

**ORDINANCE NO. 450**

**AN ORDINANCE AMENDING CHAPTER II: ANIMAL CONTROL AND  
REGULATION OF THE CITY OF LEROY, KANSAS CODE OF ORDINANCES.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEROY, KANSAS:**

1. That Chapter II: Animal Control and Regulation of the City of LeRoy, Kansas Code of Ordinances shall be amended to read as follows:

## **CHAPTER II: ANIMAL CONTROL AND REGULATION**

### **Article**

- 1. GENERAL POVISIONS**
- 2. DOGS**
- 3. OTHER ANIMALS**



## ARTICLE I: GENERAL PROVISION

### Section

2-101	Definitions
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### § 2-101 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**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 over a 48-hour-period.

**ANIMAL SHELTER.** The facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

**ANIMALS.** All vertebrate and invertebrate animals, such as, but not limited to, bovine cattle, horses, and other equines, hogs, goats, dogs, cats, rabbits, sheep, chicken, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

**AT LARGE.** To be outside of a fence or other enclosure that restrains the animals to a particular premises or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be **AT LARGE**.

**BITE.** 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.

**CAT.** Any member of the species felis catus, regardless of sex.

**DOG.** Any member of the species canis familiaris, regardless of sex.

**FOWL.** All animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas, and pigeons.

**HARBOR.** Any person who shall allow any animal to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

**HUMANE LIVE ANIMAL TRAP.** Any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body such animal.

**HUMANELY EUTHANIZE.** The proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

**IMMEDIATE CONTROL.** The regulation or supervision by a competent person so that an animal is unable to run or get loose at will.

**KENNEL.** Any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding or otherwise harboring in an enclosure in one location only, more than two dogs.

**LIVESTOCK.** Includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

**NEUTERED.** Any male or female cat or dog that has been permanently rendered sterile.

**OWN.** Includes own, keep, harbor, shelter, manage, possess or have a part interest in any animal. If a minor **OWNS** any such animal subject to the provisions of this chapter, the head of

the household of which such minor is a member shall be deemed to *OWN* such animal for the purposes of this chapter.

**OWNER.** The one who owns, or his or her employee, agent or other competent person into whose charge an animal has been placed by the actual owner is described in the definition for "own" above.

**VACCINATION.** An injection of a vaccine, approved by the State Board of Public Health, and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

**VETERINARIAN.** A doctor of veterinary medicine licensed by the State of Kansas. (Ord. 284, passed 10-3-1988)

**§ 2-102 ANIMAL CONTROL OFFICER; DUTY TO IMPOUND; CITATION ALTERNATIVE.**

(a) There is hereby created the position of Animal Control Officer for the city and such officer shall be charged with enforcement of this chapter. Any person employed by the city as an Animal Control Officer and commissioned by the City Council of the city shall have such powers and authority as allowed by law in the enforcement of this chapter. All Animal Control Officers shall be subject to the supervision and direction of the Mayor of the city.

(b) Except as provided in division (c) below, it shall be the duty of the Animal Control Officer to take up and impound all animals found in the city in violation of the provisions of this chapter.

(c) As an alternative to the provisions of division (b) above, any law enforcement officer or the Animal Control Officer may issue a citation to the owner, harborer or keeper of an animal in violation of this chapter, and the person receiving the citation shall, within ten days, appear in the Municipal Court of the city to answer the charged violation of this chapter.

(d) The City Superintendent, is designated as the Animal Control Officer.

**§ 2-103 SAME; CAPTURE/DESTRUCTION.**

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:

(a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this chapter as creating a nuisance in the city;

(b) Use any tranquilizer guns, humane trap or other suitable devices to subdue and capture any animal that is deemed by the Animal Control Officer, in his or her discretion, to be of a danger to itself or to the public health and safety; or

(c) Use firearms or other suitable weapons to destroy any rabid animal, or any animal creating a nuisance as defined in § 2-111 where such animal is impossible or impractical to catch, capture or tranquilize.

**§ 2-104 SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE.**

(a) The Animal Control Officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter, to the extent allowed by law.

(b) It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties.

**§ 2-105 MUNICIPAL POUND ESTABLISHED.**

(a) A municipal pound shall be established to carry out the provisions of this chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor.

(b) When so contracted, the pound shall have the following services and facilities as a minimum:

(1) Adequate pickup and impounding of all stray and ownerless dogs and cats and animals otherwise in violation of the provisions of this chapter;

(2) Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this chapter;

(3) Individual isolation facilities for sick, biting, rabid and suspected rabid animals; and

(4) Facilities for the humane destruction of animals.

**§ 2-106 BREAKING POUND.**

(a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound, or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of this city any animal taken up by him or her under the provisions of this chapter, or in any manner interfere with or hinder any authorized officer or employee of this city in catching, taking up or impounding any animal.

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed or interfere in any way with the care of impounded animals.

**§ 2-107 LIVESTOCK.**

(a) *LIVESTOCK* is defined as any domesticated animals that are commonly bred or raised for sale or the production of products for sale, including but not limited to, cattle, horses, bison, swine, llamas, alpacas, goats, sheep, rabbits and fowl. Canines and felines are not considered as livestock for the purpose of this section.

(b) It shall be unlawful for any person, firm or corporation to keep, maintain, or have in his or her possession or under his or her control any livestock within the city unless said livestock are kept in an area at least three acres in size and which is enclosed by a fence sufficient to keep the said animals enclosed within said area.

(c) If any of said animals defined and described herein are found outside of the enclosed area and within the city, the owner or any person possessing or having said animals under his or her control shall be subject to a fine of not more than \$500.00 per animal for a first conviction; a fine of not more than \$1,000.00 per animal for a second conviction; a fine of not more than \$1,500.00 per animal for a third or subsequent conviction and court costs.

(d) If any said animals defined and described herein are found within the city and enclosed in an area of less than three acres, said animals shall be considered as running loose. (Ord. 385, passed - - 2009)

**§ 2-108 RESERVED.**

**§ 2-109 KEEPING ANIMALS.**

(a) It shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the city to possess and maintain any animal or fowl within the city or permit to be maintained thereon any stable, shed, pen or other place where horses, mules, cattle, sheep, goats or swine, or undomesticated animals are kept.

(b) This provision shall not apply to:



- (1) The maintaining of a stockyard or sale barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sale barn does not otherwise violate the zoning ordinances of the city;
- (2) The maintaining of dogs which are regulated by Art. 2 of this chapter;
- (3) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets and comparable animals, when kept as household pets in a safe and sanitary manner in accordance with § 2-113; and
- (4) The transporting of animals through the city by ordinary and customary means.

**§ 2-110 ANIMAL TRAPS.**

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 animal.

**§ 2-111 NUISANCE; ANIMAL ACTIVITIES PROHIBITED.**

- (a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a nuisance.
- (b) For the purpose of this section, **NUISANCE** is defined as any animal which:
  - (1) Molests or interferes with persons in the public right-of-way;
  - (2) Attacks or injures persons or other domestic animals;
  - (3) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement;
  - (4) Scatters refuse that is bagged or otherwise contained; or
  - (5) Causes any condition that threatens or endangers the health or well-being of persons or other animals.

(c) If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

**§ 2-112 NOISY ANIMALS.**

(a) The keeping and harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewing, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited.

(b) It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition, and if he or she fails to do so, the city may abate it by taking up, impounding and/or disposing of the animal at the expense of the owner.

**§ 2-113 ANIMAL CONFINES; SHELTERS.**

(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 at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties which an agricultural classification permit is held or where the barbed wire fence or electrically charged fence is protected by an exterior fence.

(f) All premises in which animals are kept shall be subject to inspection by the Animal Control Officer, duly authorized law enforcement officer or Public Health Official. If the Officer

or Official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after the notice is served on the owner. Any animal kept under any condition that could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

**§ 2-113A SAME; STOCKYARDS; COMMERCIAL HOLDING PENS.**

Animal shelters owned or operated as a stockyard or commercial holding pen shall be adequately maintained and cleaned as often as is necessary, as determined by the Health Officer, to control fly breeding or to control other conditions adversely affecting the public health including the following:

- (a) Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill, fertilizer processing plant or by proper dispersal on land used for agricultural purposes;
- (b) Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins;
- (c) Premises subject to the terms of this section shall be maintained free of rodent harborage and in accordance with Ch. VIII, Art. 6 of this code;
- (d) Wherever reasonable, use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for control of flies or any other effective chemical means for the control of rodents and flies;
- (e) Wherever reasonable, use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings;
- (f) Enclosures including fences where animals such as horses, cows, sheep and goats are maintained shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent such animals from breaking out or causing hazard to person or property;
- (g) The solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by person subject to a residential classification permit as herein provided shall be stored in metal containers, with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week;
- (h) Holding lots, pens and floors or sheds and buildings where animals are held and which are maintained by persons subject to a commercial, industrial or agricultural classification permit according to the terms of this chapter shall be surfaced with concrete or asphaltic materials

and that the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into watercourses and such drainage system shall be subject to the approval of the Health Officer. The Health Officer shall waive this standard for domestic animal holding operations where such animal holding is longer than 24 hours for any domestic animal involved or where dirt lots are more appropriate to the proper care of cattle, horses or sheep; and

(i) Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial or agricultural permit according to the terms of this chapter shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the Health Officer; provided, that all solid waste shall be properly disposed of at least once each week or as may be approved by the Health Officer.

**§ 2-114 DEATH OF ANIMALS.**

All dead animals shall be disposed of by the owner or keepers within 24 hours of the animal's death, 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.

**§ 2-115 RUNNING AT LARGE.**

It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the city. Any animal or fowl found at large shall be impounded as provided in § § 2-116 or 2-209 (dogs).

**§ 2-116 IMPOUNDMENT; FEE; NOTICE; RECORD.**

(a) The Animal Control Officer or law enforcement officer shall impound any animal or fowl found at large in the city or constituting a nuisance or otherwise in violation of this chapter in a suitable pound or enclosure provided or contracted for by the city. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.

(b) The city shall be entitled to receive from such owner an impoundment fee, as set by the governing body, plus the actual cost of feeding and maintaining the animal while impounded.

(c) In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the Animal Control Officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless the charges impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this code.

(d) The Animal Control Officer shall each month submit a report to the person designated by the city showing the number of animals impounded and disposed of, and the fees collected pursuant to this article and shall pay those fees to the City Clerk for credit to the General Operating Fund.

**§ 2-117 REDEMPTION OF IMPOUNDED ANIMALS.**

At any time before the sale or destruction of any animal impounded under the provisions of this article, except for animals impounded under §§ 2-215 (dogs which have bitten) and 2-118 (rabid), the owner thereof may redeem the animal by paying the Animal Control Officer or any person in charge, the impounding fee and all costs incurred as a result of such impoundment.

**§ 2-118 IMPOUNDMENT OF RABIES SUSPECTS.**

(a) Any law enforcement officer or local Health Officer may take up, upon private or public property, any animal that has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and Separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than 30 days, during which time the local Health Officer shall determine whether or not such animal is suffering from a disease and, if not, the local Health Officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefor. The Health 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 valid rabies vaccination protection. Impoundment costs shall be borne by the owner. If in the opinion of the local Health Officer symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the State Board of Health.

(b) In lieu of provisions of division (a) above, the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his or her findings in writing to the local Health Officer. If in the opinion of such veterinarian a microscopic examination is justified, then the

animal shall be turned over to the Animal Control Officer or any law enforcement officer to be killed and examination made by the State Board of Health.

(c) Any animal desired for observation by the local Health Officer under this section shall be delivered to the Animal Control Officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this section shall be guilty of a violation of this code. Upon refusal of any person to deliver such animal, the Municipal Judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

**§ 2-119 ANIMALS BITTEN BY RABID ANIMALS.**

(a) Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local Health Officer and/or the Police Department.

(b) It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

(1) The animal that was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination;

(2) If the bitten animal has a current vaccination, it shall be confined for 90 days;

(3) The bitten animal shall be released from confinement only upon written order from the local Health Officer, who declares the animal to be free of rabies; and

(4) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

**§ 2-120 VEHICULAR ACCIDENTS INVOLVING ANIMALS.**

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 or any law enforcement officer.

**§ 2-121 EMERGENCY; PROCLAMATION.**

(a) The Mayor is hereby authorized, whenever in his or her opinion, the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the city to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation.

(b) Any animal not confined during such time may be disposed of wherever found by any police officer of the Animal Control Officer of the city.

(c) The owner of such animal shall be prosecuted for such violation thereof.

**§ 2-122 PENALTIES.**

Any person violating any of these regulations shall be deemed guilty of a misdemeanor and, upon conviction, may be fined a sum not exceeding \$100.00, unless otherwise indicated in this Article.





## ARTICLE 2: DOGS

### Section

- 2-201 Definitions
- 2-202 Licensing
- 2-203 Anti-rabies vaccination required
- 2-204 License fees
- 2-205 Licensing period
- 2-206 License tags
- 2-207 State Kennel License Required
- 2-208 Dogs on school grounds or recreation areas
- 2-209 Owner notification
- 2-210 Dog pound fees
- 2-211 Dogs in heat
- 2-212 Nuisance
- 2-213 Humane care
- 2-214 Injured or ill animals
- 2-215 Dogs which have bitten persons
- 2-216 Mayor's proclamation
- 2-217 Interference
- 2-218 Dog Bite Scale
- 2-219 Dangerous and Vicious Dogs
- 2-220 Penalties
- 2-221 Administration

### § 2-201 DEFINITIONS.

For the purpose of this article, the following terms, phrases, words and deviations shall have the meaning given herein. The word "shall" is always mandatory and not merely directive.

**AT LARGE.** A dog shall be deemed at large if off the premises of its owner and not under the immediate control of a responsible person.

**CITY CLERK.** The City Clerk of the City of LeRoy or his or her duly designated and authorized representative.

**ANIMAL CONTROL OFFICER.** An officer as designated by the city council.

**OWNER.** Any person, partnership or corporation owning, with the exception of boarding and training, one or more dogs.

(Ord. 239, passed 10-15-1975; Ord. 308, passed 8-2-1993; Ord. 430, passed 11-4-2019)

**§ 2-202 LICENSING.**

No person shall own or have custody of any dog over six months of age unless such dog is licensed as herein provided. No household shall be issued more than four dog licenses. (Ord. 239, passed 10-15-1975)

**§ 2-203 ANTI-RABIES VACCINATION REQUIRED.**

Before a license will be issued, the owner shall produce satisfactory evidence that the dog has been vaccinated against rabies with either of the following:

(a) Killed tissue vaccine (sometimes known as “one-year” vaccine) within the six months previous to the date of issuance of a license; or

(b) With the modified live virus vaccine (sometimes known as “two-year” vaccine) within 20 months previous to the date of the issuance of the license.  
(Ord. 239, passed 10-15-1975)

**§ 2-204 LICENSE FEES.**

The license fee shall be \$5.00 for each neutered male or spayed female dog or cat and \$8.00 for each unneutered male or unneutered female dog or cat.  
(Ord. 239, passed 10-15-1975; Ord. 308, passed 8-2-1993)

**§ 2-205 LICENSING PERIOD.**

All licenses shall be valid and cover the period from June 10 to June 9 of the following year or part thereof each year. Such license shall be due and payable on or before June 10 of each year. In the event that license for a dog or cat is not purchased on or before June 10 of each year, the license fee shall be two times the regular license fee. In the event that a license for a dog or cat is not purchased on or before June 20 of each year, the license fee shall be four times the regular license fee. (Ord. 239, passed 10-15-1975; Ord. 308, passed 8-2-1993)

**§ 2-206 LICENSE TAGS.**

License tags shall be issued in the form of a durable tag numbered and lettered “LeRoy” and the year, which shall be fastened to the dog’s collar or harness and worn at all times. License tags shall not be transferable. Should a dog tag be lost or destroyed the owner shall forthwith apply to the City Clerk for a new license tag and shall pay unto the City Clerk the sum of \$1.00 for each such duplicate. No refunds shall be made on any dog or cat license fee because of the death of the dog or cat or removal of the dog or cat from the city before the expiration of the license. It shall be the duty of the City Clerk to issue a receipt which shall show the name of the person

paying the license fee, a description and sex of the dog and number of the tag issued. Any moneys received under this article shall be paid to the City Treasurer to the credit of the General Fund of the city. (Ord. 239, passed 10-15-1975; Ord. 308. Passed 8-2-1993)

**§ 2-207 STATE KENNEL LICENSE REQUIRED**

Any person or household with more than four dogs is required to get the necessary kennel or other applicable license from the Kansas Department of Agriculture.

(a) Upon acquiring more than four dogs, a person or household will have three months to acquire the necessary license from the Kansas Department of Agriculture.

(b) Failure to comply with this section is punishable by a fine not to exceed \$250.00 per week until a person or household comes into compliance with this section.

**§ 2-208 DOGS ON SCHOOL GROUNDS OR RECREATION AREAS.**

Owners shall not permit their dogs on any school ground, or on any public recreation area, unless the dog is controlled by a leash or similar device. (Ord. 239, passed 10-15-1975)

**§ 2-209 OWNER NOTIFICATION.**

The Animal Control Officer shall upon taking any dog into custody and impounding the dog make a record thereof with a description of said dog and the date and place taken into custody and the place of impounding and, thereupon, shall immediately post a public notice at the City Clerk's office setting forth such facts. After impoundment of a dog which can be identified by the license tag, the City Animal Control Officer shall notify the owner and the owner may claim his or her dog within three days after notification. If the owner does not claim his or her dog within two weeks, or if no claim is made on a dog of unknown ownership after two weeks, the Animal Control Officer shall dispose of the dog in a humane manner. A \$100 fee will be charged to any owner of a dog euthanized in compliance with this section. (Ord. 239, passed 10-15-1975)

**§ 2-210 DOG POUND FEES.**

Fees are as follows:

(a) Dogs and cats shall be released from the dog pound upon payment of the license fee, if necessary, and the applicable dog pound fees. The dog pound fees shall be determined by the Animal Control Officer impounding and \$20.00 per day for feeding and care of the dog or cat;

(b) The sum of \$10.00 as redeeming fee for each time a dog is redeemed; and

(c) Before any dog or cat shall be released from the pound a person will need to obtain a redemption slip from the City Clerk showing that all fees and costs have been paid. (Ord.239, passed 10-15-1975; Ord. 308, passed 8-2-1993)

#### **§ 2-211 DOGS IN HEAT.**

Every female dog in heat shall be confined in a closed building so that the animal cannot come into contact with another animal, except for planned breeding. Any such dog in heat and of unknown ownership found running at large may be disposed of by the Animal Control Officer immediately wherever found. (Ord. 239, passed 10-15-1975)

#### **§ 2-212 NUISANCE.**

Every owner of a dog shall exercise proper care and control of his or her animal to prevent the animal from becoming a public nuisance. Excessive or untimely barking, molesting passerby, chasing vehicles, attacking other domestic animals, depositing excretory matter on property other than that of the owner, damaging property, running at large in the case of dogs or similar acts performed by dogs, shall be deemed a nuisance. Further, it shall be unlawful to permit a dog which has the propensity to bite or attack human beings to run loose on or within the owner's premises in such a manner as to endanger the safety of any person lawfully entering such premises. (Ord. 239, passed 10-15-1975)

#### **§ 2-213 HUMANE CARE.**

All owners shall provide their dogs with sufficient food and water, proper shelter, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall poison or ill treat a dog, nor may a dog be abandoned. (Ord. 239, passed 10-15-1975)

#### **§ 2-214 INJURED OR ILL ANIMALS.**

Whenever the Animal Control Officer encounters a stray animal suffering pain, injury or illness, he or she will take the animal to a veterinarian where the cost of any care or treatment shall be borne by the owner. If the ownership of the animal cannot be determined, the Animal Control Officer shall act in accordance with his or her best judgment in a humane manner. (Ord. 239, passed 10-15-1975)

#### **§ 2-215 DOGS WHICH HAVE BITTEN PERSONS.**

When any dog or other animal subject to rabies has bitten or attacked any person or when any dog or other animal is suspected of having rabies, it shall be the duty of any person having a knowledge of such facts to report the same immediately to the Animal Control Officer. Such report

may be made at the City Clerk's office. Such animal shall not be killed, but shall be confined in such way and for such period of time as the City Animal Control Officer shall direct. No person shall release from confinement any such animal or remove such animal from its place of confinement to another place without consent of the City Animal Control Officer. The confinement of the animal shall be at the expense of the owner or custodian of such animal and the City Animal Control Officer shall be empowered in his or her discretion to order impoundment or examination of such animal, or both, to determine whether it may have rabies. No person shall refuse to surrender any animal for quarantine when demand is made by the order of the City Animal Control Officer. If the animal dies or is killed, a laboratory examination of the head shall be made. Any person refusing or failing to comply with the provisions of this section or with the order or directives of the City Animal Control Officer relating thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties set forth under § 2-220 of this article. (Ord. 239, passed 10-15-1975)

**§ 2-216 MAYOR'S PROCLAMATION.**

Whenever it shall become necessary to safeguard the public from the dangers of hydrophobia or rabies, the Mayor is hereby empowered to issue his or her proclamation declaring it necessary to muzzle or confine, or both, all dogs in the city. (Ord. 23, passed 10-15-1975)

**§ 2-217 INTERFERENCE.**

The City Animal Control Officer or any properly designated city employee is authorized to enter upon private property for the purpose of enforcing this article. No person shall conceal any dog or break open or destroy an animal pound or shelter or to attempt to take therefrom any dog therein impounded or otherwise interfere with the proper enforcement of this article. (Ord. 239, passed 10-15-1975)

**§ 2-218 DOG BITE SCALE.**

(a) The City hereby incorporates Dr. Ian Dunbar's Dog Bite Scale as reproduced herein, to wit:

- (1) Level 1. Obnoxious or aggressive behavior but no skin contact by teeth.
- (2) Level 2. Skin contact by teeth but no skin puncture. However, maybe skin nicks (less than one-tenth of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against the skin, but no vertical punctures.
- (3) Level 3. One to four punctures from a single bite with no puncture deeper than half the length of the dog's canine teeth. Maybe lacerations in a single direction, caused by the victim pulling the hand away or, the owner pulling the dog away. Or gravity (little dog jumps, bites, and drops to the floor).

(4) Level 4. One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. It may also have deep bruising around the wound (the dog held on and bore down) or lacerations in both directions (the dog held on and shook its head from side to side).

(5) Level 5. Multiple bite incidents with at least two Level 4 bites or multiple attack incidents with at least one Level 4 bite in each.

(6) Level 6. Victim dead.

(b) Law Enforcement or Code Enforcement shall be authorized to cite owners of animals that engage in behaviors identified in the Dunbar Dog Bite Scale, and such shall be categorized as follows:

(1) Nuisance dogs shall be defined as animals that fall into Level 1 or 2 of the dog bite scale.

(2) Dangerous dogs shall be defined as animals that fall into levels 2, 3, or 4 of the Dunbar Bite Scale.

(3) Vicious dogs shall be defined as animals that fall into levels 4, 5, or 6 of the Dunbar Bite Scale.

(4) At the hearing in Municipal Court, the City shall have the burden of proof to show by clear and convincing evidence that the dog is dangerous according to the subsection (a) and that the dog is begin kept or harbored within the city limits. The parties may present relevant evidence at the hearing as to whether the animal is dangerous and the appropriate disposition of the dog.

**§ 2-219 DANGEROUS AND VICIOUS DOGS.**

(a) If an animal is adjudicated as a Dangerous Dog, the Court may order any, a combination of, or all of the following dispositions:

(1) The owner or keeper of the dangerous dog shall be responsible for all costs associated with the identification requirements. All canines in this category shall obtain these identifiers upon the dog reaching 120 days of age.

(2) Leash and muzzle. No person shall permit a dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than three feet in length. No person shall permit a dangerous dog to be kept on a chain, rope or another type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all dangerous dogs on a leash outside the dog's kennel must be muzzled by a muzzling device sufficient to prevent such dogs from biting persons or other animals

(3) Confinement. The dog may be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in subsection (2)

of this section. Such a pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous dogs must be locked with a key or combination lock when such dogs are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house dangerous dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean sanitary condition. No dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such a building of its own volition. In addition, no such dog may be kept in a house or structure where windows are open or screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(4) Dangerous dogs shall also have "Dangerous Dog" signs posted on the front and rear of the property. If the dangerous dog is being walked outside the home, it must be restrained on a leash of no longer than three feet in length and of sufficient ensile strength to restrain the dog.

(5) The dog owners must be ordered to carry no less than \$250,000.00 liability insurance for each dog deemed dangerous. The owner of said dog shall file a copy of said certificate of insurance with the city, with said copy to reflect the amount of coverage and the dates of coverage.

(6) An order requiring the dog to be maintained in excess of 400 feet of any school, park, or public playground.

(7) The Court may consider evidence of dog rehabilitation or owner training in cases of dangerous dogs or may order the same as conditions of any lawful disposition.

(b) A dog that is adjudicated as a Vicious Dog, the Court may order any, a combination of, or all of the following dispositions:

(1) A dog that is adjudicated as vicious shall not be within the corporate limits if LeRoy, Kansas.

(2) A dog that is adjudicated as vicious may be euthanized or humanely destroyed as a lawful disposition of the municipal court.

#### § 2-220 PENALTIES.

Any person violating any of these regulations shall be deemed guilty of a misdemeanor and, upon conviction, may be fined a sum not exceeding \$100.00, unless otherwise indicated in this Article.

(Ord. 239, passed 10-15-1975)

**§2-221 ADMINISTRATION.**

The city governing body is hereby authorized to develop whatever administrative regulations as may be necessary to implement the provisions of this article, including procedures for dog enumerations and dog pound operation. (Ord, 239, passed 10-15-1975)



## ARTICLE 3: OTHER ANIMALS

Section

2-301 Exotic animals

### § 2-301 EXOTIC ANIMALS.

(a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal, or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes;
- (2) Apes: chimpanzees; gibbons; gorillas; orangutans; and siamangs;
- (3) Armadillos;
- (4) Baboons;
- (5) Badgers;
- (6) Bears;
- (7) Bison;
- (8) Bobcats;
- (9) Cheetahs;
- (10) Crocodilians, 30 inches in length or more;
- (11) Constrictor snakes, six feet in length or more;
- (12) Coyotes;
- (13) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
- (14) Elephants;
- (15) Game cocks and other fighting birds;
- (16) Hippopotami;

- (17) Hyenas;
- (18) Jaguars;
- (19) Leopards;
- (20) Lions;
- (21) Lynxes;
- (22) Monkeys;
- (23) Ostriches;
- (24) Pumas; also known as cougars, mountain lions and panthers;
- (25) Raccoons;
- (26) Rhinoceroses;
- (27) Skunks;
- (28) Tigers; and
- (29) Wolves.

(c) The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions or medical institutions, if:

- (1) Their location conforms to the provisions of the zoning ordinance of the city;
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors; and
- (3) Animals are maintained in quarters so constructed as to prevent their escape.

(d) The Municipal Judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city. (Ord. 385, passed - -2009)

PASSED AND APPROVED this 3rd day of March, 2025.

THE CITY OF LEROY

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Steve Cox, Mayor

ATTEST:

