

ARTICLE 1. ANIMALS AND FOWL

- 2-101. MISCELLANEOUS ANIMALS AND FOWL; DEFINITION. For the purpose of this regulation, miscellaneous animals and fowl shall be considered to be any animal(s), livestock, or fowl of any kind that are normally kept, corralled, or maintained outside a residential dwelling. Miscellaneous animals and fowl shall include, but are not limited to: horses, cows, pigs, sheep, chickens, ducks, ostriches, non-human primates, raccoons, skunks, foxes, wild or exotic cats, and turkeys. Household pets such as cats, dogs, small birds, hamsters, and other animals which are typically kept within a residential dwelling shall be exempt from this regulation; however, zoning regulations shall apply to all animals and fowl. (Ord. 992, Sec. 1)
- 2-102. KEEPING OF MISCELLANEOUS ANIMALS AND FOWL. It shall be unlawful for any person to keep, corral, pasture, or maintain any miscellaneous animals or fowl as defined in section 2-101 within the corporate limits of the city unless specifically permitted by zoning regulations of the city. (Ord. 992, Sec. 2)
- 2-103. MISCELLANEOUS ANIMALS AND FOWL; RUNNING AT LARGE. It shall be unlawful for any person to allow, permit, or cause miscellaneous animals and fowl to run at large at any time within the corporate limits of the city. At large shall mean any time, the miscellaneous animals and fowl are not in the immediate control of the owner or keeper, or roaming at will within the city limits. (Ord. 992, Sec. 3)
- 2-104. MISCELLANEOUS ANIMALS AND FOWL; RUNNING AT LARGE; IMPOUNDMENT. Any miscellaneous animals or fowl found to be running at large, shall be impounded by the animal control officer or other city representative and taken to the city impoundment facility or an appropriate commercial facility. (Ord. No. 992, Sec. 4)
- 2-105. MISCELLANEOUS ANIMALS AND FOWL; IMPOUNDMENT FEES. Fees for the impoundment of any miscellaneous animals or fowl shall be a fine of \$25 plus \$5 per day for the care and feeding of the animal or fowl if the animal is impounded in the city impoundment facility. The fine of \$25, plus any fees for the impoundment of an animal or fowl in a commercial facility shall be the responsibility of the owner or keeper of the animal. (Ord. 992, Sec. 5)
- 2-106. MISCELLANEOUS ANIMALS AND FOWL, RECORD AND NOTIFICATION. The animal control officer or city representative shall keep a record of any impounded miscellaneous animals and fowl and shall attempt to contact the owner or keeper of any miscellaneous

animals or fowl by news media or telephone in a timely manner. (Ord. 992, Sec. 6)

2-107. MISCELLANEOUS ANIMALS AND FOWL; DISPOSITION. Any miscellaneous animal or fowl that is not redeemed by its owner or keeper within three calendar days may be destroyed or sold for the cost of the impoundment fine and fees. (Ord. 992, Sec. 7)

2-108. PREEXISTING CASES. Keeping of animals in the city limits may be continued until such time as ownership of the land changes. Property owners should register these cases with the animal control department to provide awareness of nonconforming situations. (Ord. 992, Sec. 8)

2-109. ANIMAL NUISANCES. This article shall not be construed to authorize the keeping or maintenance of any domestic animal, livestock or fowl on any premises within the city under any condition constituting a public nuisance. The health officer as designated by the governing body shall be authorized to abate any animal nuisance as provided by law and ordinances of the city. (K.S.A. 12-1617g; R.O. 1960, 2-107)

Ref.: Abatement of Nuisances, Sec. 8-201

2-110. CRUELTY TO ANIMALS. It shall be unlawful for any person to:

(a) Willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; mutilate, poison, burn or scald with any substance; or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off vicious animals;

(b) Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;

(c) Have, keep or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition except as provided in section 2-110.

(d) Sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than 12; or to sell, offer for sale, barter, give away, or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color. This section shall not be construed to prohibit the sale of animals or fowls as specified in this subsection, in proper facilities, by hatcheries or

persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;

(e) Promote, stage, hold, manage, or in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal;

(f) Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter or protection from the elements as necessary for health and well-being of such kind of animal.

(g) Abandon or leave any animal in any place without making provisions for its proper care;

(h) These provisions shall not apply to the exceptions sanctioned under section 2-108.

In addition to the penalties provided in section 1-112 of this code, the municipal court judge may order a person convicted of violation under this section to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible. (Code 1991)

2-111. SAME; EXCEPTIONS. The provisions of section 2-109 shall not apply to:

(a) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;

(b) Bona fide experiments carried on by commonly recognized research facilities;

(c) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated;

(d) Rodeo practices accepted by the rodeo cowboys' association;

(e) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or by an

authorized agent such as a licensed veterinarian, at the request of the owner;

(f) The humane killing of an animal by the animal control officer, a public health officer or a law enforcement officer in the performance of his or her official duty;

(g) The humane killing of an unclaimed animal after three full business days following the receipt of such animal at a municipal pound or an incorporated humane society shelter by the owner, operator or authorized agents of such establishments. (Code 1988)

2-112. PENALTY. Any person violating any of the provisions of this article shall, upon conviction thereof, be fined not more than \$100, or be imprisoned for not more than 90 days, or be both so fined and imprisoned. (R.O. 1960, 2-108)