

CHAPTER II. ANIMAL AND FOWL

Article 1. Animals and Fowl Generally

Article 2. Dogs and Cats

Article 3. Pit Bull Dogs

ARTICLE 1. ANIMALS AND FOWL GENERALLY

- 2-101. DEFINITIONS. For the purpose of this chapter, the following words shall mean:
- (a) Animal: Any live, vertebrate creature, domestic or wild;
 - (b) Animal Shelter: Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law;
 - (c) Animal Control Officer: Any person designated by the mayor as a law enforcement officer who is qualified to perform such duties under the laws of the city and the state;
 - (d) Kennel: Any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling of dogs or cats; or possession of four or more dogs and/or cats over six months of age.
 - (e) Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more;
 - (f) Performing Animal Exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used;
 - (g) Pet: Any animal kept for pleasure rather than utility;
 - (h) Pet Shop: Any person, partnership, or corporation, where operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animal;
 - (i) Public Nuisance: Any animal or animals which:
 - (1) molests passersby or passing vehicles;
 - (2) attacks other animals;
 - (3) trespasses on school grounds;
 - (4) is repeatedly at large;
 - (5) damages private or public property;
 - (6) barks, whines, or howls in an excessive, continuous, or untimely fashion;
 - (7) upsets or otherwise disturbs trash receptacles.
 - (j) Restraint: Any animal secured by a leash or lead, or on the real property limits of its owner;
 - (k) Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;
 - (l) Wild Animal: Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, coyote or any other warm blooded animal which can normally be found in the wild state, any poisonous

reptile, orthopod or insect having poisonous bites or stings or other dangerous animal, any animal or reptile of wild, vicious or dangerous propensities.

(m) Zoological Park: Any facility, other than pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, or government agency. (Ord. 478, Sec. 1)

2-102. LIVESTOCK, PROHIBITED. It shall be unlawful for any person, firm or corporation to keep, corral, harbor, pasture or graze any cattle, horses, mules, donkeys, sheep, goats, swine or other livestock within the city. (Code 1984)

ANIMALS, FOWL. (a) It shall be unlawful for any person to keep or maintain any chicken, ducks, geese, turkeys or any other domestic fowl without allowing for a minimum of 50 sq. feet of lot area per bird not to exceed 20 birds.

(b) Any coop or shelter shall be constructed in a manner that is consistent with the requirements of the current building code as adopted by the City. In no event, however shall any coop or shelter be located nearer than eight feet from any neighboring property line or located in a front yard.

(c) Coop or structure shall include at least 1 laying box for every 3 hens and 1ft of roost per chicken (does not apply to ducks, geese, turkeys).

(d) Any coop or shelter shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

(e) Animal control officer, law enforcement officer or code enforcement officer shall have the right to inspect any premises, pens and buildings where any fowl are kept under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection.

2-103. ANIMALS AND FOWL; RUNNING AT LARGE; ABANDONING. It shall be unlawful for the owner or any person having the care, custody or control of any cattle, horses, mules, sheep, goats, swine or other animals, chickens, ducks, geese, turkeys or any other domestic fowl to permit the same to run at large upon any public or private grounds in the city other than property in the possession or under the control of the owner or person having the care, custody or control of such animals or domestic fowl or to abandon any such animals. (Ord. 478, Sec. 3)

2-104. ANIMAL CONTROL OFFICER. There is hereby created the position of animal control officer for the city and such officer shall be charged with the enforcement of this article. Any person employed by the city as an animal control officer and commissioned by the mayor of the city shall have such powers and authority as allowed by law in the enforcement of this article. All animal control officers shall be subject to the supervision and direction of the mayor. (Ord. 478, Sec. 4)

2-105. KILLING DANGEROUS ANIMALS. The animal control officer may destroy any dog, cat or warm blooded animal after exercising due diligence to notify the owner, keeper, or harbinger thereof of any such animal infected with or suspected of being infected with rabies or infectious distemper whether or not it bears the tag herein provided for. Any animal control officer may destroy any fur bearing animal

or reptile without notice to the owner, keeper or harbinger thereof, when any such animal is dangerous to person or property. (Ord. 478, Sec. 5)

- 2-106. UNLAWFUL ACTS; CRUELTY TO ANIMALS. It shall be unlawful for any person to be cruel to animals and fowl. Cruelty to animals and fowl is any of the following acts:
- (a) Intentional killing, injuring, maiming, torturing or mutilating an animal or fowl; or
 - (b) Having physical custody of an animal or fowl and acting or failing to act when the act or failure to act causes or permits pain or suffering to such animal or fowl; or
 - (c) Abandoning or leaving any animal or fowl in any place without making provisions for its proper care; or
 - (d) Having physical custody of any animal or fowl and failing to provide such food, potable water or protection from the elements, opportunity for exercise or other care as is needed for the health or well-being of such kind of animal or fowl; or
 - (e) Willfully or maliciously administering or causing to be administered poison, of any kind whatsoever to any dog, cat or other domestic animal or fowl.
- (Ord. 478, Sec. 6)

- 2-107. INJURY TO DOMESTIC ANIMALS. No person shall willfully and maliciously:
- (a) Administer any poison to any domestic animal;
 - (b) Expose any poisonous substance with the intent that the same shall be taken or swallowed by any domestic animal; or
 - (c) Kill, maim, or wound any domestic animal.
- This section shall not apply to any person exposing poison upon their premises for the purpose of rodent or nuisance bird control, nor shall it apply to any licensed veterinarian who administers any such substance in the practice of veterinarian profession, nor to a law enforcement officer while engaged in the performance of his or her duties. (Ord. 808)

- 2-108. ANIMAL CARE. (a) No owner shall fail to provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
 - (c) No owner of an animal shall abandon such animal.
- (Ord. 478, Sec. 8)

- 2-109. KEEPING OF WILD ANIMALS. (a) No person shall keep or permit to be kept on his or her premises any wild or vicious animal. This section shall not be constructed to apply to zoological parks, performing animal exhibitions, or circuses.
- (b) No person shall keep or permit to be kept any wild animal as a pet.

(c) The city may issue a temporary permit for the keeping, care and protection of an infant animal native to this area which has been deemed to be homeless.

(d) The city shall have the power to release or order the release of any infant wild animal kept under temporary permit, which is deemed capable of survival.

(e) This section shall not pertain to bee hive, box or apiary or the keeping of bees upon premises established prior to September 17, 2018.
(Ord.821)

2-110. PERFORMING ANIMAL EXHIBITIONS. (a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.
(Ord. 478, Sec. 10)

NOISY ANIMALS. The keeping or harboring of any animal which by loud, frequent, and habitual barking, howling, yelping, meowing, roaring, clucking, honking, crowing, quacking, gobbling or screeching shall disturb the peace of any neighborhood is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal to abate the condition.

2-111. ANIMAL WASTE. The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas, or private property. (Ord. 478, Sec. 11)

2-112.

ARTICLE 2. DOGS AND CATS

2-201. LICENSING AND REGISTRATION (a) The owner or keeper of any dog shall pay the city clerk on or before April 1st of each year before the dog is registered, a registration fee of \$5 for each dog. There shall be a late payment charge of \$25.00 for every dog registered after April 1st. Upon payment of the license fee and applicable late fees, if any, the City Clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape and color of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number of the certificate. Every owner shall be required to provide each dog with a collar or harness to which the license tag must be affixed and shall see that the collar or harness and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the clerk upon presentation of a receipt showing the payment of the license fee for the current year and the further payment of \$1 for such duplicate. Dog tags shall not be transferable from one dog to another and no refund shall be made on any dog leaving the city before expiration of the license. Such licensing shall be required on or before the 1st day of April of each year.

New residents of the city shall have 60 days from date of residency to comply with this section.

(b) The provisions of this section shall not apply to "seeing-eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

(c) It shall be unlawful for any person to keep any dog over the age of six months in the city without having the same registered as set forth above or violate any other provisions of this article. (Ord. 704)

2-202. CERTIFICATE OF IMMUNIZATION. Before any owner or keeper of a dog may register and be issued a license, the owner or keeper must present a certificate of rabies vaccination from a licensed veterinarian. If such certificate expires within the current license year then the city license will expire concurrent with the expiration date of the rabies certificate and owner or keeper of dog must provide new certificate of rabies vaccination to extend city license for the current year. (Ord. 806)

2-203. NON-RESIDENT OWNER OR KEEPER. Any non-resident owner or keeper may at his or her option register and license his or her dog or cat as herein provided. The city shall recognize any valid registration and licensing by any other political subdivision. (Ord. 478, Sec. 14)

2-204. LIMIT ON DOGS AND CATS. (a) No person shall register nor be issued licenses on more than three dogs over six months of age that are to be kept at the same address or on the same premises without the consent of the governing body. In such cases where an owner or keeper desires to keep more than three dogs at the same address or on the same premises, the governing body or an appointed agent shall first view the premises, and if it is determined by the governing body that the keeping or more than three dogs would be a nuisance or detrimental to the general welfare of the area, then the governing body may refuse to register or issue the license.
(b) It shall be unlawful for any person to own, keep or harbor more than three cats over six months of age at the same address or on the same premises. (Ord. 809)

2-205. KENNELS. . (a) No person or household shall own or harbor more than three dogs of six months of age or older or more than one litter of pups, or more than three cats of more than six months of age or more than one litter of kittens, or more than a total of three dogs and cats more than six months of age in any combination, or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having obtained a kennel license from the city clerk.
(b) Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by a duly authorized law enforcement officer or animal control officer certifying approval of the kennel. Applicant must comply with all applicable laws of the city and the State of Kansas. If the city clerk has not received any protest against the kennel, the city clerk may

issue a renewal of an existing kennel license at the same location without any report from law enforcement or animal control officer. If the law enforcement or animal control officer finds that the holder of any kennel license is violating any law of the State of Kansas, or the city, or is maintaining the facility in a manner detrimental to the health, safety, or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the city clerk, and the license shall not be renewed except after a public hearing before the governing body.

(c) The animal control officer or any law enforcement officer shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall constitute consent to such entry and inspection.

(d) The governing body may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

(1) The kennel is maintained in violation of any applicable law of the State of Kansas or of the City.

(2) The kennel is maintained so as to be a public nuisance.

(3) The kennel is maintained so as to be detrimental to the health, safety, or peace of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee shall be \$50.00. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this ordinance.

(f) The section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital. (Ord. 814)

2-206. IMPOUNDING DOGS AND CATS. It shall be lawful for any animal control officer; law enforcement officer or other city representative designated by the governing body of the city to pursue and capture any dog or cat found running at large and to impound the same. Any dog or cat may at any time be moved to a veterinary hospital for care, treatment or observation or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog or cat is diseased or disabled beyond recovery or is infected with a communicable disease. (Ord. 805)

2-207. SAME; NOTICE TO OWNER AND REDEMPTION. Upon receipt of a dog at the designated agency, notification will be made to the owner immediately, if licensed. Within three days after any dog or cat is impounded, the owner or keeper of the dog or cat so held may appear before the designated agency and pay the cost of boarding and impounding the dog or cat. The impounding fee shall be \$20 for a licensed dog or cat and \$25 for an unlicensed dog for the first time during any 12-month period. The second time and any succeeding time during any 12-month period, the fee shall be \$100.00. The boarding fee shall be \$5 per day for each day or portion of a day that the dog or cat is impounded. If the dog or cat is not claimed within three days as covered in this section, it may be disposed of by the impounding agent for the City.

2-208. SAME; ISSUANCE OF CITATION. As an alternative, or in addition, to impoundment provisions of this article and other laws of the City, any police

officer or animal control officer may issue a notice to appear to the owner, harbinger or keeper of the dog or cat that the person is in violation of this article and the person receiving such citation shall appear in the municipal court of the City.

2-209.

2-210.

VICIOUS ANIMALS.

(a) It shall be unlawful for any person to keep, possess, or harbor a vicious animal 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 or law enforcement officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the animal control officer or law enforcement officer or his or her agent to impound such animal.

(b) Defined: For the purposes of this ordinance a vicious animal shall include:

- (1) Any animal with known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- (2) Any animal that attacks a human being or domestic animal without provocation;
- (3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting;
- (4) Any animal that is urged by its owner or harbinger to attack, or whose owner or harbinger threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.

(c) Compliant: Whenever a sworn complaint is filed in the municipal court against the owner of an animal alleging that such animal is vicious and in violation of this section, the municipal judge shall hold a hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week before the hearing. In making a determination, the municipal judge shall consider the following:

- (1) The seriousness of the attack or bite;
- (2) Past history of attacks or bites;
- (3) Likelihood of attack or bites in the future;
- (4) The condition and circumstances in which the animal is kept or confined;
- (5) Other factors that may reasonably relate to the determination of whether or not the animal is vicious.

The municipal judge shall order the impoundment, the muzzling in accordance with subsection (d), and /or the confinement of the animal accused of being in violation of this section in a manner and location that will ensure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling, or otherwise safe confinement is not possible or if prior court orders to restrain such animal have gone unheeded, the municipal judge

may order the animal immediately destroyed or order any such action as the court may deem appropriate.

(d) Vicious Dogs to be Muzzled: It shall be the duty of every owner, keeper or harbinger of any dog in the city, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the city, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping, or harboring any dog within the city limits contrary to this section shall be guilty of a violation of this code.

(e) Immediate Destruction: Nothing in this ordinance shall be construed to prevent the animal control officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(f) Release of: If a complaint has been filed in the municipal court against the owner of the impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this ordinance. The municipal judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in the humane manner by the animal shelter or order any other such action as the court may deem appropriate. Surrender of an animal by the owner thereof does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from the violation of this section. (Ord. 812)

2-211. **RABIES CONTROL.** When rabies is known to exist in the community, or when it is known to exist in neighboring communities, the mayor shall declare a quarantine of all dogs, cats, or other domestic animals, and any other warm blooded animals. It shall be the duty of the owner, keeper or harbinger of a dog, cat or other domestic animal, and any other warm blooded animal to keep such dog, cat, or domestic animal and any other warm blooded animal confined to the premises of such owner, keeper or harbinger and under safe control, except when taken abroad on a leash, in a car or other conveyance, or in a crate or carrier case suitable for shipment. Any violation of this section is a misdemeanor and punishable as provided in section 2-219. (Ord. 478, Sec. 22)

2-212. **QUARANTINE OF RABID ANIMALS.** Any dog, cat or other warm blooded animal suspected of having rabies and which is apprehended by the animal control officer shall be confined under observation by the city and if the owner thereof is known or can be located, he or she shall be liable for the expenses incurred. (Ord. 478, Sec. 23)

2-213. **QUARANTINE OF BITE ANIMALS.** Any dog, cat or other warm-blooded animal which bites, scratches, or otherwise injures a person shall be confined

under the care and observation of a licensed veterinarian, whose place of business is in Shawnee County, for a period of not less than 10 days from the date of the actual bite. The chief of police or his or her agents shall cause the owner of the animal to be personally notified and directed to place the animal in the care of the licensed veterinarian of his or her choice immediately or as soon as his or her office is open for business. This period of confinement is to be at the owner's expense. The veterinarian will furnish the city clerk a written report regarding the animal's health at the expiration of the 10 day observation period. (Ord. 478, Sec. 24)

2-214. SAME; ALTERNATIVES FOR CONFINEMENT OF BITE ANIMALS. Whenever any one of the following factors appears undisputed between the injured person and the owner, keeper or harbinger of any animal alleged to have bitten, scratched or otherwise injured a person, the animal may be confined as provided in this section.

Factors: The animal which injured the person did so while confined on a chain within the owner's property, or within a fence or building enclosing the owner's property, or in the owner's automobile or under leash control if the animal is not normally considered vicious or dangerous or the animal has an effective rabies inoculation and is duly licensed with the city when applicable or the injured person was on the property of the owner without permission or on the owner's property with permission but the injured person failed to avoid the animal's perimeter when it was obvious or after warning. If any of the above factors is undisputed between the injured person and the owner, keeper or harbinger of the animal then the animal may be confined on the owner's premises if the owner agrees to maintain observation for a period of not less than 10 days and will not remove the animal from the property except for veterinary treatment and agrees to allow the animal control officer to make daily checks on the animal. At the end of the observation period a licensed veterinarian of the owner's choice must check the animal and furnish written notification to the city clerk reporting the animal's health. (Ord. 478, Sec. 25)

2-215. UNLAWFUL ACTS; ANIMALS-AT-LARGE. (a) At Large. It shall be unlawful for the owner, keeper or harbinger of any dog or cat to permit such animal to be out of control within the city.

(1) All dogs must be confined to a chain or in a fence on the premises of the owner, keeper or harbinger when unattended by same. Dogs shall be deemed out of control when off these premises except when on a leash, in a cage, in a car or other conveyance.

(2) All cats which cause injury to persons or damage to property shall be presumed out of control within the city.

(b) Conduct. It shall be unlawful for the owner, keeper or harbinger of any dog, cat or other domestic animal to carelessly, negligently or willfully permit such dog, cat or other domestic animal to disturb the peace, harmony, quiet or property of any person or persons, or engage in conduct which would tend to anger, alarm or arouse resentment in any person or persons.
(Ord. 478, Sec. 26)

- 2-216. SAME; DANGEROUS ANIMAL-AT-LARGE. Permitting a dangerous or vicious animal to be at large is unlawful and defined as:
- (1) The act or omission of the owner or keeper of any animal of dangerous or vicious propensities who, knowing of such propensities, permits such animal to go at large.
 - (2) The act or omission of the owner or keeper of an animal of dangerous or vicious propensities, who, knowing of such propensities, keeps such an animal without taking reasonable care to restrain it and protect other persons from injury.
 - (3) Any animal which, in a vicious or threatening manner, approaches any person in apparent attack upon the person while on the streets, sidewalks, or any public grounds or places; or on private property other than on the property of the owner.
- 2-217. CREATING A PUBLIC NUISANCE. It shall be unlawful for the owner, keeper or harbinger of any dog, cat or other domestic animal to carelessly, negligently or willfully permit such dog, cat or other domestic animal to create a public nuisance. For the purpose of this section, nuisance is defined as any animal which:
- (a) molests or interferes with persons in the public right of way;
 - (b) Attacks or injures persons, or other domestic animals;
 - (c) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement;
 - (d) Scatters refuse that is bagged or otherwise contained;
 - (e) Causes any condition that threatens or endangers the health or well-being of persons or other animals. (Ord. 802)
- 2-218. ENFORCEMENT. The civil and criminal provisions of this article shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this article to interfere with an animal control officer in the performance of his or her duties. (Ord. 478, Sec. 29)
- 2-219.
- 2-220 MUNICIPAL POUND ESTABLISHED. A municipal pound shall be established to carry out the provisions of this ordinance. Such a pound may be operated by a contractor and all services may be provided by a contractor. (Ord 807)
- 2-221 POUND INTERFERENCE. (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 provision of this ordinance, 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. (Ord. 810)

- 2-222 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, 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 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 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. (Ord. 815)

ARTICLE 3. PIT BULL DOGS

- 2-301. ANIMALS; KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the city:
- (a) Any warm-blooded, carnivorous, wild or exotic animal (including but not limited to on-human primates, raccoons, skunks, foxes and wild and exotic cats, but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes.
- (b) Any animal having poisonous bites.
- (c) Any pit bull dog, provided, Pit Bull Dog is defined to mean:
- (1) The bull terrier breed of dog;
 - (2) Staffordshire bull terrier breed of dog;
 - (3) The American pit bull terrier breed of dog;
 - (4) The American Staffordshire terrier breed of dog;
 - (5) Dogs of mixed breed of the above listed breeds;
 - (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.
- (Ord. 813)

ARTICLE 4. POT BELLIED OR MINIATURE PIGS

2-401

POTBELLIED OR MINIATURE PIG; EXCEPTION. It shall be unlawful for any person to raise, own, keep or harbor any swine in the city with the exception of one (1) potbellied or miniature pig per residential or dwelling unit within the City limits.

- (a) Potbellied or miniature pigs may not be maintained for a food source.
- (b) Potbellied or miniature pigs must weigh less than 50 pounds.
- (c) All potbellied or miniature pigs must be registered with the City Clerk of Rossville on or before April 1st of each year. A registration fee of \$5 must be paid and owner must provide proof from a licensed veterinarian that the animal is free from pseudorabies. There shall be a late payment charge of \$25 for every animal registered after April 1st. Upon payment of the license fee and applicable late fees, if any, the City Clerk shall issue to the owner a license certificate and a metallic tag for each animal so licensed. The shape and color of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number of the certificate. Every owner shall be required to provide each animal with a collar or harness to which the license tag must be affixed and shall see that the collar or harness and tag are constantly worn. Tags shall not be transferable from one animal to another and no refund shall be made on any animal leaving the city before expiration of the license. Such licensing shall be required on or before the 1st day of April of each year. New residents of the City shall have 60 days from date of residency to comply with this section.
- (d) All potbellied or miniature pigs within the City limits must be spayed or neutered within 30 days after attaining the age of 3 months.
- (e) All potbellied or miniature pigs must be kept in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in its own excrement and shall be supplied with food, potable water and protection from the elements and opportunity for exercise or other care as needed for the health and well-being of such. The owner of every animal shall be responsible for the removal of an excreta deposited by his/her animals on public walks, recreation areas, or private property.
- (f) It shall be unlawful for any person to allow or permit any potbellied or miniature pig which is owned, kept, or harbored by him/her to run or be at-large in or upon the private premises of others or upon the streets, highways, and other public places of the city.
 - (1) All pigs must be confined by a fence when on the premises of the owner, keeper or harborer when unattended. Pigs shall be on a leash, in a cage, in a car or other conveyance when off the premises of the owner, keeper or harborer.
- (g) It shall be unlawful for the owner of a potbellied or miniature pig to allow or permit his/her potbellied or miniature pig to damage property of others or cause bodily injury. If the owner is adjudged guilty of a violation of this section, the court may, in addition to the penalty provided for the violation of this code, order the disposition or destruction of the offending potbellied or miniature pig as may seem reasonable and proper.

- (h) It shall be unlawful for any person who owns, keeps, or harbors, maintains, or permits on any parcel of land or premises under his/her control any potbellied pig which by loud, continued or frequent oinking, squealing, or grunting shall annoy or disturb the peace and comfort of the inhabitants of any resident or neighborhood or interfere with any person or persons in the reasonable and comfortable enjoyment of life or property. (Ord. 772)

ARTICLE 5. PENALTIES

2-501 PENALTIES. Unless otherwise specifically provided herein, any person violating any section in this chapter other than 2-210; 2-216 and 2-301 shall be sentenced as follows:

- (a) Fine. A fine of not less than \$100.00 or more than \$499.00; or
- (b) Imprisonment. Imprisonment in the County jail for not more than 179 days; or
- (c) Both Fine and Imprisonment. A fine and imprisonment, both in accordance with subsections (a) and (b) of this section.
- (d) If any violation be continuing, each day's violation may be deemed a separate violation.
- (e) If any person be found guilty by a court of violating sections 2-201 and 2-205 his or her permit to own, keep, harbor, or have custody of animals may be revoked and no new permit issued.

2-502 PENALTIES FOR SECTION 2-210; 2-216 AND 2-301. Any person violating section 2-210; 2-216 and 2-301 of the chapter shall be sentenced as follows:

- (a) Fine. A fine of not less than \$499.00 and not more than \$1000.00; or
- (b) Imprisonment. Imprisonment in the County jail for not more than 179 days; or
- (c) Both Fine and Imprisonment. A fine and imprisonment, both in accordance with subsections (a) and (b) of this section.
- (d) If any violation involves multiple counts, each count may be deemed a separate violation.
- (e) Upon conviction of section 2-210 or 2-216, the judge of the municipal court may order the seizure and removal from within the city limits AND/OR the destruction of any animal that attacks a domesticated animal or a human which results in great bodily harm or death.
- (f) Upon conviction of section 2-301, the judge of the municipal court may order the seizure and removal from within the city limits, any prohibited animal.