

Chapter 205

ANIMAL CONTROL

ARTICLE I

Animal Control Officer

Section 205010. Office Established. [CC 1985 3-201; Amended Ord. No. 887, 11-6-1989]

- A. The position of Animal Control Officer is established.
- B. The Animal Control Officer shall have the power of a Law Enforcement Officer for the purpose of signing complaints, serving notice to appear, and effecting arrests upon such person(s) when the Animal Control Officer has probable cause to believe such persons has violated or is violating this Chapter when such violation has occurred or is occurring in the presence of the Animal Control Officer and where the Animal Control Officer has the responsibility of enforcing such Chapter.

Section 205020. Appointments — Duties. [CC 1985 §3-202; Amended Ord. No. 887, 11-6-1989]

- A. The Chief of Police shall appoint a person as Animal Control Officer who shall be responsible for enforcing all laws and ordinances within the City of Mulvane relating to dogs, cats and other animals within this City. The Animal Control Officer shall be authorized to make investigations and to mail notices, orders or directions as necessary for enforcement of provisions of this Chapter and to pick up any animals on public and private property, and impounding animals caught in violation of City ordinances, keeping City impoundment facilities, and issuing or causing to be issued citations to animal owners whose animals are caught in violation of City ordinances.
- B. The Animal Control Officer, the Chief of Police and the Health Officer are hereby authorized to take up and impound any animals in violation of any provision of this Chapter or any regulation issued by the Health Officer. If the person owning such animal cannot be issued a summons because such person is not known or not present, such animal shall be confined at the animal shelter in a humane manner and shall be released upon satisfactory proof that the party claiming the animal is entitled to possession thereof and upon payment to the City all recovery fees established in conformity with the provisions of this Chapter.
- C. Any animal that has bitten a person may be removed from the property of its owner by the Animal Control Officer, the Health Officer, or the Chief of Police if such animal is in violation of examination or observation requirements prescribed by regulations of the Health Center.
- D. In the interest of animal welfare, any person owning any animal in the City by so doing does thereby authorize the Animal Control Officer, the Health Officer, or the Chief of

Police to enter upon private property, where such animal is kept, if the officer has probable cause to believe the animal is being kept in a cruel or inhumane manner, for the purpose of examining such animal and impounding such animal at the animal shelter when, in the examiner's opinion, it is being kept in an unlawfully cruel or inhumane manner to the extent permissible under the plain view and/or open fields doctrines.

- E. It shall be unlawful for any person to refuse to produce for inspection proper identification by correct name and address when asked to do so by the Animal Control Officer when the Animal Control Officer has probable cause to believe that such person has violated a Section of this Chapter or to interfere with, molest, injure or prevent the Animal Control Officer in the lawful discharge of his/her duties as herein prescribed.

ARTICLE II General Regulations

Section 205.030. Certain Animals Prohibited in the City. [CC 1985 §3-401; Amended Ord. No. 887, 11-6-1989]

It shall be unlawful for any person, firm or corporation to rear or keep swine, cattle, sheep, goats or equine in this City.

Section 205.040. Premises Open for Inspection. [CC 1985 §3-401(A); Amended Ord. No. 887, 11-6-1989]

All places and premises outside a place of human habitation on which any domestic animal as described by this Chapter are kept or maintained shall be open at all times for inspection by the Animal Control Officer.

Section 205.050. Kennel or Cattery — Consent of Neighbors and Confinement of Cats. [CC 1985 §3-401(B); Amended Ord. No. 887, 11-6-1989]

Subject to the provisions of this Chapter no person shall own, maintain, or operate a kennel or cattery for the purpose of holding, breeding or raising dogs or cats within the corporate limits of the City without submitting to the Animal Control Officer with the initial application the written consent of the majority of households of all properties immediately adjacent to such kennel or cattery, including properties directly across the street or alley, providing, that renewal of a permit for a kennel or cattery shall be made providing that a written protest signed by a majority of householders of all properties immediately adjacent to such kennel or cattery, including properties directly across a street or alley is not received by the Animal Control Officer, and providing that such animal maintenance complies with the provisions of this Chapter. All cats maintained at a cattery shall be confined inside a structure.

Section 205.060. Health Standard — Minimum Listed. [CC 1985 §3-401(C); Amended Ord. No. 887, 11-6-1989]

- A. The following minimum environmental health standards shall be observed and followed by persons subject to the terms of this Chapter.
 - 1. All domestic animal shelters shall be cleaned at least once a week or more often if necessary to prevent or control odors, fly breeding and rodent infestation, provided

however, that this shall not apply to grazing areas coming within the agricultural classification.

2. Collected fecal material and other solid organic waste shall be disposed of at a sanitary land fill, fertilizer processing plant, or by proper dispersal on land used for agricultural purposes.
3. Grain or protein feed shall be stored in tightly covered rodent proof bins. Premises subject to the terms of this Chapter shall be maintained free of rodent harborage, such as improperly stored materials, enclosed partition walls, and wooden floors closer than six (6) inches from ground level.
4. Use shall be made of anti-coagulant rodenticide for the control of rodents and organic-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies.
5. Use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
6. All domestic animal shelters and board fences shall be maintained in good repair and shall be protected from deterioration by painting.
7. Garbage shall not be fed to fowl.
8. Refuse shall be stored in proper containers or in a manner approved by the Animal Control Officer and disposed of at least once a week or as frequently as may be required by the Animal Control Officer.
9. Provided further, that barbed wire fences and electrically charged fences shall not be permitted for animal shelters except on properties for which an agricultural classification permit is held or except on other properties where the barbed wire or electrically charged fence is protecting an exterior fence.
10. Provided further, that solid waste accumulated from the cleaning of domestic animal shelters maintained by persons subject to a commercial, or agricultural permit according to the terms of this ordinance shall be stored on concrete slabs or other facilities, such as dirt lots on which is stock piled manure with an exposed perimeter as approved by the Animal Control Officer.

Section 205070. (Reserved) ¹

Section 205.080. Diseased Animals. [CC 1985 §3-402; Amended Ord. No. 887, 11-6-1989]

It shall be unlawful for any person to turn out any domestic animal having a contagious or infectious disease, knowing the same to be diseased, or to allow such animal to run at large upon any unenclosed land or highway or to let the same approach within one hundred (100) feet of any highway or to sell or dispose of such animal without fully disclosing the defect to the purchaser.

¹. Editor's Note — Ord. no. 1243 §1, adopted October 2, 2006, repealed section 205.070 "cruelty or neglect of animals" in its entirety. Former section 205.070 derived from CC 1985 §3-401(D); amended ord. no. 887, 11-6-1989. At the editor's discretion, this section has been reserved for the city's future use.

Section 205.090. Animals Upon Streets. [CC 1985 §3-403; Amended Ord. No. 887, 11-6-1989]

It shall be unlawful for any person, firm or corporation having custody of any horses, mules, asses, cattle, hogs, sheep, goats or kids to permit the same to run at large without supervision in this City or be herded or picketed on any street or public place within this City.

Section 205.100. Fowl Running at Large. [CC 1985 §3-404; Amended Ord. No. 887, 11-6-1989]

It shall be unlawful for any person, firm or corporation owning or having the custody of any chickens or other domestic fowl to allow the same to run at large in this City.

Section 205.110. Confinement of Dogs in Heat. [CC 1985 §3-405; Amended Ord. No. 887, 11-6-1989]

Any unsprayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other male dog or dogs may gain voluntary access to the confined animal except for the purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisance shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals removed to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement. Failure to comply with the order of the Animal Control Officer shall be in violation of this Article and the animal will then be impounded as provided for in this Chapter.

Section 205.120. Trapping of Animals. [CC 1985 §3-406; Ord. No. 887, 11-6-1989]

- A. When deemed necessary by Law Enforcement Officers or the Animal Control Officer for the health, safety, and welfare of the residents of the City, such officers and/or their agents may place a humane trap on the property if the resident requests such a trap for the purpose of capturing any wild or pet animal creating a nuisance in the City.
- B. Animal Control Officers are authorized to use any tranquilizer guns, firearms, humane traps, or other suitable devices to subdue or destroy any animal that is deemed by the Animal Control Officer, in his/her discretion, to be of a danger to itself or to the public health and safety. At no time shall the Animal Control Officer use greater force than is necessary to protect.
- C. It shall be unlawful for any person to set or cause to be set within the City, any steel jaws, leg hold trap, snare, or any trap other than a humane trap, as defined for the purpose of capturing any animal, whether wild or domestic.
- D. No person shall own, possess, or have custody of on his/her premises any wild or dangerous animal for display, training, or exhibition purposes, whether gratuitously or for a fee.
- E. No person shall keep or permit to be kept any wild animal as a pet.

Section 205.130. Horses. [CC 1985 §3-407; Ord. No. 887, 11-6-1989]

Except for a mounted police officer performing in the course of his/her duty, horses are hereby

prohibited on public sidewalks or in a public park whether ridden or walked.

Section 205.140. Keeping Bees. [CC 1985 §3-408; Ord. No. 887, 11-6-1989]

It shall be unlawful for any person, either as owner or as agent, representative, employee or bailee of any owner, to keep or harbor any bees within the City limits without having first obtained a special permit therefore from the City Council. Any person desiring to obtain a permit to keep bees within the City limits shall file an application with the City Clerk who shall refer the same to the Animal Control Officer who shall investigate the proposed premises and file his/her written report and recommendations with the City Council. After reviewing the report from the Health Officer, the City Council may grant the applicant permission to keep bees upon his/her premises within the City limits upon such terms and conditions as it may specify. Any permit granted hereunder shall be subject to revocation in the event said applicant shall fail to comply with the terms and conditions of issuance.

Section 205.150. Location of Yard Housing for Animals. [CC 1985 §3-409; Ord. No. 887, 11-6-1989]

It shall be unlawful for any person to maintain any chicken coop, pigeon cote, or rabbit hutch closer than fifty (50) feet to the nearest portion of any building occupied by or in anywise used by any person, other than the dwelling occupied by the owner of the animals. Any yard housing for animals shall be subject to the maintenance requirements prescribed in Section 205.160, and any yard enclosure shall be so constructed and maintained that any animal kept therein is securely confined and prevented from escaping.

Section 205.160. Proper Maintenance of Animal Yard Structures and Pens Required. [CC 1985 §3-410; Ord. No. 887, 11-6-1989]

- A. It shall be unlawful for any person to keep or maintain any animal in any yard structure or area that is not clean, dry, and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.
- B. Excrement shall be removed daily from any pen or yard area where animals are kept and if stored on the premises of any animal owner, shall be stored in adequate containers with fly tight lids.
- C. All animal pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.
- D. All earthen yards or runways wherein chickens are kept shall be spaded, then limed once every three (3) months from the month of April through the month of December. All structures or pens wherein chickens are kept shall be sprayed to control flies and other insects.
- E. All premises on which animals are kept shall be subject to inspection by the Health Officer, the Chief of Police, and the Animal Control Officer. If it is determined from such inspection that the premises are not being maintained in a clean and sanitary manner, the inspector shall notify the owner of the animals in writing to correct the deficiencies within twenty-four (24) hours after notice is served. Any animal kept under any condition which endangers the public or animal health or creates a health nuisance may be impounded.

Animals shall be released after fees are paid and cause for impoundment has been corrected.

Section 205.170. Vehicular Accidents Involving Animals. [CC 1985 §3-411; Ord. No. 887, 11-6-1989]

- A. Any person who as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the Animal Control Officer.
- B. All animals which die shall be disposed of by the owner or keepers within twenty-four (24) hours, by burial, incineration in a facility approved by the Animal Control Officer, by rendering or by other lawful means approved by the Animal Control Officer. No dead animal shall be dumped on any public or private property.

**ARTICLE III
Animal Regulations**

Section 205.180. Definitions. [CC 1985 §3-101; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1, 4-21-2008; Ord. No. 1302 §1(B), 4-21-2008]

As used in this Chapter, the following words shall have the meanings ascribed to them in this Section, unless the context otherwise indicates:

ABANDON — Includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care, including leaving said animal after impoundment and upon notice, actual or constructive, without reclaiming said animal.

AGGRESSIVE ANIMAL AT LARGE — Any animal at large that, without provocation, exhibits aggression or combativeness toward a person or another animal, whether or not said person or animal is attacked, bitten or scratched by the aggressive animal at large.

ANIMAL CONTROL OFFICER — Any person empowered by the City to enforce the provisions of this Chapter; and in the absence of any such designation shall mean the Chief of Police/Director of Public Safety.

ANIMAL SHELTER — The animal care facility designated by the City for the impoundment of animals by the Animal Control Officer pursuant to the enforcement of provisions of this Chapter.

ATTACK — Violent or aggressive physical contact with a person or domestic animal or violent or aggressive behavior that confines the movement of a person, including, but not limited to, cornering, chasing or circling a person.

BITE — Any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin by the teeth of 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.

CAT — Any member of the species *Felis catus*, male or female, regardless of age.

DANGEROUS ANIMAL

1. Any animal which has exhibited or is known to have a vicious propensity toward persons or domestic animals and is capable of inflicting serious physical harm or death or damage to property; or
2. Any animal which, without provocation, attacks or bites or has attacked or bitten a human being or other animal on the streets, sidewalks or any public grounds or places or on private property. This shall not apply if the victim was committing a willful trespass on the property where the animal was harbored at the time of the attack or bite; or
3. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
4. Any dog which chases or menaces any person in an aggressive manner, except that a dog shall not be deemed dangerous if the complainant was committing a willful trespass at the time;
5. Any animal that poses a threat to public safety or constitutes a danger to human life or property;
6. Any animal which has been declared by the court, pursuant to Section 205.370, to be a dangerous animal.

DISTURBANCE, NUISANCE ANIMALS — The owner of any animal shall take all reasonable measures to keep such animal from becoming a nuisance. For the purpose of this provision, "*nuisance*" is defined as any animal which:

1. Runs uncontrolled;
2. Damages property other than that of the owner or harborer;
3. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors and others in close proximity to the premises where the animal is kept or harbored;
4. Creates noxious or offensive odors;
5. Is in heat and not properly confined;
6. Defecates upon any public place or upon premises not owned or controlled by the owner unless promptly removed by the animal owner;
7. Creates an insect breeding and/or attraction site due to an accumulation of excreta;
8. Is ridden or driven on public property and obstructs or interferes with vehicular or pedestrian traffic;
9. Threatens or causes a condition which endangers public health; or
10. Impedes refuse collection by ripping any bag or tipping any container of such.

DOG — Any member of the species *Canis familiaris*, male or female, regardless of age.

DOMESTIC ANIMAL — A dog and/or cat as defined in this Section.

HARBORING — Allowing any animal to habitually remain or lodge or to be fed within one's home, store, yard, enclosure or place of business or any other premises where one works, resides or has control. The parent, guardian or custodian of any child under the age of eighteen (18) years, who owns, harbors or has custody of an animal, shall be deemed to be the owner of such animal.

HEALTH OFFICER — The person as defined in Section 220.010 of the Code.

INHUMANE TREATMENT — Any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from the weather; any treatment such as overloading, overworking, tormenting, beating, mutilating, teasing or other abnormal treatment; or causing or allowing the animal to fight with any other animal.

OWNER — Any person who harbors, has an interest in, has control over or custody of an animal and/or has a license to keep the animal.

PERSON — Any individual, firm, association, joint stock company, syndicate, partnership, corporation, other State franchised business entity such as a professional association, limited liability company, limited liability partnership or other organization of any kind.

PICKET — Attaching a leash, rope, chain, lead, tether or other similar apparatus or device to the body of an animal and another inanimate or immovable object for the purpose of confining or limiting the movement of the animal.

RUNNING AT LARGE — Any animal that is not confined by picket, within a secure enclosure or within a shelter capable of preventing the animal from exiting at will, unless under the control of a person, either by leash, cord, rope, chain, lead, tether or other similar apparatus or device. Intent shall not be considered in determining whether the harborer or owner of an animal has allowed said animal to run at large. — For the purpose of this Chapter, an animal shall not be considered running at large when on the owner's property and confined by an operating electronic fencing system when the premises are clearly and prominently marked to show the existence of the electronic fencing system and the animal is equipped with the necessary and operating components of the system required to confine the animal to the owner's property.

SECURE ENCLOSURE — A locked pen or structure at least six (6) feet in width, twelve (12) feet in length and six (6) feet in height, capped with a cap being secured to all sides, which provides proper protection from the elements for the animal, is suitable to prevent the entry of young children and is designed to prevent the animal from escaping while on the owner's property. The enclosure must be secured to the ground and have a floor which is secured to all sides. The secure enclosure must be inspected and approved by the Animal Control Officer or the Animal Control Officer's duly appointed agent.

VETERINARIAN — A doctor of veterinary medicine licensed by the State of Kansas.

VICIOUS PROPENSITY — A known tendency or disposition to approach any personal or domestic animal in an attitude of attack or to otherwise threaten the safety of any personal or domestic animal when there is no provocation.

Section 205.190. Enforcement Responsibilities. [CC 1985 §3-102; Amended Ord. No. 887,

11-6-1989; Ord. No. 1302 §1(C), 4-21-2008]

A. Enforcement responsibilities are as follows:

1. The City Police Department investigates reported cases of animal bites and furnishes the Animal Control Officer and Health Department information regarding animal bite cases.
2. The City Police Department represents and acts for the City as animal licensor and impound fee collector.
3. The City Police Department and Animal Control Officer are responsible for the enforcement of the City ordinances regarding animal control.

Section 205.200. Registration Required — Exception. [CC 1985 §3-103; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(D), 4-21-2008]

The owner of any domestic animal in the City must be currently registered with the City and licensed in accordance with this Chapter, except domestic animals owned by non-residents of the City who are temporarily in the City, provided such non-resident domestic animal owner or harbinger has fully complied with all applicable licensing requirements of the place of residence of the owner or harbinger. Non-residents temporarily within the City are those who are in Mulvane less than thirty (30) days per year.

Section 205.210. Annual License Fee. [CC 1985 §3-104; Amended Ord. No. 887, 11-6-1989; Ord. No. 1066, 9-20-1999; Ord. No. 1149 §4, 8-19-2002; Ord. No. 1302 §1(E), 4-21-2008]

An annual license fee for each domestic animal is levied in an amount as set forth in Section 100.240 upon each owner or harbinger of each domestic animal within the City limits. The fee shall not apply to any specially trained service dog when such dog is actually being used for the purpose of aiding a disabled person and under his/her direct control, nor shall it apply to domestic animals being kept for sale in kennels or pet shops when said kennels or pet shops are registered as a business by the City and located in the proper zoning classification. The fee shall be levied each year and shall be due upon the same date as application is made for the license herein referred to. In the event the annual fee is not paid within thirty (30) days after the due date of the license, an additional late fee shall apply in an amount as set forth in Section 100.240.

Section 205.220. Owner Responsibilities. [CC 1985 §3-105; Amended Ord. No. 887, 11-6-1989; Ord. No. 1067, 9-20-1999; Ord. No. 1302 §1(F), 4-21-2008]

- A. It shall be the duty of the person attempting to obtain a license for a domestic animal to pay the fee imposed in Section 205.210 directly to the City Police Department; however, it shall be the owner or harbinger's responsibility to pay the fee when due and the failure to do so shall constitute a violation of this Chapter. Each and every owner or harbinger of any domestic animal six (6) months of age or older and residing or located within the City shall pay said fee immediately upon establishing residence within the City. Each domestic animal license shall be renewed by January first (1st) for the proceeding calendar year. The annual fee shall not be deemed to be late until February first (1st) of that year. In lieu of a tag being issued by the City for dogs, the owner may provide proof that the dog has been injected with an under the skin microchip identification that has been activated and provide

the number of the chip to the Police Department.

B. *False Statement.*

1. Any false statement in a rabies certificate or application for a license to keep a dog or cat shall render null and void the license issued to the owner for keeping such dog or cat.
2. Any person who makes a false statement in any application, affidavit or other document required by this Chapter or any regulation prescribed hereby is guilty of a misdemeanor.

C. The premises of animal owners shall be available for inspection by the Animal Control Officer, Health Officer, Law Enforcement Officer or their respective designated agent to insure a fenced yard or fenced run is available that can adequately confine the animal and to insure the health and welfare of such animal.

Section 205.230. Applicant Age Requirement. [CC 1985 §3-106; Amended Ord. No. 887, 11-6-1989]

No application for an animal license shall be accepted or issued under this Chapter unless the applicant is at least eighteen (18) years of age, or a married individual, or a firm or corporation.

Section 205.240. Registration and Licensing. [CC 1985 §3-107; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(G), 4-21-2008]

The owner or harbinger of a domestic animal shall, at the time of payment of the fee, register and license the animal by giving the City Police Department the name and address of the owner or harbinger if different from the owner and the name, breed, color and sex of the animal and such other reasonably pertinent information as the City Police Department may request. When the fee is paid and the City Police Department has been furnished a certificate of inoculation, then the City Police Department shall execute a receipt to the owner or harbinger.

Section 205.250. Redemption — When. [CC 1985 §3-108; Amended Ord. No. 887, 11-6-1989; Ord. No. 1149 §5, 8-19-2002; Ord. No. 1302 §1(H), 4-21-2008]

The Animal Control Officer, Health Officer, Chief of Police/Director of Public Safety or any City employee designated by the Chief of Police/Director of Public Safety shall be authorized to take up and impound any animal running at large in the City provided that if an animal running at large appears to be uncontrolled, diseased, vicious or otherwise dangerous and such animal cannot be captured with safety, such animal may be killed. In order to redeem any animal impounded, it is necessary that the owner or harbinger pay any required annual fee provided in Section 205.210 plus a first (1st) day impounding fee in an amount as set forth in Section 100.240 and a fee for each day thereafter in an amount as set forth in Section 100.240 and, if applicable, other penalty charges for which such animal was impounded. Any person wishing to redeem any dog that has not been vaccinated for rabies shall, in addition to the requirements of this Section, have such dog inoculated for rabies by a veterinarian and secure a certificate of inoculation within seventy-two (72) hours of release from impoundment. The certificate of inoculation must be presented to the Police Department in the time set forth.

Section 205.260. Notification. [CC 1985 §3-109; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(I), 4-21-2008]

The Animal Control Officer shall make due effort to notify the owner of an impounded animal if such animal is wearing a rabies tag, owner identification tag, identification tattoo, City tag or traceable microchip.

Section 205.270. Time Limit for Redemption. [CC 1985 §3-110; Amended Ord. No. 887, 11-6-1989; Ord. No. 1014, 9-16-1996; Ord. No. 1302 §1(J), 4-21-2008]

- A. Any animal impounded for any violation of this Chapter or City ordinances and law of the State of Kansas will be held at the City shelter for seventy-two (72) hours.
- B. An animal, which is not redeemed by the owner within seventy-two (72) hours, shall be made available for adoption or destroyed by a licensed veterinarian in a humane manner, provided that any person who desires to adopt such animal may do so subject to provisions provided for in Sections 205.240 and 205.280 and the reimbursable payment for spay/neuter. Purchasers must also comply with any County and/or State requirements. Such money shall be placed in the General Fund of the City.
- C. Failure of the owner of any impounded animal to claim such animal within seventy-two (72) hours does not relieve the owner from liability for payment of impoundment, veterinary fees, euthanasia and/or disposal fees established by impoundment. The court is empowered to assess the fees for such services as costs upon any conviction for any violation of this Chapter.

Section 205.280. Rabies Inoculation. [CC 1985 §3-111; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(K), 4-21-2008]

The owner or harbinger of any domestic animal over six (6) months of age maintained or harbored at any time in the City limits shall have such animal vaccinated against rabies by a veterinarian and maintain current rabies vaccinations as prescribed by their veterinarian. Before the City Police Department shall license any domestic animal, the owner or harbinger must present a valid current certificate of inoculation. Any domestic animal which is not so inoculated shall be impounded as provided in this Chapter and the owner and/or harbinger thereof shall be guilty of violation of this Chapter.

Section 205.290. Running at Large. [CC 1985 §3-112; Amended Ord. No. 887, 11-6-1989]

No dog shall be allowed to run at large within the City as defined in Section 205.180.

Section 205.300. Animal Disturbance — Nuisance. [CC 1985 3-113; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(L), 4-21-2008]

No owner or harbinger of any animal shall allow any animal to become a nuisance animal as defined in Section 205.180 of this Chapter.

Section 205.310. Animal Bite Procedure. [CC 1985 §3-114; Amended Ord. No. 887, 11-6-1989; Ord. No. 1171, 5-19-2003; Ord. No. 1243 §4, 10-2-2006; Ord. No. 1302 §1(M), 4-21-2008]

- A. An animal which bites a person shall immediately be taken to a veterinarian of the owner's or harborer's choosing, whenever practical, and at the owner's expense for a health examination. The animal shall be quarantined with a veterinarian for a period of ten (10) days. The animal will then undergo a second (2nd) examination at the expense of the owner or harborer on the tenth (10th) day following the bite. Following the second (2nd) examination, the veterinarian shall mail a written statement of the condition of the dog's health to the Police Department.
1. Any person having an animal bite shall report or have reported by another person, physician, hospital or law enforcement agency to the Animal Control Officer information concerning the animal bite including the victim's name, address, phone number, a description of the animal and, if known, the name and address of the animal's owner or harborer.
 2. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand of the Animal Control Officer, Health Officer or Law Enforcement Officer, produce the animal for examination and confinement as prescribed.

Section 205.320. Destructive Animals — Nuisance. [CC 1985 §3-115; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(N), 4-21-2008]

It shall be unlawful for the owner, harborer or any other person to permit an animal with or without the direct knowledge of that owner, harborer or other person to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence, fence gate or posts, structure, part of any structure or motor vehicle, other than those owned by said owner or harborer. Upon a finding of a violation of this Section, the Municipal Court may order, in addition to the penalties provided for in this Chapter, restitution to be made by the owner or harborer of the animal causing such injury or destruction.

Section 205.330. Number Limitation. [CC 1985 §3-116; Amended Ord. No. 887, 11-6-1989]

It is unlawful for any person within the City to keep, own or harbor in excess of three (3) domestic animals on any one (1) premise, excluding commercial or agricultural classifications; subject to the provisions of this Chapter, provided that this Section shall apply only to mature animals that are fully weaned and shall not apply to common carriers transporting domestic animals to or through the City.

Section 205.340. Unauthorized Release of Impounded Animals. [CC 1985 §3-117; Amended Ord. No. 887, 11-6-1989]

Any person who without authorization breaks open, damages, destroys, permits or causes egress of animals impounded or attempts to do so from the City impoundment facility or other enclosure used by City Officials for the impounding or transportation of such animals is guilty of violation of this Chapter and upon conviction shall be fined in an amount not to exceed three hundred dollars (\$300.00).

Section 205.350. Interference With Animal Control Officer, Health Officer or Law Enforcement Officer. [CC 1985 §3-117A; Ord. No. 1302 §1(O), 4-21-2008]

Any person who takes or attempts to take from an officer of the City any animal taken by such officer in performance of official duties pursuant to this Chapter, or who in any manner interferes with or hinders any officer of the City in the performance of official duties is guilty of violation of this Chapter and upon conviction shall be fined not less than one hundred dollars (\$100.00) or more than three hundred dollars (\$300.00).

ARTICLE IV
Dangerous, Vicious and Aggressive Animals

Section 205.360. Prohibited — Exception. [CC 1985 §3-301; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(Art. IV(B)), 4-21-2008]

- A. It shall be unlawful for any person to keep, possess or harbor dangerous or aggressive animals and/or any animal with vicious propensity as set forth in Section 205.180 within the City. Impoundment of animals whose owners have been cited for violation of this Section shall be at the discretion of the Animal Control Officer, Health Officer or Chief of Police/Director of Public Safety. If the animal presents a clear and present danger to the public health and safety, it shall be the duty of the Animal Control Officer, Health Officer, Chief of Police/Director of Public Safety or designated agent to impound such animal, if such animal cannot be confined by the owner in a secure enclosure as defined in Section 205.180.
- B. Nothing in this Article shall be construed to prevent the Animal Control Officer or any Law Enforcement Officer from taking whatever action is reasonably necessary to protect himself/herself or members of the public from injury or danger, including immediate destruction of any dangerous and/or vicious animal without notice to the owner.

Section 205.365. Dangerous Dog — Procedure for the Determination of a Dangerous Dog. [Ord. No. 1302 §2, 4-21-2008]

- A. In the event that the Animal Control Officer, Health Officer, Law Enforcement Officer or citizen files a complaint against an owner or harbinger of a dog alleging that the dog is a dangerous animal as defined by Section 205.180, the court shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared dangerous as defined by Section 205.180.
- B. If the Animal Control Officer, Health Officer, Chief of Police/Director of Public Safety or their respective designated agent has determined that it is in the best interest of public health, safety and welfare that he/she confines an animal prior to a hearing, he/she may take and confine the animal or animals in the animal shelter. If the Animal Control Officer deems the animal to be a threat to the safety of persons responsible for the shelter, he/she may direct the owner to confine the animal at a veterinary hospital of their choice. The owner of the animal will be responsible for all expenses incurred. The animal shall not be released except on the order of the court.
- C. The Animal Control Officer shall notify the owner or harbinger of the dog of the date and time that a hearing will be held, at which time evidence will be presented that the dog is dangerous and at which time the owner or harbinger of the dog may present evidence to rebut evidence presented by the City and present such other evidence as may be relevant.

The failure of the owner or harbinger to attend or participate in the hearing shall not keep the court from making the appropriate determination concerning the dog. The hearing shall be held promptly within no less than five (5) nor more than twenty (20) days after service of notice upon the owner or harbinger of the dog.

- D. After the hearing, the owner or harbinger of the dog shall be notified in writing of the determination. If the owner or harbinger of the dog contests the determination, he or she may appeal within ten (10) days to the District Court pursuant to law.

Section 205.370. Determination of Court — Consideration. [CC 1985 §3-302; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(Art. IV(C)), 4-21-2008]

The court shall make a determination at the time of trial as to whether or not said animal is a dangerous animal. In making such a determination, the judge may consider the severity of the attack and such other information as the court deems relevant.

Section 205.380. Destruction or Confinement. [CC 1985 §3-303; Amended Ord. No. 887, 11-6-1989; Ord. No. 1302 §1(Art. IV(D)), 4-21-2008]

- A. If the court determines that an animal is dangerous, within the meaning set forth in Section 205.180, and that the animal poses an immediate threat to public health and safety, the court may cause the animal to be destroyed. In lieu of such destruction, the court may require the confinement of the animal by the owner or harbinger in a secure enclosure as set forth in Section 205.180.
- B. In the event the court releases the animal to the owner or harbinger and the owner or harbinger fails to claim the animal within seventy-two (72) hours after its release has been authorized by the court, the court may, upon making a finding that such animal is dangerous, vicious or exhibits aggressive behavior and that it represents a clear and present danger to the persons, property or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner or harbinger shall not relieve such owner from responding to pay fees and fines which may result from a violation of this Article.

Section 205.390. Dangerous Dog — Failure to Confine — Destruction and Defenses. [Ord. No. 1302 §2, 4-21-2008]

- A. It is unlawful for an owner or harbinger of a dangerous dog to permit the dog to be outside a secure enclosure unless the dog is restrained by a substantial chain or leash and under physical restraint by a responsible person who is eighteen (18) years of age or older and possesses sufficient strength for physical control of the animal for the purpose of transportation to and from a veterinarian for medical treatment. In such event, the dangerous dog shall be securely muzzled and restrained with a chain or leash not exceeding four (4) feet in length and shall be under the direct control and supervision of the owner or harbinger of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- B. The owner or harbinger shall allow the Animal Control Officer access to the property where

the dangerous animal is being harbored to facilitate inspections and insure compliance for the duration of the life of the animal.

- C. The owner or harbored of any dog that has been determined to be dangerous shall within five (5) days, be required to have a microchip, traceable to the dangerous dog and the current owner, inserted into the dog and copies of documentation of said procedure shall be provided to the Police Department. The owner or harbored shall pay all costs associated with the insertion of the microchip. Agreement to remove the animal from the City does not allow the owner to circumvent this Subsection. Any owner of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

Section 205.400. Signs Required. [Ord. No. 1302 §2, 4-21-2008]

The owner or harbored of a dangerous dog shall display in a prominent place at the entrance to his or her premises a clearly visible warning sign indicting there is a dangerous dog on the premises. A similar sign is required to be posted on the secure enclosure in which the animal is harbored.

Section 205.410. Registration and Insurance. [Ord. No. 1302 §2, 4-21-2008]

- A. The owner or harbored of a dangerous dog shall annually register the dangerous dog with the Police Department and shall provide the Police Department with confirmation of the insertion of a microchip and the traceable number associated with such microchip. The owner or harbored shall pay a one hundred dollar (\$100.00) annual registration fee (in addition to all applicable license fees) to the City of Mulvane and shall pay all costs associated with the microchip procedure. The owner or harbored of a dangerous dog shall notify the Police Department in writing a minimum of seven (7) days prior to any change in the address of the owner or harbored or the location of the dangerous dog.
- B. The owner or harbored of a dangerous dog required to be registered under this Section shall maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for each such dog against the potential injury or damage liabilities and hazards associated with the ownership or possession of such dog. The owner or harbored of a dangerous dog shall file with the City Police Department, at the time of annual registration, a certificate of insurance reflecting the required minimum insurance and naming the City of Mulvane as an additional insured.

Section 205.415. Violation of Requirements for Dangerous Dog. [Ord. No. 1302 §2, 4-21-2008]

- A. It shall be unlawful for any person to violate the provisions of this Article. Any person found guilty of violating the provisions of this Article shall be guilty of a misdemeanor and the animal impounded. The owner and/or harbored of the animal shall be responsible for all costs of impoundment along with any fines or fees assessed.
- B. For a second (2nd) offense within twenty-four (24) months, the owner and/or harbored shall be guilty of a second (2nd) misdemeanor and the animal impounded and destroyed after a five (5) day waiting period, exclusive of Sundays and holidays. The owner and/or harbored shall be responsible for all costs of impoundment and destruction of the animal along with any fines or fees assessed.

Section 205.420. Animals/Reptiles Prohibited During Old Settler's Weekend. [Ord. No. 1170, 5-19-2003; Ord. No. 1302 §1(E), 4-21-2008]

- A. Any type of animal and/or reptile is hereby prohibited from the Main Street Park, carnival area and downtown core area during the Old Settler's Celebration.
- B. *Exceptions.* Any animals/reptiles that are entered in the official pet show segment of Old Settlers.
- C. Any certified service animal is exempt.
- D. Violation of this Section is a Class C misdemeanor.