

6-2-2: REGISTRATION AND VACCINATION REQUIREMENTS: It shall be unlawful for any person within the corporate limits of the city to own or keep any dog without first having had the dog inoculated against rabies according to current, recognized veterinary practices and paying the annual registration fee to the city clerk. The rabies inoculation shall be administered as directed by Kansas law and shall be attested by or under the signature of a Kansas licensed veterinarian, showing at least the manufacturer of such vaccine together with the lot number of the vaccine actually used for the inoculation, the date such was administered and the manufacturer's stated life span or period of efficacy of such. No registration shall be accomplished unless the owner or keeper of the dog seeking such registration shall present such a certificate to the city clerk. (Ord. 3651, 6-13-2006)

6-2-3: REGISTRATION FEES<sup>1</sup>: Between January 1 and before March 1 of each year the dog owner shall register all dogs owned by him at the office of the city clerk and shall pay the following fees:

- (A) The city clerk shall collect a registration fee of five dollars (\$5.00) for each neutered or sexually altered dog whose owners reside within the corporate limits of the city; provided, that all dogs belonging to the same household shall be registered in the name of the head of such household.
- (B) The city clerk shall collect a registration fee of ten dollars (\$10.00) for each dog which has not been neutered or sexually altered and whose owners reside within the corporate limits of the city; provided, that all dogs which have not been neutered or sexually altered belonging to the same household shall be registered in the name of the head of such household. It shall be presumed that any dog is in a natural state unless and until the owner thereof shall present satisfactory evidence to the contrary in the form of a certified statement of a licensed veterinarian or by a statement of the owner verified under oath by affidavit. Such evidence may be permanently entered or filed in the city clerk's registration books. (Ord. 3242, 11-10-1997)

6-2-4: LATE REGISTRATION FEES; EXCEPTIONS<sup>1</sup>: On and after March 1 of each year the city clerk shall collect a registration fee of twice the amount provided in section 6-2-3 of this chapter; provided, however, that new residents of the city or persons acquiring a dog or

1. The increased registration fees provided herein shall be effective for registration periods commencing after December 31, 1997.

owning a dog which attains the age of registration after January 1 of any year shall have ten (10) days from such date of residency, acquisition, or attainment of age to register such dog at the fee set forth in section 6-2-3 of this chapter; otherwise the registration fees in this section shall apply. (Ord. 3242, 11-10-1997)

6-2-5: ANNUAL REGISTRATION: All registrations issued by the city clerk hereunder shall be valid until December 31 of the year in which the same are issued. (Ord. 2263, 4-10-1974, eff. 1-1-1975)

6-2-6: REGISTRATION PROCEDURE:

- (A) The city clerk, upon presentation of a certificate or affidavit showing then current inoculation against rabies and upon payment of the fees, all as hereinbefore set out, shall record the following information for each dog registered: owner's name; his address; color, breed, sex, age, weight, names (if any), and date of vaccination of dog. After recording said information, the city clerk shall issue a license to said owner, and shall provide for each dog so registered a tag of metal or other durable substance, having stamped or marked thereon the registration number which corresponds to the number of the registration record. This tag shall be kept on the dog at all times when the dog is outside the dwelling of the owner.
- (8) The owner of any dog shall cause the same to wear a collar or harness while said dog is outside the dwelling of the owner. The tag herein required shall be securely affixed to the collar or harness of each dog registered. The tag shall be situated on the collar or harness in such a "manner that it may at all times be easily visible. Replacement tags shall be issued upon the payment of the sum of one dollar (\$1.00) each.
- (C) The city clerk may between December 1 and December 31 of each year cause notice to be given of the upcoming registration period for dogs by publication once in the official city newspaper. (Ord. 2920, 12-28-1989)

6-2-7: EXCEPTION TO REGISTRATION; REQUIREMENTS FOR VISITING DOGS: The provisions of this chapter with respect to registration shall not apply to any dog owned by any person visiting or

temporarily remaining within the city for less than thirty (30) days. However, such dogs shall be kept under restraint by the owner thereof at all times. (Ord. 2263, 4-10-1974, *eff. 1-1-1975*)

6-2-8:            **RUNNING AT LARGE PROHIBITED:** It shall be unlawful for the owner of any dog to permit such dog to run at large within the corporate limits of the city at any time. (Ord. 2263, 4-10-1974, *eff. 1-1-1975*)

6-2-9:            **DOGFIGHTING:** It shall be unlawful for any person by words, sign or otherwise, to set any dog to fight, or cause any dog to attack any other dog or animal, or aid or abet or encourage any dog to attack or chase any human being not engaged in malicious or criminal acts; or being the owner, knowingly to permit such dog to fight without endeavoring to prevent the same. (Ord. 2263, 4-10-1974, *eff. 1-1-1975*)

6-2-10:           **KEEPING VICIOUS DOGS PROHIBITED:** It shall be unlawful for any person to keep any vicious dog within the corporate limits of the city. (Ord. 2263, 4-10-1974, *eff. 1-1-1975*)

6-2-11:           **TRESPASS:** It shall be unlawful for any person to permit any dog to trespass upon, or do injury to public or private property of another. (Ord. 2263, 4-10-1974, *eff. 1-1-1975*)

6-2-12:           **UNSPAYED FEMALE DOGS; CONFINEMENT DURING HEAT:** An unspayed female dog shall be kept securely confined in an enclosed place while in heat. (Ord. 2263, 4-10-1974, *eff. 1-1-1975*)

6-2-13:           **NOISY DOGS:** It shall be unlawful for the owner of any dog to cause, permit, or allow such dog to howl, bark, or yelp so as to make excessive noise which disturbs the peace and quiet of the neighborhood. The phrase "excessive noise" used herein shall mean a noise which is so loud and continuous or untimely as to disturb the sleep or the peace of a neighbor. (Ord. 3006, 1-28-1992)

## 6-2-14: CRUELTY TO DOGS UNLAWFUL:

(A) It shall be unlawful for any person:

1. Intentionally to kill, injure, maim, torture or mutilate any dog;
2. To abandon or leave any dog in any place without making provisions for its proper care;
3. Having physical custody of any dog and failing to provide such food, water, opportunity for exercise or other care as is needed for the health or well being of such dog; or
4. Having physical custody of any dog and failing to provide such dog with necessary protection from the elements as set forth below:

(a) Shelter From Sunlight: When sunlight is likely to cause overheating, serious bodily injury or death of the dog, sufficient shade shall be provided to allow the vertebrate animals kept outdoors to protect themselves from the direct rays of the sun.

(b) Shelter From Cold Weather: Housing facilities shall be provided for all dogs kept outdoors when the atmospheric temperature falls below forty degrees Fahrenheit (40°F). Such structure shall be provided with a sufficient quantity of suitable bedding materials, consisting of hay, straw, cedar shavings or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. Such shelter shall be so constructed to keep the dog dry and retain sufficient body heat to prevent serious bodily injury or death of the dog.

5. (a) To attach chains or other tethers, restraints or implements directly to a dog 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 dog.

(b) No person shall:

(1) Tether a dog for more than one continuous hour, except that tethering of the same dog may resume after a hiatus of three (3) continuous hours, for up to three (3) hours' total time on tether per day; provided that for the purpose of tethering a dog, a chain, leash, rope or tether shall be at least ten feet (10') in length; and, provided, further, this subsection shall not apply to a trolley line type of tether, the line of which provides

at least twenty five (25) linear feet of run length available to the dog and is designed to allow or provide compliance with all other provisions of this section;

(2) Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than one-eighth (*Cis*) of the dog's body weight, or due to weight, inhibit the free movement of the dog within the area tethered;

(3) Tether a dog either on a choke chain or otherwise in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles;

(4) Tether a dog without access to shade when sunlight is likely to cause overheating, or without access to appropriate shelter which provides insulation and protection against cold and dampness when the atmospheric temperature falls below forty degrees Fahrenheit (40°F); or to tether a dog without securing its water or food supply (or both) so that it cannot be tipped over by the tether;

(5) Tether a dog in an open area where it can be teased by persons or in an open area that does not provide the dog protection from attack by other animals;

(6) Tether a dog in such a way as to allow the dog to get within ten feet (10') of either the property boundary line or, if there is one, a public sidewalk; or

(7) Tether a dog in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation with some type of protection or ground cover which will not cause injury or discomfort to the dog.

(c) The following definitions apply to words used in this section:

(1) When used as a verb, "tether" or "tethering" shall mean fastening a dog to a stationary object, pulley run line or a stake.

(2) When used as a noun, "tether" or "tethers" shall mean a chain, leash, rope, cable, string, leather or nylon strap, or any

other material used to fasten a dog to a stationary object, pulley run line or a stake.

- (B) Any public health officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, dog shelter or other appropriate facility, may take into custody any dog, upon either private or public property, which clearly shows evidence of cruelty, as defined in subsection (A) of this section. Such officer, agent or veterinarian may inspect, care for or treat such dog or place such dog in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding and other care; or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the dog is diseased or disabled beyond recovery for any useful purpose, the humane killing thereof.
- (C) The owner of any dog killed pursuant to subsection (B) of this section shall not be entitled to recover damages for the killing of such dog, unless the owner proves that such killing was unwarranted.
- (D) Expenses incurred for the care, treatment or boarding of any dog taken into custody pursuant to subsection (B) of this section, pending prosecution of the owner of such dog for violation hereof, shall be assessed to the owner as a cost of the case if the owner or custodian is found guilty of such crime.
- (E) If a person is found guilty of violating the provisions hereof and the court is satisfied that any dog owned or possessed by such person would be in the future subjected to such crime, such dog shall not be returned to or remain with such person. Such dog may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.
- (F) 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; or
  3. The humane killing of any dog which is diseased or disabled beyond any useful purpose. (Ord. 3652, 6-13-2006, *eff. 1-1-2007*)