus shall be at least ten (10) feet in length;
- (2) A chain, leash, rope, collaring device, lead, or any assembly or attachments thereto used to tether an animal shall not weigh more than one-eighth ($\frac{1}{8}$) of the animal's body weight, or due to weight, inhibit the free movement of the animal within the tethered area;
- (3) Animals shall be tethered in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other manmade or natural obstacles;
- (4) An animal shall be tethered so that the animal has access to shelter from the weather conditions, which includes:
 - a. Access to shade or proper shelter when sunlight and heat are likely to cause overheating per the heat index chart; and
 - b. Insulation and protection against cold and dampness when the atmospheric temperature falls below forty (40) degrees Fahrenheit;
- (5) An animal's water supply shall be secured so that it cannot be tipped over by the tether;
- (6) An animal shall be tethered in an area where it cannot readily be teased by persons and has reasonable protection from attacks by other animals;
- (7) If an animal is tethered in an area where bare earth is present, reasonable steps must have been taken to prevent the surface from becoming wet and muddy in the event of precipitation;
- (8) Any tethering of an animal with an obvious medical condition shall occur in a way that does not aggravate or further degrade the medical condition.

(c) Exception. The tethering of livestock for purposes of loading, training and/or transport is not unlawful.

(d) Violation. Any person who violates this section shall be subject to a class H violation.

(Res. No. 222-2019, § 12, 10-9-19)

Secs. 5-198—5-210. Reserved.

ARTICLE VII. EXOTIC ANIMALS (RESERVED)

Secs. 5-211—5-225. Reserved.

ARTICLE VIII. INHERENTLY DANGEROUS ANIMALS⁵

Sec. 5-226. Prohibition of inherently dangerous animals.

It shall be unlawful for any person to own, harbor or permit at large any inherently dangerous animal in the unincorporated area of the county.

(Res. No. 35-00, § 3, 3-8-99)

Sec. 5-227. Exceptions to prohibition.

The following shall be exempt from the prohibition of harboring inherently dangerous animals in the county:

- (1) The Sedgwick County Zoo.
- (2) The Kansas Wildlife Exhibit.
- (3) Any facility accredited by the Association of Zoos and Aquariums (AZA).
- (4) Licensed or accredited medical institutions.
- (5) Accredited educational institutions.
- (6) Veterinary clinics in possession of inherently dangerous animals for treatment or rehabilitation purposes.
- (7) Traveling circuses.
- (8) Persons temporarily transporting inherently dangerous animals through the county provided that the transit time shall not be more than three (3) days.
- (9) License holder harboring one (1) or more inherently dangerous animals at an approved location.
- (10) Tanganyika Wildlife Park.

⁵Editor's note(s)—Res. No. 35-00, § 3, adopted March 8, 1999, repealed Art. VIII and enacted a new article as set out herein. The former Art. VIII, §§ 5-226—5-238, pertained to similar subject matter and derived from Ord. No. 22-1996, § I, adopted Jan. 24, 1996 and Res. No. 79-1996, adopted April 10, 1996.

Sec. 5-228. Inherently dangerous animal license requirements.

Any person wishing to harbor one (1) or more inherently dangerous animals at an approved location in the unincorporated area of the county shall abide by the following provisions:

(1) *Application procedure.*

a. *Completion of application form and submittal of documents; filing.*

1. Any person wishing to obtain an inherently dangerous animal license to harbor one (1) or more inherently dangerous animals in the county shall annually file a written application and accompanying documents for consideration and review by the director.
 - i. License application forms are available in the county clerk's office and in the county animal control office.
 - ii. Completed license applications and accompanying documents shall be filed with the county clerk's office.
 - iii. Renewal license applications shall be filed with the county clerk's office no later than May 1 of any given year, regardless of the issue date of the license being renewed, and shall be subject to all requirements contained herein.
2. The information and documents required to be submitted for consideration by the director shall include, but not be limited to, the following:
 - i. Name, mailing address, street address, daytime telephone number and evening telephone number of the owner of the inherently dangerous animals;
 - ii. Name, mailing address, street address, daytime telephone number and evening telephone number of the property owner of the approved location at which inherently dangerous animals are to be harbored;
 - iii. Common address and legal description of the approved location at which inherently dangerous animals are to be harbored;
 - iv. Name, daytime telephone number and evening telephone number of person or persons to be contacted in case of an emergency;
 - v. Certificate of insurance;
 - vi. License application fee in the amount of:
 - a) One hundred dollars (\$100.00) for those applicants possessing a valid USDA Animal Welfare license unless such applicant obtained a county license between December 1, 1999 and March 8, 2000 in which case the application fee for June 30, 2000 through May 31, 2001 shall be fifty dollars (\$50.00); or
 - b) One hundred dollars (\$100.00) per animal, with a maximum of three hundred dollars (\$300.00) for those applicants not possessing a valid USDA Animal Welfare license;
 - vii. Copy of escaped animal procedures;
 - viii. Copy of outline for training of personnel in the care and handling of inherently dangerous animals;

-
- ix. Measured diagram of the property and all buildings, cages and enclosures located thereon which are used for housing one (1) or more inherently dangerous animals. Said diagram shall include the following:
 - a) The location of any and all weapons including tranquilizer guns which are intended for use in case an inherently dangerous animal is at large; and
 - b) The location of all telephones; and
 - c) The height of any fencing or barrier erected on or around the property which is intended to contain inherently dangerous animals or to prevent the public from accessing said animals; and
 - x. Copy of procedures for transporting one (1) or more inherently dangerous animals to and from an approved location. Such procedures shall be approved by the director prior to transport of any such animals.

Exception: It shall not be a requirement of this article for an applicant to submit transportation procedures for mammals weighing fifty (50) pounds or less and that are less than six (6) months of age.
 - xi. Other information and/or documents which the director deems necessary to assist in determining whether a license should be issued.
3. Incomplete application. Any application that is submitted with incomplete information and/or that is not accompanied by all required documents shall not be considered an application and shall therefore not be reviewed for determination of approval by the director. If such an incomplete application is mistakenly considered and approved, such application shall be voidable and/or may be revoked pursuant to the provisions of this article.
- b. *Initial inspection.* Following application, and prior to the determination of whether a license should be issued, the applicant shall submit to an initial inspection by the director of the approved location at which the applicant desires to harbor one (1) or more inherently dangerous animals. Such inspection shall be conducted to determine compliance with the provisions of the Code and shall be in addition to any inspection conducted pursuant to other provisions of this Code.
 - c. *Review and decision by director.* Upon receipt of a completed license application that has been filed with the county clerk's office, the director shall have thirty (30) calendar days in which to review said application and conduct inspections to determine compliance with the Code. On or before the thirtieth day following the filing of the completed license application, the director shall indicate in writing on the application form whether he approves or denies the license. The applicant shall be notified in writing by the county clerk's office whether its application has been granted or denied.
 - 1. The director shall not approve the harboring of one (1) or more inherently dangerous animals at any location other than an approved location as defined herein by a person meeting all requirements of this article. Any license issued by the director to harbor one (1) or more inherently dangerous animals at a location other than an approved location and/or by a person meeting all requirements of this article shall be considered voidable and/or may be revoked pursuant to the provisions set forth herein.
- (2) *Standards for housing and care of inherently dangerous mammals.*
- a. *General requirements.*

-
1. *Sanitation.* All animals and animal enclosures shall be kept in a clean and sanitary condition and so maintained as to limit objectionable odors. All enclosures shall be cleaned regularly and kept free of debris and fecal material. Proper drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable federal, state, county and local laws and regulations.
 2. *Shift cage.* Each primary enclosure shall have access to a shift cage to permit safe feeding, cleaning, cage repair or other separations.
 3. *Locks.* All enclosures shall be locked with a key or combination lock when inherently dangerous mammals are within the enclosure.
 4. *Secondary latch.* All enclosures shall have a secondary latch.
 5. *Doors.* All enclosures shall have double doors between the animal and possible escape, one (1) being a primary access door and the second being a safety door. Doors shall swing into the enclosure rather than out.
 6. *Enclosure perimeters.* In addition to enclosure requirements and vertical barrier requirements set forth herein, all perimeters shall have either a concrete footing or horizontal protective matting around the entire enclosure to prevent escape through digging.
 7. *Telephones.* At least one (1) land-line telephone and one (1) cellular telephone shall be in working condition and located at the approved location twenty-four (24) hours per day for use in case of an escape or other emergency.
 8. *Electrical power back-up.* Every approved location that utilizes electrical power on any perimeter fencing, secondary barrier or enclosure shall maintain in working condition a back-up system, such as a gas-powered generator, which shall be used in case of electrical power failure or malfunction.
 9. *Shelter.* All inherently dangerous mammals shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall, in addition to the required shelter, have access to shade.
 10. *Water.* Fresh clean water for drinking shall be available at all times. Watering shall consist of either built-in devices or sturdy portable containers; Such devices or containers shall be cleaned and disinfected daily.
 11. *Food.* All inherently dangerous mammals shall have access to food which shall maintain the animal's proper weight, nutrition, and health.
 12. *Medical attention.* Proper medical attention shall be provided when and as necessary to maintain the inherently dangerous mammals in a healthy condition.
 13. *Transportation.* At no time shall an inherently dangerous mammal be transported to or from the approved location indicated on the license application except in a manner conforming with the procedures which are required to be submitted to, and approved by, the director, as set forth in subsection (1)a.2.x. herein;

Exception: A mammal weighing not more than fifty (50) pounds and that is less than six (6) months of age may be transported to or from the approved location without submittal and/or approval by the director of the transportation procedures.

-
14. *Animal restricted to approved location.* At no time shall an inherently dangerous mammal be located other than at the approved location indicated on the license application, except during transportation as described herein.

Exception: A mammal weighing not more than fifty (50) pounds and that is less than six (6) months of age shall not be restricted to the approved location so long as such mammal is in an appropriate enclosure or controlled by an appropriate restraint.

15. *Restraint.* Every inherently dangerous mammal shall be contained in an appropriate enclosure or controlled by an appropriate restraint at all times both at and away from the approved location. No inherently dangerous mammal shall be allowed to roam freely outside of an enclosure, regardless of the existence of fencing or a secondary barrier.

b. *Additional requirements for Canidae and hybrids thereof.*

1. *Enclosure dimensions.* A single small canid, or hybrid thereof, weighing less than thirty-five (35) pounds shall have an enclosure measuring at least eight (8) feet by twelve (12) feet. It shall be either a minimum of eight (8) feet high with a covered top or a minimum of fourteen (14) feet high with either an inward-facing overhang of barbed wire of not less than eighteen (18) inches at an angle of forty-five (45) degrees or have a one hundred ten (110) volt electric wire to prevent the animals from escaping. For each additional small canid (or hybrid thereof), the floor space of the enclosure shall be increased by fifty (50) percent. A single large canid, or hybrid thereof, weighing thirty-five (35) pounds or more shall have an enclosure measuring at least ten (10) feet by fifteen (15) feet. For each additional large canid, or hybrid thereof, the floor space of the enclosure shall be increased by fifty (50) percent.
2. *Enclosure materials.* Enclosures for canids and hybrids thereof shall be constructed of not less than eleven (11) gauge chain link or its equivalent for mammals of an adult weight less than thirty-five (35) pounds and nine (9) gauge chain link or its equivalent for animals of an adult weight of thirty-five (35) pounds or more.

c. *Additional requirements for Felidae and hybrids thereof.*

1. *Enclosure dimensions and materials for very large pantherids.* Very large pantherids, including lions (*P. leo*), tigers (*P. tigris*), and any hybrids thereof shall be maintained in barred or heavily wired cages. A cage for a single animal shall measure at least twenty-four (24) feet by twelve (12) feet. It shall be either a minimum of eight (8) feet high with a covered top or a minimum of fourteen (14) feet high with either an inward-facing overhang of not less than eighteen (18) inches at an angle of forty-five (45) degrees or have a one hundred ten (110) volt electric wire to prevent the animals from escaping. Floor space of a cage shall be increased by fifty (50) percent for each additional animal.
2. *Enclosure dimensions for other large felids.* Large felids, including jaguars (*P. onca*), leopards or panthers (*P. pardus*), pumas, cougars or mountain lions (*P. concolor*), snow leopards (*P. uncia*), clouded leopards (*Neofelis nebulosa*), and may subspecies or hybrids thereof shall be maintained in cages with minimum cage dimensions for a single large felid of twenty (20) feet by ten (10) feet by eight (8) feet high with a covered top. Floor space of a cage shall be increased by fifty (50) percent for each additional animal.
3. *Enclosure dimensions for smaller felids.* A small felid, having an adult body weight of more than fifteen (15) pounds but less than forty-four (44) pounds, including any hybrids but excluding the domestic cat (*Felis catus*) shall be maintained in cages with minimum cage dimensions for a single small felid of seven (7) feet by ten (10) feet by eight (8) feet high

with a covered top. Floor space shall be increased by fifty (50) percent for each additional animal.

4. *Enclosure materials.* Enclosures for very large and large felids shall be constructed of bars of not less than nine (9) gauge chain link fencing or its equivalent. Enclosures for smaller felids shall be constructed of bars of not less than eleven (11) gauge chain link fencing or its equivalent.

d. *Additional requirements for Ursidae and hybrids thereof.*

1. *Enclosure dimensions.* All enclosures for a solitary adult bear or hybrid thereof shall measure at least twenty-four (24) feet by twelve (12) feet with a ten-foot high covered top. Floor space of a cage shall be increased by fifty (50) percent for each additional animal.
2. *Enclosure material* shall be constructed of welded bars or not less than nine-gauge chain link appropriately secured, or its equivalent.

(3) *Standards for housing and care of inherently dangerous reptiles.*

a. *General requirements.*

1. *Sanitation.* All animals and animal enclosures shall be kept in a clean and sanitary condition and so maintained as to limit objectionable odors. All enclosures shall be cleaned regularly and kept free of debris and fecal material. Proper drainage shall be established to provide dry housing conditions. Detergents and disinfectants shall be used on hard surfaces, pallets, and food and water containers. Drainage and means of disposing of debris and fecal material shall be in compliance with all applicable federal, state, county and local laws and regulations.
2. *Locks.* All enclosures shall be locked with a key or combination lock when inherently dangerous reptiles are within the enclosure.
3. *Secondary latch.* All enclosures shall have a secondary latch.
4. *Doors.* Doors shall swing into the enclosure rather than out.
5. *Shelter.* All inherently dangerous reptiles shall have access at all times to shelter from adverse climate conditions and those animals kept outside shall, in addition to the required shelter, have access to shade.
6. *Security of enclosures.* Enclosures shall be secure and escape-proof.
7. *Telephones.* At least one (1) land-line telephone and one (1) cellular telephone shall be in working condition and located at the approved location twenty-four (24) hours per day for use in case of an escape or other emergency.
8. *Electrical power back-up.* Every approved location that utilizes electrical power on any perimeter fencing, secondary barrier or enclosure shall maintain in working condition a back-up system, such as a gas-powered generator, which shall be used in case of electrical power failure or malfunction.
9. *Climate.* Species appropriate temperature, lighting, and shelter shall be provided at all times.
10. *Food and water.* Inherently dangerous reptiles shall be fed and watered at a rate at which proper weight, nutrition, and health are maintained. Watering devices or containers shall be cleaned and disinfected daily.

-
11. *Medical attention.* Proper medical attention shall be provided when and as necessary to maintain the inherently dangerous reptiles in a healthy condition.
 12. *Transportation.* At no time shall an inherently dangerous reptile be transported to or from the approved location indicated on the license application except in a manner conforming with the procedures which are required to be submitted to, and approved by, the director, as set forth in subsection (1)a.2.x. herein.
 13. *Animal restricted to approved location.* At no time shall an inherently dangerous reptile be located other than at the approved location indicated on the license application, except during transportation as described herein.
 14. *Restraint.* Every inherently dangerous reptile shall be contained in an appropriate enclosure or controlled by an appropriate restraint at all times both at and away from the approved location. No inherently dangerous reptile shall be allowed to roam freely outside of an enclosure, regardless of the existence of fencing or a secondary barrier.
- b. *Additional requirements for venomous snakes and large constricting snakes.*
1. *Enclosure dimensions.* One (1) or two (2) venomous snakes or large constricting snakes shall have an enclosure with a perimeter measuring one and one-half ($1\frac{1}{2}$) times the length of the longest confined snake. For each additional snake, the floor area of the enclosure shall be increased by twenty-five (25) percent.
 2. *Enclosure materials.* Enclosures shall be fronted with a minimum of three-sixteenths ($\frac{3}{16}$) inch thick plexiglass or tempered glass. Ventilation openings shall be covered with one-sixteenth ($\frac{1}{16}$) inch mesh. Enclosures shall be structurally sound and may be constructed of waterproof plywood at least one-quarter ($\frac{1}{4}$) inch thick, concrete plastered over wire, sheet metal, fiberglass, or a minimum of one-quarter ($\frac{1}{4}$) inch thick molded plastic.
 - i. Ventilation openings on enclosures containing venomous snakes shall be covered with double walls of one-sixteenth ($\frac{1}{16}$) inch mesh sufficient to prevent penetration of fangs to outside of the enclosure.
- c. *Additional requirements for gila monsters and beaded lizards.*
1. *Enclosure requirements.* One (1) or two (2) lizards shall have an enclosure with a minimum enclosure length of one and one-half ($1\frac{1}{2}$) times the length of the longest confined lizard and a minimum enclosure width of four (4) times the width of the largest confined lizard. Enclosures shall have adequate ventilation, fresh water, and access to sunlight or full spectrum fluorescent lighting with appropriate shade also available. For each additional lizard, the floor area of the enclosure shall be increased one hundred (100) percent.
- d. *Additional requirements for crocodilians.*
1. *Enclosure requirements.* The floors of outdoor enclosures shall be of concrete or masonry construction. Walls shall be a minimum height of four (4) feet and constructed of wire mesh no smaller than eleven and one-half (11.5) gauge. The enclosure shall be completely roofed by mesh wire. Crocodilians shall have access to shade and heated indoor facilities during cold weather.
 2. *Enclosure dimensions.* For one (1) crocodilian, minimum enclosure size must permit moving and turning both on land and in a pool. For additional crocodilians, the combined area covered by their bodies shall not exceed fifty (50) percent of enclosure area.
 3. *Pool.* Each enclosure shall include a pool of sufficient depth to permit entire body submersion by the crocodilian(s) located therein and must be readily accessible to

caretakers either by securing ramps into and out of the water or by building a sunken pool with a sloped interior.

- i. Pools shall be full of water at all times. The water shall be continuously filtered or replaced on a weekly basis.
 4. *Shift cages.* Enclosures for crocodilians greater than five (5) feet in length must have shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages shall measure at least eight (8) feet by five (5) feet.
 5. *Lighting.* Indoor facilities shall be equipped with full spectrum fluorescent lighting and heat lamps for basking.
- (4) *Fencing requirements.* Each license holder shall be responsible for erecting and maintaining at least one (1) of the following types of fencing at the approved location at which the license holder harbors or intends to harbor one (1) or more inherently dangerous animals:
 - a. *Perimeter fencing.* A license holder who chooses to erect and maintain perimeter fencing shall erect and maintain such fencing in a manner which reasonably prevents access to the approved location by the general public and further aids in containing any escaped animal. Perimeter fencing shall be inspected by the director for compliance with the following requirements:
 1. Perimeter fencing shall completely enclose the entire approved location;
 2. Perimeter fencing shall be a minimum of eight (8) feet tall with an outward-facing overhang of barbed wire of not less than eighteen (18) inches at an angle of forty-five (45) degrees;
 3. The area near the perimeter fencing shall be kept clear so that an inherently dangerous animal cannot be elevated, making it easier for such animal to escape by jumping over the perimeter fencing;
 4. Gates providing access to the approved location which is surrounded by the perimeter fencing shall be closed at all times.

Exception: Gates may be opened for purposes of ingress and egress to the approved location but shall be closed immediately following such ingress and egress.
 - b. *Secondary barrier.* A license holder who chooses to erect and maintain a secondary barrier shall erect and maintain such secondary barrier in a manner which reasonably prevents access to the enclosures containing inherently dangerous animals by the general public and further aids in containing any escaped animal. Secondary barriers shall be inspected by the director for compliance with the following requirements:
 1. A secondary barrier shall completely surround any and all enclosures that house inherently dangerous animals;
 2. A secondary barrier shall be a minimum of eight (8) feet tall with an outward-facing overhang of barbed wire of not less than eighteen (18) inches at an angle of forty-five (45) degrees;
 3. The area between an enclosure housing one (1) or more inherently dangerous animals and the secondary barrier shall be kept clear so that an inherently dangerous animal cannot be elevated, making it easier for such animal to escape by jumping over the secondary barrier;
 4. Gates providing access to the area surrounded by the secondary barrier shall be closed at all times.

Exception: Gates may be opened for purposes of ingress and egress to the area surrounded by the secondary barrier but shall be closed immediately following such ingress and egress.

-
- (5) *On-site staffing.* Any license holder harboring one (1) or more inherently dangerous animals at an approved location shall be present or shall ensure that trained personnel is present at said approved location twenty-four (24) hours per day, seven (7) days per week.
- (6) *Escaped animal procedure.* Any license holder harboring one (1) or more inherently dangerous animals at an approved location shall establish escaped animal procedures subject to the following requirements:
- a. The license holder shall submit a copy of said escaped animal procedures for approval to the director at the time of application. The license holder shall, throughout the term of the license, provide to the director a copy of any revisions made to such procedures within forty-eight (48) hours of such revisions being made.
 - b. All personnel shall regularly receive training in such procedures.
 - c. Escaped animal procedures shall include a requirement to call 911 within five (5) minutes of an escape.
 - d. The location of telephone numbers of persons to contact in case of an escape shall be part of the escaped animal procedure.
- (7) *Training.* Any person harboring one (1) or more inherently dangerous animals at an approved location shall train all personnel who interact with, come into contact with or who are present at the approved location where inherently dangerous animals are harbored, subject to the following requirements:
- a. An outline of training topics shall be submitted to the director at the time of application and at the time of any revision of said training. The director shall make a determination regarding the sufficiency of such training.
 - b. Topics of such training shall include, but not be limited to, the following:
 1. Safe handling and proper care of inherently dangerous animals;
 2. Escape procedures;
 3. Location and proper use of any and all weapons, including tranquilizer guns, which are intended for use in case of the escape of an inherently dangerous animal;
 4. The requirements of the Code relating to inherently dangerous animals.
 - c. A record of personnel training shall be maintained by the license holder at the approved location and shall be subject to the following requirements:
 1. All records of training shall be maintained for not less than two (2) years from the date of training.
 2. All records of training shall immediately be made available for inspection and review at the request of the director.
 3. All records of training shall include signatures of personnel indicating completion of training.
- (8) *Addition or removal of animals at approved location.* Any person harboring or wishing to harbor one (1) or more inherently dangerous animals shall provide written notification in person or by facsimile to the director within twelve (12) hours of the addition or removal of an inherently dangerous animal at an approved location. Written proof of insurance coverage for an additional animal or animals shall be provided in person or by facsimile to the director within twenty-four (24) hours of such animal being harbored at the approved location.

-
- (9) *Insurance requirements.* Certificate of insurance indicating proof of liability insurance in the minimum amount of one million dollars (\$1,000,000.00), covering any acts of the inherently dangerous animal(s) owned or harbored by the applicant while on or off of the approved location. Said certificate of insurance shall contain a clause granting a minimum of thirty (30) calendar days prior notice to the county in care of the county counselor's office and the county clerk's office before any material change or cancellation of insurance is effective.
- (10) *Inspections.* Any person harboring one (1) or more inherently dangerous animals shall submit to inspections of the approved location at which said animal or animals are being harbored. Such inspections, which shall be for the purpose of determining compliance with the provisions of this article, shall be conducted by the director at his discretion.

(Res. No. 35-00, § 3, 3-8-99; Res. No. 51-2014, § 7, 4-16-14; Res. No. 4-2015, § 1, 1-21-15)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-229. Violations and enforcement.

It shall be considered a violation of this Code for a person to fail to abide by the provisions of this article. Such violation shall cause such person to be subject to one (1) or more of the following enforcement provisions:

- (1) *Revocation of license.*
- a. A license issued pursuant to this article may be revoked by the director after a hearing conducted by the director to determine whether the license holder is in violation of any provision or provisions of this article.
 - b. If a license is revoked, the owner of the animal(s) which is/are the subject of the license shall transfer ownership of the animal(s) by sale or gift to another person who is in compliance with this article, with the written approval of the director, and provided the other person has or can obtain a license required by this article. In the alternative and with the written approval of the director, the animal(s) can be permanently removed from the county.
 - c. Any license holder who is dissatisfied with a decision of the director made pursuant to this section may appeal such decision within ten (10) days to the board of county commissioners by filing written notice thereof with the county clerk, with copies of the appeal notice to be provided by the license holder to the director and to the county counselor. The appeal shall be taken upon the record to be provided by the animal control department and shall not be a hearing de novo. A quorum of the board of county commissioners shall constitute a sufficient board for the purpose of conducting the appeal hearing. A majority vote shall be controlling for purposes of upholding or reversing the decision of the director.
- (2) *Impoundment; disposition of impounded animals.*
- a. Any inherently dangerous animal which is kept by any person in contravention of this article may be taken up and impounded by the director, an animal control officer, a code enforcement officer or a law enforcement officer for the protection and health of the animal and/or for the protection of the health, safety and welfare of the public. Cost of take-up, impoundment, and care of the animal will be charged to its owner and/or harbinger regardless of whether the animal is claimed by or returned to said owner and/or harbinger.
 - b. If an animal cannot be taken up safely or if proper and safe housing cannot be found for the animal, the director can immediately cause the animal to be destroyed.

-
- c. The owner and/or harbored of the animal can reclaim the animal only if said owner and/or harbored is in compliance with this article and only after all fines and costs have been paid by the owner and/or harbored. Any other intended disposition of the animal requires the approval of the director.
 - d. If no owner or harbored can be located or will claim the animal within three (3) days after impoundment, the director may cause the sale, adoption, donation, or humane euthanization of the animal.
- (3) *Criminal proceedings.* Any person who violates any provision of this article may be prosecuted for such violation pursuant to the code for the enforcement of county codes and resolutions (K.S.A. 19-4701 et seq.) and chapter 8 of this Code. Any violation of this article shall be a class I violation with each day's violation constituting a separate offense.
- (4) *Other remedies.* The county shall have such other remedies as are and as may be from time to time provided by state or local law.
- (5) *Remedies cumulative.* The remedies provided herein shall be cumulative.

(Res. No. 35-00, § 3, 3-8-99; Res. No. 51-2014, § 7, 4-16-14; Res. No. 4-2015, § 1, 1-21-15; Res. No. 222-2019, § 13, 10-9-19)

Editor's note(s)—Res. No. 4-2015, § 1, adopted Jan. 21, 2015 repealed Res. No. 51-2104, which amended various sections of Ch. 5, and reinstated in full effect the provisions that existed prior to the adoption of Res. No. 51-2014.

Sec. 5-230. Sale or transfer of inherently dangerous animals.

Any person who sells, gives, or in any way transfers possession or ownership of an inherently dangerous animal shall maintain records reflecting the name, address, and telephone number of the receiver of the animal; the state and county in which the receiver lives; and a complete and accurate description of the animal transferred to the receiver. If the receiver is a resident of this county, the records shall also reflect information sufficient to show the receiver possesses a current county license pursuant to this article and that said animal is to be harbored at an approved location. Such records shall be made available to the director for inspection upon request. Such records shall be maintained for a minimum of seven (7) years from the date of transfer.

(Res. No. 35-00, § 3, 3-8-99)

Sec. 5-231. Sale or transfer of approved location.

Any person who sells, gives, devises, or in any way transfers ownership of an approved location shall give written notice to the director within ten (10) days of such transfer. If the transferee intends to harbor or allow to be harbored inherently dangerous animals at such approved location, such transferee shall be subject to all provisions of this article.

(Res. No. 35-00, § 3, 3-8-99)

Sec. 5-232. Nontransferability of license.

No license issued pursuant to this article shall be transferable to any other person or to any other location. Should a license holder wish to relocate one (1) or more inherently dangerous animals to another approved location, said license holder shall file a new application for such location.

(Res. No. 35-00, § 3, 3-8-99)

Sec. 5-233. Abandonment of use of approved location.

Should an approved location not be used for the harboring of inherently dangerous animals for sixty (60) or more consecutive days, said location shall no longer be considered an approved location for purposes of this article. No inherently dangerous animal shall be harbored at such location.

(Res. No. 35-00, § 3, 3-8-99)

Sec. 5-234. Agreements.

The county may enter into agreements with any veterinarian, governmental agency, city, township, improvement district, corporation or individual it deems necessary to carry out the provisions of this article.

(Res. No. 35-00, § 3, 3-8-99)