

AN ORDINANCE AMENDING LEOTI CITY CODE CHAPTER 6, ANIMALS, TO REQUIRE OWNERS TO NOTIFY CITY HALL OF CHANGES IN OWNERSHIP, RESIDENCY OR DEATH; TO PLACE THE SAME BURDEN ON ALL PERSONS RESPONSIBLE FOR DOGS REGARDLESS OF DOG OWNERSHIP; CLARIFY THE DEFINITION OF CRUELTY TO ANIMALS; INCREASE FINES FOR UNLICENSED DOGS RUNNING AT LARGE; PROHIBIT CERTAIN ANIMAL TRAPPING; PROVIDE FOR HOUSING VICIOUS DOGS UNTIL COURT HEARING.

WHEREAS, certain areas of the animal ordinance are unclear and code enforcement has pointed out certain areas of the code which need tightened up.

WHEREAS, after thoughtful consideration, the Leoti Governing Body deems it in the best interests of the citizens of Leoti to amend the current rules governing animals within the city limits.

THEREFORE, BE IT ORDAINED, by the governing body of the City of Leoti, Kansas:

1. That Chapter 6, Article III, Division 2, Section 6-82 of the Code of Ordinances, City of Leoti, Kansas, shall be amended to read as follows:

Sec. 6-82. - Required.

- (a) Owners of any dog over six months of age shall annually register the owners name and address with the city clerk and the name, sex, and description of each dog owned and kept in the city. It shall be unlawful for the owner of any newly acquired dog or any dog brought into the city to fail to register such animal within 30 days from acquisition or bringing a dog into the city. It shall be unlawful for the owner of any previously registered dog to fail to maintain current registration of such dog.
- (b) Upon registration, the owner shall present a current certificate of immunization against rabies. No registration shall occur without evidence of this document. It shall be unlawful for the owner of any dog over six months of age to fail to maintain the current rabies immunization of such dog.
- (c) The registration year shall be from January 1 through December 31 of each year. The fee shall be payable before February 1 of each year without penalty.
- (d) The owner or person in possession of any dog shall notify City Hall of any death, transfer of dog ownership, or transfer of dog residency within five days.

2. That Chapter 6, Article I, Section 6-4 of the Code of Ordinances, City of Leoti, Kansas, shall be amended to read as follows:

Sec. 6-4. - General control and protection of animals.

Each owner of every animal or person responsible for the care of each animal shall exercise proper care and control over such animal to prevent the animal from becoming a public nuisance. Excessive or untimely barking, molesting of passersby, chasing vehicles, attacking other domestic animals, depositing excretory matter on property other than that of the owner, damaging property, and running at large shall be deemed a nuisance and are unlawful activities under this division. The owner of every animal or person responsible for the care of each animal shall be responsible for the immediate removal of any excreta deposited by his or her animal or animals on public walks, recreation areas, or private property. It is unlawful for any person to:

- (1) Permit any vicious animal to run loose on or within the owner's premises in such a manner as to endanger the safety of any person lawfully entering or passing by such premises;
- (2) Allow any yard, pen, room, building or any other place where animals are kept within the city to become filthy, offensive, unwholesome or annoying, or to allow any decayed, putrid or offensive matter to accumulate thereon;
- (3) Permit any animal owned, kept, possessed, or harbored by him or her to run at large; animals found by the animal control officer to be at large may be taken and impounded in the animal shelter and the animal control officer may issue a uniform complaint and notice to appear to the owner; or

(4) Allow unspayed female dogs to be away from confinement on premises of the owner when such animals are in heat. Every animal in heat shall be confined in a closed area so that the dog cannot come into contact with another animal except for planned breeding.

3. That Chapter 6, Article I, Section 6-6 of the Code of Ordinances, City of Leoti, Kansas, shall be amended to read as follows:

Sec. 6-6. – Cruelty to Animals.

Cruelty to Animals shall be controlled by Section 11.11 of the Uniform Public Offense Code of Kansas Cities as adopted by the City and State Statute as amended from time to time. Any person convicted of the City Ordinance or State Statute related to Cruelty to Animals of any sort may be ordered to turn the animal over to a designated humane society and/or remedy the situation leading to conviction.

In addition to those prohibitions contained in the Uniform Public Offense Code, Cruelty to Animals shall include the following:

- a. *Willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club, or other object; mutilate, poison, burn, or scald with any substances; or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off vicious animals;*
- b. *Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;*
- c. *Have, keep, or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition*
- d. *Promote, stage, hold, manage, or in any way conduct any game, exhibition, contest, or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or nay other animal;*
- e. *Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter, or protection from the elements as necessary for health and well-being of such kind of animal;*
- f. *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;*
- g. *Abandon or leave any animal in any place without making provisions for its proper care;*

4. That Chapter 6, Article IV, Section 6-115(a)(4) of the Code of Ordinances, City of Leoti, Kansas, shall be amended to read as follows:

Sec. 6-115. – Retrieval or disposal of impounded animals.

(4) Any currently vaccinated animal covered by permit as required in this division may be claimed by its owner upon payment of an impoundment fee and boarding fee as follows:

- a. Running at large fee for registered animals:
 1. First offense: \$25.00;
 2. Second offense: \$50.00; or
 3. Third and each subsequent offense: \$75.00.
- b. Running at large fee for unregistered animals, plus any applicable license fees as defined in sections 6-82 and 6-83.:
 1. First offense: \$100.00
 2. Second offense: \$125.00; or
 3. Third and each subsequent offense: \$150.00.
- c. Boarding fees of \$20.00 per day, beginning with the first day of impoundment.
- d. One time impound processing fee of \$15.00.

5. That Chapter 6, Article V, Section 6-146(b) of the Code of Ordinances, City of Leoti, Kansas, shall be amended to read as follows:

Sec. 6-146. – Vicious animal declaration, adjudication, permit and conditions.

(b) If the animal control officer determines that special conditions are not appropriate, or if the special conditions have not been followed, or the animal has been involved in a bite case since the imposition of special conditions, the animal control officer may have a summons to appear in municipal court issued to the owner. The dog shall be detained in the pound until the Court hearing at the owner's expense. The municipal court may impose special restrictions; require that the animal be permanently removed from the city, order humane euthanasia, or other disposal as determined necessary.

6. That the following sections be added to Chapter 6, as follows:

Animal Trapping Prohibited

It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism, or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals.

Use of Humane Trapping or Tranquilization

When deemed necessary by the Code Enforcement Officer or the Animal Control Officer or the City Shop Personnel when acting as such; for the health, safety, and welfare of the residents of the City of Leoti, such officers may:

- a. Place a humane trap on public or requesting resident's property for this purpose of capturing any animal that is creating a nuisance to the City.*
- b. Use any tranquilization guns, humane traps, or other suitable devices to subdue and capture any animal that is deemed by the Code Enforcement Officer or Animal Control Officer, in his or her discretion, to be of a danger to itself or to the public's safety,*
- c. Have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence there upon is a violation of this Ordinance.*

It shall be unlawful for any person to interfere with the City Personnel in the exercise of his or her duties including the tampering with or moving City placed traps.

7. This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

ADOPTED this 19th day of August, 2019, by the City Council, City of Leoti, Kansas.


Cheryl Green, Mayor

ATTEST:


Cendy Morcillo, Interim City Clerk