

(Published in the *Washington County News* on September 13<sup>th</sup>, 2007)

ORDINANCE NO. 715

AN ORDINANCE ESTABLISHING AND UPDATING THE ANIMAL CODE FOR THE CITY OF WASHINGTON THIS 4<sup>TH</sup> DAY OF SEPTEMBER, 2007, AND REPEALING ALL PREVIOUS ANIMAL ORDINANCES COVERING THE SAME OR SIMILAR TOPICS.

Be it ordained by the Governing Body of the City of Washington:

CHAPTER II. ANIMALS AND FOWL

- Article 1. Animals, Fowl Generally
  - Article 2. Dogs & Cats
  - Article 3. Vicious Animals
  - Article 4. Kennel Operation
- 

ARTICLE 1. ANIMALS, FOWL, GENERALLY

2-101. KEEPING ANIMALS IN CITY. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Washington, Kansas:

(1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets, and small rodents of varieties used for laboratory purposes).

(2) Any animal having poisonous bites.

PROVIDED, That such animals may be kept and maintained at all times upon and at the premises and grounds during the Washington County Fair. Such animals may be kept in the livestock sales pavilion for a period of seven days.

2-102. HEALTH NUISANCES. No person shall own, keep or maintain at any place within the city limits any pen, yard, building, or other place upon or within which are kept any poultry, animal or animals, except dogs and cats.

2-103 REMOVAL OF ANIMAL FECES REQUIRED. The owner of any animal, when such animal is off the owner's property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas, or private property and it shall be a violation of this section for such owner to fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred. (Ord. 674 Sec. 1)

ARTICLE 2. DOGS & CATS

2-201. DEFINITION. For the purposes herein, the following words and phrases shall have the meaning set opposite them:

- (a) "Dog" shall mean all members of the canis familiaris, male or female, six (6) months of age or older.
- (b) "Cat" shall mean all members of the felis Catus, male or female, six (6) months of age or older.
- (c) "Own" shall mean and include own, or keep, or harbor or shelter, or manage, or possess, or to have a part interest in any dog/cat. If a minor owns a dog/cat subject to the provisions of this article, the head of the household of which minor owner is a member shall be deemed the owner of such dog/cat for the purpose of this article and under this article shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household such minor owner shall himself be directly subject to the provisions of this article.
- (d) "Owner" shall mean one who owns, his employee or agent, or other competent person into whose charge the actual owner has committed his dog/cat's care or control, whether for a fee or otherwise.
- (e) "Household" shall mean those members of a family living in the same dwelling unit.
- (f) "At Large". Any dog/cat shall be deemed to be at large when it is off the premises occupied by the owner's household as their abode and when not accompanied by its owner.
- (g) "Vicious Dog" shall mean any dog which is fierce, dangerous, mean or uncontrollable; or one which has previously attacked or bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal.
- (h) "Person" shall mean any individual, firm, association, partnership or corporation.
- (i) "Enforcing officer" means any and all full-time City employees.
- (j) "Competent Person" shall mean any human being who is capable of controlling the dog/cat in question and to whose command the dog/cat is obedient.

2-202. REGISTRATION AND VACCINATION REQUIREMENTS. It shall be unlawful for any person living within the corporate limits of the city to own any dog/cat without first having had the dog/cat inoculated against rabies according to current veterinary practices and paying a registration fee. The vaccination shall be administered by, or under the supervision and direction of, a licensed veterinarian who shall attest to the fact of the inoculation or vaccination upon a certificate, the form of which shall be approved by the city. No registration shall be accomplished unless the owner seeking such registration shall present such a certificate of vaccination, properly completed as herein set forth.

2-203. REGISTRATION FEES. Every owner of an unregistered dog/cat is hereby required to register same and shall thereafter re-register the dog/cat at the expiration of each one-year period, and shall pay the following fees:

- (a) The city clerk, or his/her designee, shall collect a registration fee of two dollars and fifty cents (\$2.50) for each neutered male and each spayed female dog/cat whose owners reside within the corporate limits of the city, provided that all dogs/cats belonging to the same household shall be registered in the name of the head of such household.

- (b) The city clerk, or his/her designee, shall collect a registration fee of five dollars (\$5.00) for each unneutered male and each unspayed female dog/cat whose owners reside within the corporate limits of the city, provided that all dogs/cats belonging to the same household shall be registered in the name of the head of such household. It shall be presumed that any female dog/cat is unspayed and any male unneutered unless 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's registration books.

2-204. LATE REGISTRATION FEES; EXEMPTIONS. On and after June 1st each year, the city clerk, or his/her designee, shall collect a registration fee of fifteen dollars (\$15.00) for each dog/cat whose owners reside within the corporate limits of the city and who shall have failed, refused or neglected to have previously registered the said dog/cat for the current licensing period as provided in Section 3 hereof. New residents to the city or persons acquiring a dog/cat or owning a dog/cat which attains the age of ten (10) days from such date of residency, acquisition or attainment of age shall register such dog/cat at the fee set forth in Section 2-203; otherwise, the late registration fee shall apply.

2-205 REGISTRATION. All registration issued by the city clerk, or his/her designee, hereunder shall be valid the period of June 1 to May 31 the following year.

2-206. REGISTRATION PROCEDURE.

- (a) The city clerk, or his/her designee, upon presentation of a certificate of vaccination issued within twelve (12) months prior to the date of registration, and upon payment of the fees, all as hereinbefore set out, shall record the following information for each dog/cat registered: Owner's name; his address; color, breed, sex, age, weight, names (if any), and date of vaccination of dog/cat. After recording said information, the city clerk, or his/her designee, shall issue a license to said owner, and shall provide for each dog/cat 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/cat at all times when the dog/cat is outside the dwelling or pen of the owner.
- (b) The owner of any dog/cat shall cause the same to wear a collar or harness while said dog/cat is outside the dwelling of the owner. The tag herein required shall be securely affixed to the collar or harness of each dog/cat 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, or his/her designee, will notify each owner, prior to the expiration of a one-year period from the date of licensing that his or her license fee is due.

2-207. ALLOCATION OF FEES. All fees collected under this ordinance less fifty cents (\$.50) for each registration shall be by the city clerk paid over to the city treasurer, who shall issue a receipt therefor to said clerk and such fees shall be a part of the general revenue fund of the city.

2-208. EXCEPTIONS TO REGISTRATION; REQUIREMENTS FOR VISITING DOGS/CATS AND DOGSCATS OWNED BY CERTAIN NON-PROFIT CORPORATIONS. The provisions of this article with respect to registration shall not apply to any dog/cat owned by any person visiting or temporarily remaining within the city for less than thirty (30) days. However, such dogs/cats shall be kept under restraint by the owner thereof at all times.

Further, the provisions of this article with respect to registration shall not apply to any dog/cat owned by a Not for Profit Corporation which has qualified under Section 501 of the Internal Revenue Code; provided, such dogs/cats shall be kept under restraint by the owner thereof at all times and the owner thereof shall provide proof of compliance with the vaccination requirements of this article at any time the same is requested by the city. (Ord. 648 sec. 1,2)

- 2-209.           **RUNNING AT LARGE PROHIBITED.** It shall be unlawful for the owner of any dog/cat to permit such dog/cat to run at large within the corporate limits of the city at anytime.
- 2-210.           **DOG FIGHTING.** It shall be unlawful for any person by design 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.
- 2-211.           **KEEPING VICIOUS DOGS PROHIBITED.** It shall be unlawful for any person to keep any vicious dog within the corporate limits of the city.
- 2-212.           **TRESPASS.** It shall be unlawful for any person to permit any dog/cat to trespass upon, or do injury to public or private property of another.
- 2-213.           **CONFINEMENT DURING HEAT.** An unspayed female dog/cat shall be kept securely confined in an enclosed place while in heat.
- 2-214.           **NOISY DOGS: COMPLAINT PROCEDURE.** It shall be unlawful for the owner of any dog to permit in a careless, inattentive, willful or malicious manner such dog to howl, bark or yelp so as to disturb the peace and quiet of the neighborhood. Any complaint hereunder must be signed by at least two (2) landowners or occupants who reside within three hundred (300) feet of the property whereon such dog is located.
- 2-215.           **CRUELTY UNLAWFUL.** It shall be unlawful for any person to neglect, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly kill a dog/cat or cause or procure the same within the corporate limits of the city.
- 2-216.           **TRANSFER FEE.** If there is a change in ownership of a registered dog/cat during the license period, the new owner may have the current license transferred to his name upon the payment of the transfer fee of one dollar (\$1.00), said payment to be made within ten (10) days of said transfer of ownership, otherwise the registration and license previously issued shall lapse.
- 2-217.           **IMPOUNDMENT DISPOSTION.**
- (a) Any dog/cat in violation of this article within the corporate limits of the city shall be subject to impoundment by the city and a record of all dogs/cats impounded shall be kept. Such record shall include the following information: color, sex, weight, height, identifying marks, registration number of rabies vaccination number (if any) and the date of impoundment. Any dog/cat impounded may not be released without a current rabies vaccination and city license, if applicable.
- (b) If the dog/cat so impounded has no current registration tag, it shall be kept for three (3) days and if within that time the owner does not appear to claim such dog/cat it may be sold, euthanized or otherwise disposed of. If within three (3) days of the impoundment date the owner of such impounded dog/cat shall

appear and claim such dog/cat, it shall be turned over to the person claiming it upon payment of the actual costs of impoundment and upon compliance with the applicable requirements of Section 2-202 through 2-206, inclusive, hereof.

- (c) If the dog/cat so impounded has a current registration tag attached to its collar, the owner of such dog/cat as shown by the records of the city clerk shall be notified as soon as possible within the three (3) day impounding period. If at the end of the said three (3) day impounding period the city clerk has been unable to locate the owner or the owners, the dog/cat may be sold, euthanized or otherwise disposed of.
- (d) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.

2-218.            CONFINEMENT OF RABIES SUSPECTS.

- (a) Any dog/cat which is suspected of having rabies, or any dog/cat which has bitten a human being and has thereby caused a laceration of the skin of such human being, shall be seized and confined in a veterinary hospital for a period of fourteen (14) days; provided, however, the period of confinement may be shortened at the discretion of the veterinarian in charge of said hospital.
- (b) Any dog/cat that has a current vaccination for rabies that is bitten by a suspected rabid animal the dog/cat should be re-vaccinated immediately, kept under the owners control and observed for a period of 45 days. Any illness of the animal should be reported immediately to the local health department by the owner.
- (c) Any dog/cat that is bitten by a suspected rabid animal that is not current on the vaccination for rabies or whose vaccination status is unknown shall be euthanized and disposed of pursuant to Section 2-217 (b) herein or confined in a veterinary hospital for the period of 6 months.
- (d) All expenses incurred during the period of confinement in a veterinary hospital for the purposes of this section shall be borne by the owner of the dog/cat. If any dog/cat so impounded is not claimed by the owner within the fourteen (14) day period or 6 month period whichever the case may be, then the veterinarian shall dispose of the dog/cat according to the provisions of Section 2-217 hereof.

2-219. SAME: STATE OF EMERGENCY. When there exists sufficient evidence to believe that rabies exists in or near the city, the governing body may by resolution require all dog/cat owners within the corporate limits of the city to confine their dogs/cats or securely muzzle such dogs/cats with a wire or leather muzzle for such length of time as may be designated in said resolution or until otherwise ordered; and it shall be unlawful for any person to permit a dog/cat to run at large in violation of the terms of said resolution. Such resolution shall not become effective unless and until the same is published one (1) time in the official city newspaper.

2-220. KILLING AUTHORIZED. The enforcing officer shall be authorized to kill any dog/cat which is impractical or impossible to catch or capture and which is endangering any person or persons or property.

2-221. BREAKING POUND. It shall be unlawful for any person not duly authorized to do so to break open or attempt to break open any enclosure in which dogs/cats are confined or held pursuant to the provisions of this article, or to take or let out any dog/cat placed therein by an officer of this city any dog/cat taken by him or in any manner interfere with or hinder any officer of this city in the enforcement of this article.

2-222. MAXIMUM ALLOWED. No household shall be allowed to have more than a combination of four (4) cats and/or four (4) dogs in one household. This provision shall not apply to a licensed and duly authorized kennel. Such kennel shall be licensed and approved by the City through rules and provisions stated in article 4 herein.

2-223. PENALTY. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon the first conviction thereof within any licensing period shall be fined in a sum not less than twenty-five dollars (\$25.00) nor more than one hundred fifty dollars (\$150.00); upon a subsequent conviction thereof within any licensing period shall be fined in a sum not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), and after the third conviction within any licensing period the offending dog/cat may be ordered destroyed by the court. (Ord. 674 Sec. 3).

2-224. ENFORCING OFFICERS. All full-time City employees are animal control officers and shall be responsible for the enforcement of this article during their regular shift hours. No City employee is expected to enforce this code while not on their regular shift. Animal control officers shall not respond to vicious animal complaints at any time and the same should always be forwarded to the Washington County Sheriff's Department for enforcement and determination.

### ARTICLE 3. VICIOUS ANIMALS

2-301. Keeping of Registered Pit Bulls, any bull terrier breed of dog, American pit bull terrier breed, Staffordshire bull terrier, Rottweiler breed, any dog of mixed breed or of other breeds of the above listed, any dog, which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, or Rottweiler breeds. These breeds may be kept, harbored, owned or in any way possessed within the corporate limits of the City of Washington, Kansas, subject to the following standards:

(1) Leash and Muzzle. No person shall permit a dog of the above breeds to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit said dog to be kept on a chain, rope, or other 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 said dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) Confinement. All dogs of said breeds shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine said dogs must be locked with a key or combination lock when such animals 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 (2) feet. All structures erected to house said dogs must comply with all zoning and building regulations of the City of Washington. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement Indoors. No dogs of said breeds may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own

volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(4) Signs. All owners, keepers, or harborers of said breed of animals shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of said animal.

(5) Insurance. All owners, keepers or harborers of said breeds must provide proof to the Washington City Clerk of public liability insurance in a single incident amount of \$250,000.00, for bodily injury to or death of any person or persons or for damage to property owned by any persons, which may result from the ownership, keeping, or maintenance of such animal. Such insurance policy shall provide that no cancellation for the policy will be made unless ten (10) days written notice is first given to the Washington City Clerk.

(6) Identification Photographs. All owners, keepers or harborers of said animals must provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animals.

(7) Reporting Requirements. All owners, keepers or harborers of said animals must report the following information in writing to the Washington City Clerk as required hereinafter:

- (a) The removal from the City or death of an animal of said breed;
- (b) The birth of offspring of an animal of said breed;
- (c) The new address of an animal of said breed should the owner move within the corporate city limits;
- (d) Copy of registration and/or pedigree of said dog.

(8) Failure to comply. It shall be unlawful for the owner, keeper, or harborer of dog of said breed to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of the ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

(9) Violations and Penalties. Any person violating or permitting the violation of any provision of this ordinance shall, upon conviction in Municipal Court, be fined a sum not less than \$100, and not more than \$500. In addition to the fine imposed, the court may sentence the Defendant to imprisonment in the County jail for a period not to exceed thirty (30) days. Furthermore, the Court shall order the dog to be removed from the City. Should the defendant refuse to remove the dog from the City the Municipal Court judge shall find the defendant owner in contempt, and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this ordinance.

#### ARTICLE 4. KENNEL OPERATION.

## 2-401 DEFINITIONS.

- (a) "Kennel operator" means any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week for boarding, training or similar purposes for a fee or compensation.
- (b) "Kennel operator premises" means the facility of a kennel operator.

## 2-402 PERMIT PROCEDURE.

- (a) An application must be completed and submitted to the City on a form approved by the City. Such application shall contain; the name and address of the kennel owner, the physical address of the kennel, the contact person at such physical address and a contact number and a brief description of the operation of the kennel to include the proposed number of animals; waste disposal and the physical size of the actual kennels.
- (b) Proof must be provided that the facility is licensed by the State of Kansas and the facility must meet all applicable State requirements relative to kennels.
- (c) Upon receipt of the application, the City Clerk will notify all property owners located within five hundred feet (500') of the proposed facility for the purposes of filing an objection to the proposed facility. Said property owners shall then have thirty (30) days in which to file any objection to the proposed facility.
- (d) Upon the expiration of the thirty (30) day period, The City Clerk shall present the application and any objections to the Governing Body at the next regularly scheduled meeting for the purpose of reviewing the application and allowing any interested persons to be heard on the matter.
- (e) The Governing Body shall then have sixty (60) days to either issue the permit or deny the same.
- (f) Any Kennel in operation at the time of the passage of this ordinance shall not be required to complete an application or otherwise be subject to the permit procedure as stated herein.

## 2-403 HEALTH AND SAFETY REQUIREMENTS.

- (a) The facility must provide running water, sewer and electric service.
- (b) All animal feces must be properly routed into the City Sewer System or other sanitary elimination of waste as stated on the application and approved by the City.
- (c) All actual animal housing facilities must be at least thirty feet (30') from any and all property lines.

- (d) The kennel shall comply with all applicable State and Federal law with respect to the operation of their facility to which they may be subject.
- (e) The owner and/or operator of the facility shall allow City officials and officials from any other government agency access to the property for the purposes of inspection and review.

2-404 APPLICATION FEES AND RENEWAL FEES.

- (a) The application must be accompanied by a \$200.00 application fee.
- (b) Any Kennel must obtain a license for each year of operation and the cost thereof shall be \$100.00 per year payable upon issuance of the license. Licenses are due June 1 and expire May 31 of the subsequent year. First year licenses shall be prorated. License and dog tags will be issued upon proof of rabies vaccination.

This ordinance shall take effect and be in full force upon its publication in the official city newspaper.

PASSED by the Governing Body of the City of Washington, Kansas, and approved by the Mayor, this 4th day of September, 2007.

SEAL

\_\_\_\_\_  
Harold H. Jones, Jr., Mayor

ATTEST: \_\_\_\_\_  
Denise M. Powell, City Clerk