

ORDINANCE NO. 9615

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
AMENDING CHAPTER III OF THE CODE OF THE CITY OF
LAWRENCE, KANSAS 2018 EDITION, AND AMENDMENTS
THERETO, PERTAINING TO THE REGULATION OF ANIMALS.

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

SECTION 1. Chapter III of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

ARTICLE 1. GENERAL REQUIREMENTS CONCERNING ANIMALS

3-101 **FINDINGS OF THE GOVERNING BODY.**

The Governing Body of the City of Lawrence, Kansas hereby finds that to protect and preserve the public health, safety and welfare it is necessary to prohibit the ownership of certain animals within the City and to establish regulations governing the ownership of animals allowed within the City.

3-102 **DEFINITIONS.**

As used in this Chapter:

- (A) “Adequate Care” means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal including but not limited to relief from continuous chaining.
- (B) “Adequate Food” means wholesome foodstuffs suitable for the species provided at reasonable intervals in a sanitary manner, and in quantities sufficient to maintain good health in an animal considering its age and condition.
- (C) “Adequate Health Care” means the provision to each healthy animal of all immunizations and preventive care required to maintain good health; space adequate to allow the animal rest and exercise sufficient to maintain good health; space free from continual wet ground or mud, dangerous debris, and obstacles that prevent rest or exercise; and, the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.
- (D) “Adequate Shelter” means a structurally sound, properly ventilated, sanitary, and weatherproof shelter suitable for the species, condition, and age of the animal which provides access to shade from direct sunlight, windbreak, and regress from exposure to inclement weather conditions.
- (E) “Adequate Water” means constant access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition, and age of the animal in sufficient amounts to maintain good health in the animal.
- (F) “Animal” means any live creature except a human.
- (G) “Animal sShelter” means the facility or facilities contracted with or operated by the

City of Lawrence for the purpose of impounding or caring for animals held under the authority of this Chapter or state law.

- (H) "Bite injury" means any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, or other piercing of the skin.
- (I) "Cat" means any member of the species, felis domesticus.
- (J) "Domesticated" shall mean bred for and adapted to living dependently in an urban household setting.
- (K) "Dangerous aAnimal" means any animal which has:
- i. Caused a bite injury, other than a bite that resulted in great bodily harm, disfigurement, or death, to any person; or
 - ii. Killed another dog or cat, equine, or livestock; or
 - iii. Been adjudicated guilty of causing a bite injury, other than a bite that resulted in great bodily harm, disfigurement or death to any person, or killed another dog or cat, equine, or livestock in another jurisdiction.
- (L) "Dog" means any members of the species, canis familiaris.
- (M) "Enforcement Officer" means an animal control officer, law enforcement officer, or any person duly appointed to enforce this Chapter, with jurisdiction in the city limits of Lawrence, Kansas.
- (N) "Euthanasia" means the painless administration of a lethal dose of an agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel on Euthanasia published in the most current version of the Journal of the American Veterinary Medical Association that causes the painless death of an animal. Animals must be handled prior to administration of the agent or method of euthanasia in a manner to avoid undue apprehension by the animal.
- (O) "Equine" means a horse, pony, mule, jenny, or donkey.
- (P) "Fowl" means domestic birds commonly kept for the production of meat, eggs, or feathers under the definition of Small Animal Agriculture in the Land Development Code, and is limited to female chickens and ducks.
- (Q) "Health Director" or "Director of Health" means the director of the Douglas County public health department. The term includes the director's authorized representative.
- (R) ~~"Humane" shall mean manner of care including, but not limited to, protection, from harm, providing of shelter with adequate protection from the elements, ventilation, sanitation, and appropriate food and potable water consistent with the requirements and habits of the animal's species, type, size, age and condition.~~
- (S) "Livestock" means cattle, sheep, and goats. Livestock excludes fowl and equine.
- (T) ~~"Officer" shall mean City Animal Control Officer or City Police Officer.~~
- (U) "Own" or "Owning" shall mean to keep, maintain, possess, control, sell, trade, or buy.

- (V) "Owner" or "owner" shall mean any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care or residence, or who acts as the animal's custodian. A parent or legal guardian shall be deemed to be an owner of animals owned or maintained by minors upon their premises.
- (W) "Owner" shall mean the person who owns, keeps, harbors or possesses an animal or specified animal
- (X) "Person" means any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
- (Y) "Police Department" means the Lawrence, Kansas Police Department.
- (Z) "Provocation" means an act that includes, but is not limited to, teasing or tormenting and which would lead a reasonable person to conclude the manner in which an animal acted is justified.
- (AA) "Reckless Pet Owner" means any person convicted of a violation of this Chapter four (4) or more times within a 36 (thirty-six) month period.
- (BB) "Spay" or "Neuter" shall mean to render permanently incapable of producing offspring.
- (CC) "Vicious Animal" means any animal which has caused great bodily harm, disfigurement, or death to any person, or has been adjudicated guilty of causing great bodily harm, disfigurement, or death to any person another jurisdiction. The term shall not include an animal that has caused great bodily harm to any person while a person was committing a criminal offense, or willfully trespassing on the property of the owner of the animal.
- (DD) "Vietnamese Pot Bellied Pig" means a pig verified by a licensed veterinarian to be a purebred Vietnamese Pot Bellied Pig.

3-103

PENALTIES, GENERALLY

- (a) Any person violating any provision of this Chapter shall be deemed guilty of an ordinance violation, and upon conviction of any such violation shall, unless another specific penalty or specific penalty range is provided by another Section of this Chapter, be punished by a fine of up to \$1,000.00, or by imprisonment for a term not to exceed 180 days, or by both such fine and imprisonment.

- (b) Any person violating any of the following sections of this Chapter:

- a. Section 3-201 pertaining to the requisite documentation of immunizations;
or
- b. Section 3-202 pertaining to animals running at large;

shall, upon conviction, and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense within the previous three (3) years, be sentenced by the court according to the following schedule of fines ~~with reference to initial or subsequent violation of the particular section within the three-year period:~~

- (i) First offense: \$75.00
- (ii) Second offense: \$150.00
- (iii) Third offense: \$300.00
- (iv) Fourth or any subsequent offense: \$500.00

The Municipal Judge shall have no authority to suspend the fine established by this section or any portion thereof of fine established by this subsection. The fine shall be in addition to any applicable court costs or impoundment fees. The Animal Shelter shall not release an animal to an owner if the owner has failed to pay a fine or has failed to appear in municipal court for adjudication.

~~(b)~~(c) Any person violating any of the following sections of this Chapter:

- a.—Sections 3-103, 3-502, 3-503, and 3-506, and pertaining to dangerous, vicious, and prohibited animals;
- b.—Section 3-104(A)(1) & (2) pertaining to the limitation on number of dogs and cats;
- c.—Section 3-501 and 3-507 pertaining to animals putting persons in fear or being maintained as public nuisances;
- a. Section 3-204 pertaining to animal bites resulting in human exposure to rabies;

shall, upon conviction, be punished by a fine of not less than \$75.00 and not more than \$1,000.00, or by imprisonment in the municipal correctional institution for a term not to exceed 180 days, or by both such fine and imprisonment.

(d) Any person violating Section 3-105 pertaining to animal cruelty shall, —upon conviction, be punished by a fine of not less than \$250.00 and not more than \$1,000.00, or by imprisonment for a term not to exceed 180 days, or by both such fine and imprisonment. Each day's violation may constitute a separate offense under this Article.

(e) In addition to the penalties listed in this Section, the Municipal Court Judge may also order reasonable restitution and any other remedy as may be from time to time provided by or allowable by other applicable law.

3-103

FILING COMPLAINT; ENFORCEMENT.

(a) It is hereby made the duty of the ~~animal control officer~~ Enforcement Officer, or anyone having the authority of an Enforcement Officer ~~animal control officer~~, including but not limited to law enforcement officers, to enforce the terms and provisions of this ~~e~~Chapter. Pursuant to Charter Ordinance No. 31, and other lawful authority, the Enforcement Officer ~~animal control officer~~ is authorized to issue citations to the owner, keeper, harborer, or possessor of any dog, cat or other animal found in violation of the terms of this Chapter, and to impound any such animal ~~owner of and/or impound any dog, cat or other animal found in violation of the terms of this Chapter~~. The City Manager may appoint persons to be known as ~~an~~ animal control officers, whose duties it shall be to assist in the enforcement of this ~~Article Chapter as defined by K.S.A. 12-4113(j)~~ and to work under the immediate supervision and direction of the Police Department.

- (b) Any Enforcement Officer may, with probable cause, initiate a criminal proceeding under this Article by making an offense report and serving a citation and notice to appear in court upon the alleged violator. The offense report shall be forwarded to the Municipal Prosecutor for prosecution.
- (c) Any person having personal knowledge of the violations of any of the provisions of this ~~article Chapter~~ may make a verified complaint of the facts showing a violation of this ~~article Chapter~~ before the ~~Municipal Prosecutor or Municipal Court Judge~~ and upon the filing of such a complaint, a proper legal process to enforce the penalties provided herein may be initiated. ~~the municipal court judge may issue proper legal process to enforce the penalties provided herein.~~

3-103

OWNING CERTAIN ANIMALS PROHIBITED.

It shall be unlawful for any person(s) to own, within the city limits, any animal except as excluded in Section 3-104.

3-104

ANIMALS EXCLUDED FROM PROHIBITION.

(A) Animals excluded from prohibition are:

- (1) Domestic ~~D~~ogs, except those hybridized with wild canines, except that no person may own or possess more than four (4) Domestic Dogs that are 10 weeks of age older.
- (2) Domestic ~~C~~ats, except those hybridized with wild felines, except that no person may own or possess more than four (4)- Domestic Cats that are 10 weeks of age older. The provisions of this Article shall not apply to persons legally owning Domestic Cats prior to January 1, 2019.
- (3) Domesticated ~~R~~odents kept as pets, including gerbils, mice, rats, and chinchillas.
- (4) ~~Domesticated European F~~errets.
- (5) Rabbits, except that no more than three (3) rabbits shall be permitted in a residentially-zoned district unless they meet the definition of a Small Animal Agriculture use, as defined in Section 20-1775 in the City Land Development Code, Chapter 20 of the City Code.
- (6) Birds, except for roosters, turkey, geese, swans, peafowl, guinea fowl, ostriches, emus and any species protected by state or federal law, and subject to provisions in section on Falcons-
- (7) Nonvenomous snakes less than eight (8) feet in length, and no more than 50 pounds when fully grown,- except that such snakes shall be required to be maintained on the owner's premises or property.
- (8) Nonvenomous lizards, except for crocodiles and any similarly--sized lizard.
- (9) Turtles, except for species protected by state or federal law.
- (10) Non-poisonous small Amphibians.
- (11) Fish.
- (12) Non-poisonous Invertebrates.

- (13) Any animal in the ownership of a veterinary clinic operated by a licensed veterinarian.
- (14) Any animal in the ownership of a person designated and licensed as an animal rehabilitator or falconer by the Kansas Wildlife and Parks Department.
- (15) Any animal in the ownership of a person temporarily transporting such animal through the city.
- (16) Any animal in the ownership of a bona fide medical institution or accredited educational institution.
- (17) ~~Any animal exhibited for sale, show or other temporary purpose at the Douglas County Fairgrounds.~~
- (18) Any animal temporarily owned by a facility licensed by the Kansas Animal Health Department for the purpose of impounding, sheltering, or caring for animals.
- (19) Domesticated Hedgehogs.
- (20) Vietnamese Potbellied Pigs subject to Chapter 3, Article 1, Section 3-104(D) of the Code of the City of Lawrence, Kansas.
- (21) Animals that fit the definition of a Small or Large Animal Agriculture use in Section 20-1775 of the City Land Development Code are permitted when kept as part of an Urban Agriculture use in compliance with the standards in the Development Code.
- (22) The owning, keeping, or harboring of animals permitted as Small Animal Agriculture in the Development Code by Retail Establishments, Construction Sales and Services, Agricultural Sales, or Agricultural, Animal uses located in industrial or commercial zoning districts, for the purposes of retail or wholesale sales.
- (23) The owning, keeping, or harboring of animals permitted as Small Animal Agriculture in the Development Code by educational institutions.
- (24) Any animal permitted as Large or Small Animal Agriculture may be kept or harbored, on a temporary basis, during any fair, show, or exhibition at the Douglas County Fairgrounds.
- (25) The temporary possession of fowl, as defined in the Development Code, by the United States Postal Service or commercial package or parcel delivery service until such time as the fowl are delivered to the addressee.
- (26) Degus, sugar gliders, short tailed opossums, pygmy possums, guinea pigs, or any similar small pet mammal.
- (B) Persons legally owning goats, kids, sheep, rabbits or hares, horses, cows, mules or donkeys one hundred fifty (150) feet away from any building used for human habitation pursuant to Section 3-101 of the 1990 Code prior to December 30, 1992, shall be allowed to continue such use, provided ownership remains with the same person on the same property. Provided,

the City Commission may suspend enforcement of this subsection, or establish reasonable conditions for the enforcement thereof, for property annexed into the City after December 30, 1992. This section does not pertain to animals kept as part of a Small or Large Animal Agriculture use permitted in the Land Development Code as Urban Agriculture.

- (C) The Municipal Court Judge may order the confiscation of a prohibited animal if the animal poses an immediate danger to the public or itself. Upon the conviction of a person for owning an animal as prohibited by this Chapter, the Municipal Court Judge shall order the animal confiscated and transferred to an appropriate licensed animal rehabilitation or care facility. The Municipal Court Judge may order the release of the animal to the owner provided that the animal will not be kept within the City limits.
- (D) ~~Owners of Vietnamese potbellied pigs shall ensure that male Vietnamese potbellied pigs over the age of four weeks shall be neutered and females over the age of 120 days shall be spayed. Additionally, adult Vietnamese potbellied pigs shall not exceed 150 pounds and Vietnamese potbellied pigs over the age of 120 days shall be vaccinated against pseudo rabies. Within 120 day of birth or 120 days of permanently entering the City of Lawrence, the owner shall provide to the Lawrence Humane Society verification by a licensed veterinarian that the pig is a purebred Vietnamese Potbellied Pig and a certificate of immunization. The registration may be accomplished by a microchip process. The following sections of Chapter 3 of the City of Lawrence Municipal Code applying to dogs, cats and other animals shall also apply to Vietnamese potbellied pigs; 3-105, 3-105A, 3-106, 3-107, 3-202, 3-202A, 3-202B, 3-202C, 3-203, 3-204, 3-205, 3-206, 3-207, 3-208, 3-209, 3-301, 3-302, 3-303, 3-304 and 3-305.~~
- (E) Owners of goats and sheep shall ensure that male goats over the age of four weeks are neutered. Goats and sheep over the age of 120 days shall be vaccinated against rabies and leptospirosis. The owners of goats and sheep shall maintain proof of current vaccination.

3-105

CRUELTY TO ANIMALS.

(A) Cruel Acts and Conditions Enumerated:

(1) It shall be unlawful for any person:

- (a) to ~~willfully or maliciously knowingly~~ kill, ~~drown,~~ maim, ~~injure,~~ disfigure, ~~or~~ torture, ~~maliciously or repeatedly~~ strike, hit ~~or beat~~ with a stick, board, chain, club or ~~similar~~ other object; ~~hit against a surface,~~ mutilate, burn, or scald with any substance; or drive over any domesticated animal; or cruelly set an animal upon another animal, except that reasonable force may be employed to drive off an animal behaving viciously or trespassing ~~animals~~; or
- (b) by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with harmful or poisonous substances. It is not the intent of this Subsection to prohibit the use of poisonous substances for the control of vermin of significance to the public health; or to own, keep, harbor, confine, or in any way possess an any animal and fail to provide

it with adequate food, adequate water, adequate care, adequate health care, or adequate shelter; or

- ~~(e) to fail, refuse or neglect to provide any animal in his or her charge or custody as owner or otherwise with proper food, drink, shade, care, or shelter. Any animal kept outside shall be provided with structurally sound weatherproof enclosure, large enough to accommodate the animal; or~~
- (c) to drive or work any animal cruelly; or
- (d) to abandon any animal within the City limits. For the purposes of this Section, "abandon" means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or resume custody; to leave an animal for more than 12 hours without providing adequate food and shelter for the duration of the absence; or to turn out or release an animal for the purpose of causing it to be impounded; or
- (e) to leave any animal confined in a vehicle for more than five (5) minutes in extreme weather conditions, defined as less than ~~thirty~~ 30 degrees Fahrenheit or more than 80 degrees Fahrenheit or at any time the temperature reasonably endangers the health or safety of the animal or otherwise places the animal in visible distress; or
- (f) to transport an animal in the closed trunk of a vehicle; or
- (g) to transport any animal in the open bed of a truck unless said animal is restrained in a cage or on a leash that will prevent the animal from jumping or falling off the vehicle; or
- (h) to cause, instigate, stage, or train any animal to fight or permit any fight between any animal and another animal or human; or
- (i) except a licensed veterinarian, to crop animal ears or dock animal tails; or
- (j) to give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade; or
- (k) As a landlord or property owner, to fail to contact an Enforcement Officer within 24 hours to report animals known to be abandoned in a rental property; or-
- (l) To knowingly create, sell, market, offer to market or sell, or possess a depiction of animal cruelty, regardless of where the animal cruelty took place, except that inadvertent access to such depiction shall not be unlawful. This Section shall not apply when the depiction has religious, political, scientific, educational, law enforcement or humane investigator training, philanthropic, journalistic, artistic, or historical value, or involves rodeos, sanctioned livestock events, or normal husbandry practices.
- a. For purposes of this Subsection, "depiction of animal cruelty" means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording, that displays cruelty to animals as defined by this Article.

~~b.—For purposes of this sSubsection, “inadvertent access” means the unintentional or transient viewing of a depiction.~~

b. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once when it is reasonably safe to do so, and render such assistance as may be possible and shall immediately report such injury or death to the animal’s owner, appropriate law enforcement agency, or the animal shelter; ~~in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.~~

(B) Exceptions: Nothing in subsection A of this Section shall:

(1) Be deemed to prohibit any action by a licensed veterinarian done in accordance with accepted standards of veterinary medicine, or any action taken by a law enforcement officer pursuant to the interests of public health and safety.

(2) Be interpreted as prohibiting any act done in self-defense or done to defend another person.

3-105A

PROCEDURES FOR CRUELTY TO ANIMALS; FINES;

(A) Any ~~public health officer, Enforcement Officer, including a law enforcement officer,~~ or licensed veterinarian, or officer or agent of the Animal Shelter~~Lawrence Humane Society may, shall, when reasonably safe to do so,~~ take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined by Section 3-105; provided that entry upon private property shall only be accomplished with the assistance of a law enforcement officer. Such officer, agent or veterinarian may inspect, care for, or treat such animal or place such animal in the care of the Animal Shelter~~Lawrence Humane Society~~ or licensed veterinarian for treatment, boarding or other care or, if an officer of the Animal Shelter~~Humane Society~~ or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane destruction.

(B) The owner or keeper of an animal destroyed pursuant to subsection (A) shall not be entitled to recover damages for the destruction of such animal unless the owner proves that such destruction was unreasonable and unwarranted.

(C) Expenses incurred for the care, treatment, or boarding of any animal taken into custody pursuant to Subsection (1) (A) of Section 3-105 ~~subsection (1)~~ pending prosecution of the owner or keeper of such animal for the crime of cruelty to animals as defined in Section 3-105 shall be assessed against ~~to~~ the owner or keeper as restitution as a cost of the case if the owner or keeper is adjudicated guilty of such crime.

~~(D) If a person is adjudicated guilty of the crime of cruelty to animals as defined in Section 3-105 and the court determines that such animal owned or possessed by such person would be in the future subject to any cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale, adoption or other disposition.~~

(D) If a person is adjudicated guilty of the crime of cruelty to animals in Section 3-105, the

Municipal Court Prosecutor, Animal Shelter, and Enforcement Officer may offer into evidence why such animal shall not be returned to or remain with such person. The final disposition of the animal shall be by order of the Municipal Court. Such animal may be turned over to the animal shelter for adoption or other disposition.

(E) Pre-conviction disposition of animals seized pursuant to violations of 3-105 shall be done in accordance to Sec. 3-308 of this Chapter.

~~(A)~~

~~Unless the animal obtained pursuant to this Section is the evidentiary subject of a pending prosecution, the owner or keeper of the animal shall have a maximum of twenty (20) days after the animal is taken into custody to obtain the animal from the veterinarian or the Lawrence Humane Society having custody of the animal. The veterinarian or the Lawrence Humane Society shall notify the owner or keeper of the animal, if known or reasonably ascertainable. The failure of the owner or keeper to obtain custody of the animal in the time provided shall provide the authority for the Municipal Judge to declare that the animal be disposed of by the veterinarian or Lawrence Humane Society by adoption or destruction. (Ord. 7123)~~

~~(F) Violation of Section 3-105 shall be a municipal offense and upon conviction, the defendant shall be fined a minimum fine of \$100.00 and a maximum fine of \$1,000.00 per offense. The Municipal Judge shall not have authority to suspend the minimum fine. In addition, to the Municipal Judge shall have authority to sentence the convicted defendant to a maximum six (6) month sentence in jail.~~

3-105.1-3-106 PICKETING OF DOGS, TETHERING OF ANIMALS

(A) No person shall:

(1) Continuously tether a dog, cat, or Vietnamese Pot Bellied Pig for more than 15 minutes without supervision. Supervision requires the animal to be within visual or auditory range of the owner;

(2) Use a tether or any assembly or attachments thereto to tether a dog, cat, or Vietnamese Pot Bellied Pig that shall weigh more than one-eighth of the animal's body weight, or, due to weight, inhibit the free movement of the animal within the area tethered; or

(3) Tether a dog, cat, or Vietnamese Pot Bellied Pig on a choke chain or near stationary objects or fences in a manner that could potentially cause injury, strangulation, or entanglement; or

(4) Tether a dog, cat, or Vietnamese Pot Bellied Pig without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether without securing the animal's water supply so that it cannot be tipped over by the tether; or

(5) Tether a dog, cat, or Vietnamese Pot Bellied Pig in an open area where it can be provoked or tormented by persons or an open area that does not provide the

dog, cat, or Vietnamese pot-belly pig protection from attack by other animals; or

(6) Attach chains or other tethers, restraints or implements directly to a dog, cat, or Vietnamese Pot Bellied Pig without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal; or

(7) Tether a dog, cat, or Vietnamese Pot Bellied Pig when it is known to the owner that tethering or chaining will exacerbate a health condition of the animal; or

(8) Tether a dog, cat, or Vietnamese Pot Bellied Pig in a manner that will allow it to reach within the property of another person, a public walkway, or a road; or

(9) Tether a dog, cat, or Vietnamese Pot Bellied Pig in an area where bare earth is present and no reasonable steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

~~It is unlawful to attach chains or other tethers, restraints or implements directly to a dog without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.~~

~~No person shall:~~

~~(A) — Continuously picket a dog for more than one continuous hour, except that picketing of the same dog may resume after a hiatus of three continuous hours, for up to three hours total time on picket per day; provided that for the purpose of picketing a dog, a chain, leash, rope or tether shall be at least 10 feet in length; or~~

~~(B) — Use a chain, leash, rope, collaring device, tether, or any assembly or attachments thereto to picket a dog that shall weigh more than 1/8 of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area picketed; or~~

~~(C) — Picket a dog in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man-made or natural obstacles.~~

~~This provision shall be supplemental to the cruelty to animals provisions of this Article, Section 3-105 and 3-105A. The enforcement, adjudication and fine provisions of Section 3-105A shall apply to this Section 3-105.1.~~

~~3-106~~ ARTICLE 2. ANIMAL NUISANCES.

A. NOISE. No person shall own, possess, harbor, or keep within the city limits any animal, including a dog or cat, which, by creating a noise for frequent or prolonged periods of time by day or night, disturbs the peace and quiet of any person or family of ordinary sensitivity within the vicinity of the noise.

B. ODOR. It shall be unlawful to own, possess, harbor, or keep within the city limits any animal, which by the nature of its maintenance or by the numbers of the same shall create an offensive odor so as to be objectionable to any person or family of ordinary sensitivity within the vicinity of the odor.

C. ANIMALS IN HEAT. It shall be unlawful to own, possess, harbor, or keep any animal within

city limits while such animal is in heat outside of a secure sufficiently enclosed area or without direct supervision of the owner or authorized person.

D. DAMAGE TO PRIVATE PROPERTY. It shall be unlawful for any person to own, possess, harbor, or keep an animal within city limits which damages private property not belonging to the owner, possessor, harbinger, or keeper of the animal.

E. ANIMAL INJURY. It shall be unlawful for any person to own, possess, harbor, or keep an animal within city limits that, causes injury to another domestic dog or cat, equine, or livestock. The provisions of this Section shall not apply to fowl or to animals injured while trespassing on the owner, keeper, or harbinger of the offending animal's premises.

~~It shall be unlawful to own any animal, including a dog or cat, in a residentially-zoned district, which by frequent or long continued noise shall disturb the comfort or repose of any person within the vicinity of such animal; or shall by the nature of their maintenance or by the numbers of the same shall create an offensive odor so as to be objectionable to surrounding residences. All dogs and cats, in heat, shall be confined in a secure and sufficiently enclosed area. No person shall own on their premises five (5) or more dogs, ten (10) weeks in age or older, unless such premises is licensed as a commercial kennel~~

3-106.1

BREEDING OR SELLING OFFSPRING

(A) It is unlawful for any person, business, or organization to display for sale, sell, exchange, barter, or give away any animal on a public right-of-way, public grounds, or a commercial property, unless the seller is a not for profit "pound," "animal shelter," or "rescue network" licensed under K.S.A. §47-1701, et. seq and is otherwise in compliance with the City code.

(B) No person shall sell, exchange, barter, or give away any offspring under the age of ~~eight~~8 (eight) weeks or until the offspring are fully weaned, whichever is later, have their first set of vaccinations, have been de-wormed and are in good general health, unless approved by a licensed veterinarian.

3-107

ANIMAL OWNER RESPONSIBILITY FOR REMOVAL OF ANIMAL EXCREMENT.

(A) It shall be unlawful for any person to appear with an animal upon the public right-of-way, within public places or upon the property of another, absent that person's consent, without some means for removal of excrement that may be deposited by the animal.

(B) It shall be unlawful for any person who is an owner or possessor of an animal in their care to fail to remove any excrement deposited by the animal upon any public or private property, absent the property owner's consent, other than the property of the owner of the animal.

(C) The provisions of this Section shall not apply to persons who have a physical disability or visual impairment, who are using service dogs, and can provide adequate documentation, upon demand of an animal control officer or law enforcement officer, that the service dog is an animal trained by an accredited institution which trains dogs for service work for the physically disabled or visually impaired.

(D) Violation of this Section shall be punished by a fine of not less than \$10.00, plus applicable court costs. The Municipal Judge shall have no authority to suspend the fine or any portion thereof.

3-108 ~~AGRICULTURAL ANIMALS~~

~~No person shall permit a Small or Large Agricultural Animal, as defined in Section 20-1775 of the Land Development Code, to run at large in the City. Chapter 3, Article 2 of the Code of the City of Lawrence, Kansas, as amended, shall apply to Small or Large Agricultural Animals running at large within the City.~~

3-109 **FALCONRY; LICENSE REQUIRED**

Any person designated and licensed as a falconer by the Kansas Wildlife and Parks Department must first obtain a permit from the City Clerk before owning a raptor within City limits. This permit is in addition to any required permits under state or federal laws. Any person desiring a permit under this section must file with the City Clerk an application for permit showing a copy of applicable state and/or federal licenses or permits, along with a \$50 fee. Permits must be renewed yearly.

3-110 **FALCONRY; ADDITIONAL RESTRICTIONS**

Mews used to house raptors must be locked at all times during which the raptor is inside. Any person authorized to own a raptor within City limits shall not allow it to fly within City limits.

ARTICLE 2. DOGS AND CATS AND OTHER ~~DOMESTICATED~~ ANIMALS

3-201 **IMMUNIZATION OF ~~DOGS, CATS AND FERRETS.~~ ANIMALS.**

~~(A) No person shall own any dog, cat, goat, sheep, Vietnamese Pot-Bellied Pig, or ferret, four (4) months of age or older, within the city limits if such animal is not currently vaccinated against rabies. Goats and sheep over the age of 4 months shall be vaccinated against leptospirosis. Owners of dog, cats, goats, sheep, or Vietnamese Pot Bellied Pigs, and ferrets shall retain proof of a current rabies vaccination on their person or premises.~~

~~(B) Any person owning a dog within the City shall cause such animal to wear a collar or harness at all times the animal is outside of the private property of the owner. To such collar or harness there shall be attached a current tag reflecting that the animal is vaccinated against rabies. The tag shall be situated on the collar or harness in such a manner that it may be easily visible at all times.~~

~~(A)(C) A person shall not be convicted of a violation of this section, and the charge shall be dismissed, if the person produces to the prosecutor, or to the court, sufficient printed proof of a current rabies vaccination that was effective at the time the citation was issued.~~

~~No person shall own any dog, cat or ferret, four (4) months of age or older, within the city limits if such animal is not currently vaccinated against rabies. Any person owning a dog within the City shall cause such dog to wear a collar or harness at all times to which shall be attached a current tag reflecting that the dog is vaccinated against rabies. The tag shall be situated on the collar or harness in such a manner that it may be easily visible at all times. Owners of cats and ferrets may retain proof of current rabies vaccination on their person or premises.~~

3-202 **ANIMALS PROHIBITED TO RUN AT LARGE; FINES.**

(A) It shall be unlawful for any person to own or keep a dog or cat or other animal which runs at large in the City. Knowledge or acquiescence by the owner or keeper

is not an element of the offense. An animal shall not be deemed to be running at large if:

- (1) The animal is firmly attached to a leash or chain and under the physical control of its owner or keeper; or
 - (2) The animal is within a structure or within a fence enclosure with the permission of the owner or keeper of the structure or fence enclosure; or
 - (3) ~~The animal owner has an operating electronic collar and is under the charge, care or control, of its owner or keeper who is operating an electronic pet containment system fence or electronic training system for the animal and the animal is under the charge, care or control, of its owner or keeper who is operating the system and the animal remains on the private property of the owner or keeper. Notwithstanding this subsection, all animals on the public right-of-way in the CD zoning district (downtown area) must be kept on a leash or chain under the physical control of its owner or keeper.~~
 - (4) The animal is a dog and, under the supervision of its owner or keeper, is using the City's off-leash dog park in accordance with the City's rules and regulations for any City off-leash dog parks.
- (B) Any animal on property without the permission of the property owner shall be deemed to be an animal at large and the owner of such animal shall be in violation of this Section.
- (C) No person shall permit a Small or Large Agricultural Animal, as defined in Section 20-1775 of the Land Development Code, to run at large in the City. Chapter 3, Article 2 of the Code of the City of Lawrence, Kansas, as amended, shall apply to Small or Large Agricultural Animals running at large within the City.
- ~~(D)~~ Any cat that is on the property of its owner or keeper shall not be deemed to be running at large in the City.
- ~~(DE)~~ ~~The provisions of this Section shall not apply to persons who have a physical disability or visual impairment, who are using service dogs, and can provide adequate documentation, upon demand of an animal control officer or law enforcement officer, that the service dog is an animal trained by an accredited institution which trains dogs for service work for the physically disabled or visually impaired.~~
- (D) The provisions of this Section shall not apply to persons who have a disability recognized under the Americans with Disabilities Act, Title II, using a service dog.

3-202.1

PENALTY.

- ~~(E) Any person found guilty of animal at large as defined herein shall be fined as follows: \$30.00 for the first offense within a twelve (12) month period; \$40.00 for the second offense within a twelve (12) month period; \$60.00 for the third offense within a twelve (12) month period; and \$100.00 for the fourth and subsequent offense(s) within a twelve (12) month period. The Municipal Judge shall have no authority to suspend the fine or any portion thereof of fine established by this Section. The fine shall be in addition to any applicable court costs or impoundment fees. The Humane Society or other impoundment facility shall not release an animal to an owner if the owner has failed to pay a fine or has failed to appear in~~

~~municipal court for the adjudication of a violation of this Section.~~

3-202

DANGEROUS ANIMALS.

(A) It shall be a violation of this Section to own, keep, or harbor a Dangerous Animal.

(B) Notwithstanding the definition of Dangerous Animal, no animal may be declared a Dangerous Animal if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was:

- a. On the real property of the owner or keeper of the animal, or;
- b. a member of the household, or;
- c. was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or;
- d. if the animal was protecting or defending a human being or animal within the immediate vicinity of the animal from what a reasonable person would perceive as an unjustified attack or assault.

(C) The provisions of this article shall not apply to a police dog being used to assist one or more law enforcement officers acting in an official capacity.

~~(B)~~(D) Notwithstanding the definition of Dangerous Animal, no animal may be declared a Dangerous Animal based solely on its size or breed, or mix of breed; or if death to a dog or cat occurred solely due to a size disparity between the animals and there was no sustained vicious attack on the dog or cat.

~~(C)~~(E) In the event that an Enforcement Officer has probable cause to believe an animal is dangerous by written complaint of the victim and that victim is willing to testify that the animal has acted in a manner that causes it to fall within the definition of a "Dangerous Animal," that officer shall endeavor to issue a citation for a violation of this Section.

~~(D)~~(F) Any animal impounded under a probable cause belief that it is a Dangerous Animal and which in the judgment of the Enforcement Officer or Animal Shelter would constitute a menace to the health, safety or welfare of the public if released from custody, may be impounded pending a hearing on any charges or complaints filed in the Municipal Court to determine the disposition thereof. If not so determined, the animal may, after having been held pursuant to Section 3-111, be returned to its owner until final determination is made by the Municipal Court as to whether a violation of this Section has occurred. If returned pending the final disposition of the case, the animal must be kept securely confined and must be muzzled while in public

until final determination is made as to whether a violation of this Section occurred.

~~(E)~~(G) Upon conviction of keeping a Dangerous Animal, and the animal returning to its owner, the animal shall be kept subject to the following standards:

- a. Leash and Muzzle. No person shall permit a dangerous animal to go outside its home, kennel, or pen unless such dog is securely leashed with a leash no longer than four feet in length and under the control of a person who is at least 18 years of age. No person shall permit a dangerous animal 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 object such as trees, posts, or buildings. In addition, all Dangerous Animals on a leash outside the animal's home or kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.
- b. Confinement. All Dangerous Animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel when not indoors, except when leashed and muzzled as provided in subsection (a) above. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine Dangerous Animals must be locked with a key or similar device. 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 such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition, and must not be the primary enclosure for keeping of the animal. Enforcement Officers shall have the authority to monitor and inspect the keeping of all Dangerous Animals. Failure to allow inspection shall be a violation of this Article and after conviction the Municipal Court may require removal of the animal from the city limits or euthanasia of the animal.
- c. Confinement Indoors. No Dangerous Animals may be kept on a porch, patio or in a part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when screen doors are the only obstacle preventing the animal from exiting the structure.
- d. Signs. All owners of Dangerous Animals within the city shall within 10 days of conviction, display in a prominent place on their premises a sign easily readable by the public, invitees, or licensees, using the words Beware of Dog or Beware of Dangerous Animal, or similar applicable wording.
- e. Subject to judicial discretion, the owner of a dog declared dangerous may be required to present to the municipal court proof of liability insurance or a surety bond in the amount of not less than five hundred thousand dollars (\$500,000) covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the City be notified immediately by the agent

issuing the if the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the registration of a dangerous dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought, unless he or she ceases to own or keep the dog prior to the expiration date of the permitting period.

- f. Identification Photographs. All owners of Dangerous Animals must, within 10 days of conviction, provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.
- g. Microchip. All owners of Dangerous Animals must within 10 days of conviction microchip the animal and provide microchip information to the City Clerk to register the animal as dangerous.
- h. Spaying/Neutering. All owners of Dangerous Animals must, within 10 days of conviction, spay or neuter the animal if such animal has not previously been sterilized, and provide proof of sterilization to the City Clerk.
- i. Training Class. The owner of the animal shall attend and complete a training class or personal training sessions approved by the municipal court that is designed to teach the owner how to manage or correct problem behavior. The class must be completed and receipt thereof sent to the municipal court within 60 days following conviction.
- j. Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a Dangerous Animal to any person within the city unless the recipient person resides permanently in the same household as the registered owner of such animal; provided that the owner of a Dangerous Animal may sell or otherwise dispose of a dog that has been declared dangerous or the offspring or such dog to persons who do not reside in the same household so long as the owner sells or transfers ownership outside of the city. In that case, the owner shall notify the City Clerk of the name and address of the transferee. The City Clerk shall report the dangerous animal designation to the city in which the animal will be kept.

(F)(H) Removal from List. Upon application and payment of application fee by the owner, and no objection by the Municipal Prosecutor, the court may remove any animal from the list of Dangerous Animals if:

- a. there are no additional violations of this Chapter within 36 months of the date of conviction and designation of a dangerous animal; and
- b. the owner has complied with all keeping restrictions outlined in this subsection consistently for a period of 36 months, and proof of

compliance shall be accomplished by inspection from an enforcement officer; and

- c. the animal undergoes a behavior evaluation by a Certified Pet Dog Trainer (CPDT) or animal behavior team member at the animal shelter and as a result is recommended to be approved for removal from the list.

If the Municipal Prosecutor finds sufficient evidence that the owner has complied with all conditions in this subsection, and has sufficient evidence that the dog's behavior has changed, the application shall be forwarded to the Municipal Court Judge to rescind the dangerous dog declaration.

- (l) Failure to Comply. It shall be unlawful for the owner of an animal deemed by the Municipal Court to be a Dangerous Animal to fail to comply with the keeping requirements and conditions set forth in this Article. Any animal found to be the subject of a violation of this Article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the provisions of this article is deemed a separate offense under this Section. Upon conviction, the court shall order the immediate removal of the animal from the city or may order the animal humanely euthanized.

3-408

VICIOUS ANIMALS.

- (A) It shall be a violation of this Section to own, keep, possess, or harbor a Vicious Animal within the city.
- (B) In the event that an Enforcement Officer has probable cause to believe an animal is vicious by written complaint of the victim and that victim is willing to testify that the animal has acted in a manner that causes it to fall within the definition of a "Vicious Animal," that officer shall endeavor to issue a citation for a violation of this Section.
- (C) In addition to the penalties prescribed by this Chapter, upon conviction, the Municipal Court shall order that the animal be removed from the county or humanely euthanized, and direct the Enforcement Officer or Animal Shelter or its veterinary designee to insure that the order is enforced. If the Municipal Court orders a Vicious Animal to be humanely euthanized pursuant to this subsection, that decision shall be final unless the owner applies to a court of competent jurisdiction for any remedies that may be available within the applicable appeal period, or other timeframe. If an appeal is timely filed, the Municipal Court shall suspend the euthanasia order pending the final determination of the court in which the appeal is under review. If the animal is sold or transferred out of the city, the owner shall notify the City Clerk prior to the sale or transfer. The City Clerk shall report the Vicious Animal determination to the county in which the animal will be kept. If the animal is ordered removed from the city, the address in which the dog will reside shall be reported to the City Clerk within 5 business days of the move.

3-410

~~DOGS;~~ ANIMALS; THREATS TO PUBLIC SAFETY.

Notwithstanding any other provision of this Article to the contrary and irrespective of

whether the animal dog has been declared dangerous pursuant to this Article, the Municipal Judge may order any dog-animal destroyed if the Judge determines that the dog animal is an immediate threat to public health and safety and that confinement and registration-of the dog-animal by the owner or keeper of the dog-animal as provided in this Article will not adequately protect public health and safety. No person shall harbor, own, or possess an animal-dog that is an immediate threat to public health and safety. In making such determination the Judge may consider the severity of the attack and such other relevant information. The Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Section to serve up to a maximum of six (6) months in jail and to pay a fine not to exceed \$1,000.00.

3-202A

HABITUAL VIOLATOR; ANIMAL AT-LARGE, RECKLESS PET OWNER;

DECLARATION. Upon a fourth conviction of a violation of this Chapter within a 36-month time period, the convicted person shall be deemed a Reckless Pet Owner. Upon a fourth conviction under this Section, the Municipal Court shall issue a notification of the declaration of Reckless Pet Owner to the person with the following:

- (A) Name and address of the person subject to the declaration, and;
- (B) the description, violation, and convictions that lead to the declaration, and;
- (C) the name and description of all pets subject to the effects of the declaration, and;
- (D) instructions on appealing the declaration to the District Court. Any such appeal shall be heard by the court within thirty (30) business days after an appeal is properly filed, or as soon as the court may hear the same. Notice of the date, time and location of the hearing shall be provided by certified mail to the person appealing the decision.

3-202A.2

OWNING ANIMALS PROHIBITED. Once declared a Reckless Pet Owner, a person shall not own, keep, possess, or harbor any animals for a period of five (5) full years from the date of the declaration. In addition to any penalty assessed by the court for violation of this Section, any animal owned, kept, possessed, or harbored by the Reckless Pet Owner shall be immediately seized and surrendered to the Animal Shelter

~~It shall be a separate municipal offense for any person to receive four (4) or more citations for violation of Section 3-202 within a twenty-four (24) month consecutive period. Such person shall be cited as a habitual violator. Any person found guilty of violation of this Section shall be fined a minimum of \$100.00 and a maximum of \$500.00 for each habitual violator citation. The Municipal Judge shall have no authority to suspend the minimum fine or any portion thereof. A person cited for violation of this Section shall be required to appear in municipal court. In addition thereto, the Municipal Judge shall have the authority to sentence the individual to up to six (6) months in jail. It shall be a defense to an alleged violation of this Section for the defendant to have been adjudged not guilty, or the charge dismissed, of Section 3-202 for a specific citation issued under Section 3-202.~~

3-202B

AGGRESSIVE ANIMAL AT LARGE DEFINED; PENALTIES. ANIMALS PLACING PERSONS IN FEAR.

- (A) An "aggressive animal at large" means any animal at large that without provocation, exhibits aggression or combativeness toward a person or another domestic animal, whether or not said person or animal is attacked, bitten, or scratched by the aggressive animal at large.

(A) No person shall own, keep or harbor any animal that without provocation, interferes with, chases, jumps upon, or behaves in a way that a reasonable person would find threatening, whether upon public streets or on private property. This section shall not

apply to any person trespassing on the owner, keeper, or harborer of the offending animal's premises.

- (~~BC~~) ~~Any person found guilty of animal at large as defined in Section 3-202, where such animal is an aggressive animal shall be fined as follows: \$30.00 for the first offense within a twelve (12) month period, or by imprisonment, for not more than 10 days, or by both such fine and imprisonment; \$40.00 for the second offense within a twelve (12) month period, or by imprisonment, for not more than 10 days, or by both such fine and imprisonment; \$60.00 for the third offense within a twelve (12) month period, or by imprisonment, for not more than 14 days, or by both such fine and imprisonment; and \$100.00 for the fourth and subsequent offense(s) within a twelve (12) month period, or by imprisonment, for not more than 30 days, or by both such fine and imprisonment. The Municipal Judge shall have no authority to suspend the fine or any portion thereof of the fine established by this Section but shall have the authority to suspend the term of imprisonment. The fine shall be in addition to any applicable court costs or impoundment fees. The Humane Society or other impoundment facility shall not release an animal to an owner if the owner has failed to pay a fine or has failed to appear in municipal court for the adjudication of a violation of this Section.~~

~~3-202C~~ ~~**HABITUAL VIOLATOR; AGGRESSIVE ANIMAL AT-LARGE.**~~

~~It shall be a separate municipal offense for any person to receive four (4) or more citations for violation of Section 3-202B within a twenty-four (24) month consecutive period. Such person shall be cited as a habitual violator. Any person found guilty of violation of this Section shall be fined a minimum of \$100.00 and a maximum of \$500.00 for each habitual violator citation. The Municipal Judge shall have no authority to suspend the minimum fine or any portion thereof. A person cited for violation of this Section shall be required to appear in municipal court. In addition thereto, the Municipal Judge shall have the authority to sentence the individual to up to six (6) months in jail. It shall be a defense to an alleged violation of this Section for the defendant to have been adjudged not guilty, or the charge dismissed, of Section 3-202B for a specific citation issued under Section 3-202B. (Ord. 7690)~~

3-203 **PURSUIT ONTO PRIVATE PROPERTY.**

An officer may pursue and capture any animal, including a dog or cat, found to be running at large as defined in Section 3-202 of this Article. The officer shall have the authority to enter upon private property to effectuate capture. However, the officer shall not enter into any secured fenced area or structure located upon private property.

ARTICLE 5: IMPOUNDING, REDEMPTION AND DISPOSITION.

~~3-501~~ ~~**COSTS AND FEES.** All costs and fees associated with impounding an animal pursuant to this Chapter shall be paid for by the owner of the animal before the animal is released. In the event that the owner of such animal fails to pay such costs and the City or animal shelter pays costs, the City or animal shelter shall be entitled to seek reimbursement of costs either in an independent civil proceeding or the costs may be requested as restitution as part of any applicable criminal proceeding.~~

~~3-502~~ ~~**REFUSAL TO DELIVER ANIMALS TO ENFORCEMENT OFFICERS PROHIBITED.** It is unlawful for a person to refuse to deliver an animal to an enforcement officer when requested to do so under the impoundment provisions of this Chapter.~~

3-503 **INTERFERENCE WITH ENFORCEMENT OFFICERS PROHIBITED.** No person shall knowingly interfere with any person appointed or given authority under this Chapter in the performance of his or her official duties as prescribed herein.

3-504 **REMOVAL OF ANIMALS FROM ENFORCEMENT OFFICERS OR ANIMAL SHELTER PROHIBITED.** It is unlawful to remove an animal without appropriate permission from the custody of an enforcement officer, animal shelter, or other location at which an animal is located, whether by force, deceit or otherwise, when such animal has been lawfully impounded by such officer under the provisions of this Chapter or state law.

3-505 **NO LIMITATION IN RABIES CASES.** The provisions of this Chapter shall not reduce or otherwise limit any applicable law that requires the impounding or holding of animals for observation following exposure by an animal that could possibly carry rabies or other communicable diseases. In addition, nothing in this Chapter shall prohibit the humane destruction of an animal suspected of carrying rabies if such destruction is done in compliance with other applicable law. In the event that an animal would otherwise be impounded under this Section, but is held at a different location for observation, the animal shall be impounded under this Section immediately upon expiration of the observation period.

5-505 IMPOUNDMENT OF ANIMALS FOUND AT-LARGE.

(A) If the animal is microchipped or if the owner is known or reasonably ascertainable, the animal shelter shall provide notice of impoundment to the owner with a date the animal must be reclaimed that is no less than 5 business days from the date in which the animal is impounded. Providing notice does not extend the time in which the animal shall be held before release or disposition and any additional time given to reclaim the animal shall be at the discretion of the animal shelter in which the animal is held.

(B) If the animal appears to be at-large with no owner and within 3 full business days from the date any animal is impounded the owner of such animal does not claim his or her animal, the animal shall become the property of the animal shelter. (K.S.A. §47-1710).

3-506 **RELEASE PENDING DISPOSITION.** Any animal impounded pursuant to this Chapter may be released while the matter is pending before the court upon recommendation by the prosecutor, who may receive the input of an Enforcement Officer or Animal Shelter in making such determination. If, in the opinion of an Enforcement Officer or Animal Shelter, the animal would constitute a menace to the health, safety or welfare of the public if released from custody, or may be subject to additional harm or violations, the animal may be held pending adjudication by the court. This section shall not apply to animals declared vicious or to animals subject to the provisions of cruelty to animals, unless otherwise outlined in this Chapter.

3-507 **DISPOSITION OF ANIMALS IMPOUNDED FOR CRUELTY TO ANIMALS.**

(A) If an animal is impounded pursuant to Section 3-105, the owner or custodian, if known or reasonably ascertainable, shall be notified in writing that the animal was impounded.

(B) The animal may be held as evidence pending prosecution of the case or for the protection of the animal.

(C) If the owner or custodian or any person claiming an interest in any animal that has been impounded under this Section, is charged with a violation of Section 3-105, the law enforcement agency, City Prosecutor, or Animal Shelter may petition the Municipal Court to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified. To prevent transfer, the owner of the animal must file a cash or performance bond with the court in an amount equal to and not less than the cost of care and treatment of the animal for 30 days, inclusive of the date on which the animal was taken into custody. The bond must be renewed every 30 days until the case is adjudicated.

(D) Upon receiving such petition, the court shall conduct a hearing to determine whether the animal may be transferred.

(E) If the owner or custodian is not known or reasonably ascertainable three (3) business days after the animal is taken into custody, the animal shall be the property of the animal shelter.

~~A dog, cat or other animal found running at large within the corporate limits of the city, contrary to the provisions of Section 3-202 may be taken up by the officer or brought in by a member of the public and may be impounded at the Lawrence Humane Society. The officer shall make a record of all dogs or cats so impounded with their description, date of impoundment and rabies vaccination number. If, within seventy-two (72) hours from the date any dog or cat is impounded and the owner of such dog or cat shall appear and claim his or her dog or cat, said dog or cat may be released upon payment of the following fees:~~

~~(A) Impoundment fee for the first twenty-four (24) hour period or any part thereof in any consecutive twelve (12) months:~~

~~(1) First pickup and release - \$10.00;~~

~~(2) Second pickup and release - \$20.00; plus an additional fee of \$10.00 if the animal is not spayed or neutered.~~

~~(3) Third pickup and release - \$30.00; plus an additional fee of \$15.00 if the animal is not spayed or neutered.~~

~~(4) Each subsequent pickup and release - \$40.00; plus an additional fee of \$20.00 if the animal is not spayed or neutered.~~

~~Owners may seek a refund of the additional fee if proof that the animal was spayed or neutered is presented to the City within thirty (30) days of release of the animal.~~

~~(B) Board Fee: Five dollars (\$5.00) for each additional twenty four (24) hour period up to a maximum of forty eight (48) hours to pay the cost of keeping the animal. If any animal so impounded is not claimed by the owner thereof within three (3) business days of the date of such impounding, such animal shall become the property of the Lawrence Humane Society. The above described costs for impounding and keeping such animal will be due and payable to the City for any animal claimed by an owner after the three (3) business day period. All impounding fees shall be paid to the City and no animal shall be released until the owner proves the animal, if a dog, cat or ferret, is currently immunized against rabies.~~

~~(C) Impoundment, redemption, and disposition of Small and Large-Agriculture Animals, as defined in Section 20-1775 of the Land Development Code shall comply with the KS Department of Agriculture regulations for livestock as follows:~~

~~No person shall permit an agricultural animal to run at large in the city. Any agricultural animal found at large shall be impounded until redeemed by its owner. Owners or their authorized agents, if known, shall be notified within 24 hours of impoundment that they have 10 days within which to claim such animals and to pay all actual costs for taking up, keeping, and feeding of such animals. If not redeemed within 10 days, the animal may be advertised in the newspaper or taken to a livestock market and sold to the highest bidder for cash. The proceeds, after deducting the amount of the costs of impoundment, shall be paid to the owner of the agriculture animal or the owner's authorized agent. If the owner or the owner's authorized agent is not known or cannot be located, the proceeds remaining after the payment of actual costs shall be paid to the county treasurer. Such funds shall be deposited by the county treasurer in the county's special stray fund provided for in K.S.A. 47-239, and amendments thereto. Nothing in this section shall be construed to prohibit the destruction of a critically injured or ill animal for humane purposes.~~

~~3-205 **FILING COMPLAINT; ENFORCEMENT.**~~

~~It is hereby made the duty of the animal control officer, or anyone having the authority of animal control officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this chapter. Pursuant to Charter Ordinance No. 31, and other lawful authority, the animal control officer is authorized to issue citations to the owner of and/or impound any dog, cat or other animal found in violation of the terms of this Chapter. The City Manager may appoint persons to be known as an animal control officer, whose duties it shall be to assist in the enforcement of this Article as defined by K.S.A. 12-4113(j) and to work under the immediate supervision and direction of the Police Department.~~

~~Any person having personal knowledge of the violations of any of the provisions of this article may make a verified complaint of the facts showing a violation of this article before the municipal court judge and upon the filing of such a complaint, the municipal court judge may issue proper legal process to enforce the penalties provided herein. (1990 Code 3-205; Ord. 6389)~~

~~3-206 **NOISE DISTURBANCE.**~~

~~No person shall own within the city limits any animal, including a dog or cat, which, by creating a noise for prolonged periods of time by day or night, disturbs the peace and quiet of any person or family within the City.~~

~~3-207 **DAMAGE TO PRIVATE PROPERTY.**~~

~~The owner of any animal shall be in violation of this Article and subject to the penalties prescribed herein if any such animal damages private property not belonging to the owner.~~

~~3-208 **ANIMAL BITES; QUARANTINE.**~~

~~DOGS, CATS, OR FERRETS EXPOSING HUMANS. Upon receipt of notification from a duly licensed practitioner of medicine or registered nurse that a Bite Injury incident has occurred, the dog, cat, or ferret that caused the Bite Injury shall be confined according to the following schedule, regardless of vaccination history:~~

~~(A) **OWNER KNOWN.** Upon receipt of notification from a duly licensed practitioner of medicine or registered nurse that an animal bite incident has occurred, the officer shall make reasonable effort to contact the owner of the animal involved in the incident and advise the owner to place the animal immediately with a regularly~~

~~licensed and practicing veterinarian of the owner's choice for a confinement period of a minimum of ten (10) days from the time of the occurrence of the bite. The exact period of confinement may be longer than ten (10) days at the discretion of the veterinarian selected and the owner shall be liable for all such costs incurred.~~

~~(1) Owned or Wanted Dog, Cat, or Ferret. Beginning on the day of the exposure, any owned or wanted dog, cat, or ferret shall be observed for ten (10) days pursuant to a Confinement Order prepared by an Enforcement Officer. The Confinement Order shall detail the facts of the incident including how the human was potentially exposed to rabies. If the incident did not cause great bodily harm the Enforcement Officer, in his or her discretion, may determine that the animal may be confined at the residence of the owner. Any other confinement shall be done at a licensed animal shelter or veterinary clinic. The exact period of confinement may be longer than ten (10) days at the discretion of the observing veterinarian. The owner shall be liable for all costs and fees incurred.~~

~~(2) Unowned, Stray, or Unwanted Dog, Cat, or Ferret. Any healthy unowned, unwanted, or stray dog, cat, or ferret shall be confined in the Animal Shelter for ten (10) days for observation. If the severity of the exposure to a person is such that it creates a high risk of potential rabies exposure, the animal shelter shall have the authority to waive any holding period and euthanize immediately for urgent testing.~~

~~(B) DOGS, CATS, OR FERRETS EXPOSED BY OTHER ANIMALS. Any dog, cat, or ferret that has been exposed to rabies through any penetration of the skin by the teeth or any contamination of mucous membranes or fresh, open cuts in the animal's skin with saliva by a bat or a wild terrestrial carnivore, as defined in the most current version of the Kansas Department of Health and Environment Investigation Guidelines, shall be reported to an Enforcement Officer. The Enforcement Officer will issue an Observation Order or Confinement Order according to the following schedule:~~

~~(1) Dogs, cats, and ferrets that have appropriate documentation of current rabies vaccination shall receive an immediate booster vaccination by a licensed veterinarian within 96 hours of exposure and shall be kept under the owner's control and observed for forty-five (45) days by an Observation Order. If the booster vaccination was given later than 96 hours after exposure, the Lawrence-Douglas County Health Department has the authority to extend the observation period and instruct the Enforcement Officer to issue the appropriate order.~~

~~(2) Dogs and cats that are overdue for the rabies vaccination and have appropriate documentation of a previous vaccination shall receive an immediate booster vaccination by a licensed veterinarian within 96 hours of exposure and shall be kept under the owner's control and observed for forty-five (45) days by an Observation Order. If the booster vaccination was given later than 96 hours after exposure, the Lawrence-Douglas County Health Department has the authority to extend the observation period and instruct the enforcement officer to issue the appropriate order.~~

~~(3) Dogs and cats that are overdue for the rabies vaccination and have no documentation of a previous vaccination shall be reported to the Lawrence-Douglas County Health Department and may be required to be observed for forty-five (45) days or quarantined for up to four (4) months. The Lawrence-Douglas County Health Department shall instruct an Enforcement Officer to issue the appropriate order.~~

~~(4) Ferrets that are overdue for the rabies vaccination shall be evaluated on a case-~~

by-case basis by the Lawrence-Douglas County Health Department and shall instruct an enforcement officer to issue the appropriate order.

(5) Dogs, cats, and ferrets that have never been vaccinated against rabies shall be euthanized immediately or, if the owner is unwilling to euthanize, shall receive an immediate booster vaccination by a licensed veterinarian within 96 hours of exposure. The dog or cat shall be quarantined at a licensed animal shelter or veterinary clinic for four (4) months, or six (6) months for ferrets. If the booster vaccination was given later than 96 hours after exposure, the quarantine period shall extend to six (6) months. The owner shall be liable for all costs and fees incurred.

(B) **FAILURE TO COMPLY.** Any owner who shall fail to comply with the provisions of this Section, within twenty-four (24) hours or one (1) business day of notification, shall be deemed in violation of this Article and the officer shall take such animal into custody and commit it for the above described confinement period.

~~(C) **OWNER UNKNOWN.** Biting animals for which an owner cannot be located shall be taken into custody by the animal control officer and confined for observation. If the bite to the victim is on the neck or head, or if the animal is behaving strangely or is ill, the animal shall be held for twenty-four (24) hours before euthanized. If the bite to the victim is not on the neck or head, and if the animal is not behaving strangely or is not ill, the animal shall be held for three days before euthanized. If the owner seeks to claim the animal, the provisions of Subsection (A) shall govern the confinement of the animal. Should such animal become ill, die or is euthanized within the confinement period, the bite victim or victim's representative shall be notified and the City shall direct further management of the animal or animal remains. If the animal is alive and well at the end of the confinement period, the bite victim or victim's representative shall be notified, and the animal shall become the property of the Lawrence Humane Society.~~

~~(B) (D) **STATE LAW.** Kansas Department of Health and Environment Rabies Control Requirements Administrative Regulations (K.A.R.) 28-1-13, and amendments thereto, shall apply under this Section, be followed concerning the isolation of biting animals for observation, examination and quarantine, unless the provisions of this Chapter require more stringent procedures.~~

~~3-209 **PENALTY FOR VIOLATION OF CHAPTER.**~~

~~Any person convicted of the violation of any of the provisions of this Chapter shall upon conviction thereof be fined not less than \$10.00 nor more than \$500.00, and that upon any second or subsequent violation shall be fined not less than \$10.00 nor more than \$500.00 and or imprisoned for not more than ten (10) days. Each consecutive day's violation shall constitute a separate punishable offense.~~

~~**ARTICLE 3. DANGEROUS DOGS**~~

~~3-301 **DEFINITIONS.**~~

~~**Dangerous dog**, as used in this Article, shall mean:~~

~~(A) Any dog with a known propensity tendency or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic animals; or~~

~~(B) Any dog 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; or (Ord. 7796)

~~(C) Any dog which attacks or bites, or has attacked or bitten a human being or domestic animal; or~~

~~(D) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.~~

~~Notwithstanding the definition of a dangerous dog above, no dog may be declared dangerous if any injury or damage is sustained by a person or animal who at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.~~

~~No dog may be declared dangerous if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.~~

~~No dog may be declared dangerous if the injury or damage was sustained by a chicken or duck that was not in a fenced or enclosed area on its owner's premises. (Ord. 8378)~~

~~Nothing in this Article shall be deemed to regulate or prohibit the lawful maintenance of dogs by law enforcement agencies.~~

~~**Enclosure** means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog. An enclosure shall be securely enclosed and locked and designed to prevent the animal from escaping from the enclosure. An enclosure shall have a secure top suitable to confine a dangerous dog. If such enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot.~~

~~**Owner** means an individual who has lawful title to a dog, including the keeper or harborer of the dog. A parent or legal guardian shall be deemed to be an owner of dogs owned or maintained by children upon their premises.~~

~~3-302 **PROCEDURE FOR THE DETERMINATION OF A DANGEROUS DOG.**~~

~~In the event that an animal control officer or law enforcement officer has probable cause to believe that a dog is dangerous, as defined by Section 3-301, the municipal judge shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared dangerous as defined by Section 3-301. The animal control officer or law enforcement officer may order the dog to be impounded at a licensed veterinary clinic or the Humane Society pending the determination of whether the dog is dangerous. The owner or keeper of the dog shall be liable for the costs of keeping such dog.~~

~~The animal control officer or law enforcement officer shall notify the owner or keeper of the dog that the hearing will be held, at which time evidence will be presented that the dog is dangerous and at which time the owner or keeper of the dog may present evidence to rebut evidence presented by the City and present such other evidence as may be relevant. The failure of the owner or keeper to attend or participate in the hearing shall not keep the judge from making the appropriate determination concerning the dog. The hearing shall be held promptly within no less than five (5) nor more than twenty (20) days after service of notice upon the owner or keeper of the dog. The City shall have the burden of proof to show that~~

~~the dog is dangerous pursuant to Section 3-301.~~

~~After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is dangerous, the owner or keeper shall comply with the provisions of this Article within fifteen (15) days. If the owner fails to comply with the provisions of this Article within the time provided, the dog shall be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within ten (10) days to the district court pursuant to law.~~

~~3-303 **CONTROL OF DANGEROUS DOG; REGISTRATION AND CONFINEMENT.**~~

~~If the municipal court judge determines that a dog is dangerous pursuant to this Article, the owner or keeper of the dangerous dog shall be required to comply with the following:~~

~~(A) **Registration.** The owner or keeper shall annually register the dangerous dog with the City, on such forms designated by the City Clerk, and shall have a microchip inserted into the dog by the Lawrence Humane Society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner or keeper shall pay a \$50.00 annual registration fee and shall pay all costs associated with the microchip procedure and registration of the dog. The owner or keeper shall be responsible for maintaining with the City Clerk the address of the owner or keeper and the dangerous dog. The owner or keeper shall notify the City Clerk within seven (7) days of a change in address for the owner or keeper and dangerous dog.~~

~~(B) **Confinement.** All dangerous dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a dangerous dog upon any premises that does not have a locked enclosure. It shall be unlawful for any owner or keeper to allow a dangerous dog to be outside of the dwelling of the owner or keeper or outside the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the dangerous dog or for the limited purposes of allowing said dangerous dog to urinate or defecate or to sell or give away the dangerous dog or respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four (4) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.~~

~~3-304 **VIOLATION OF REQUIREMENTS FOR DANGEROUS DOG**~~

~~It shall be unlawful for any person to violate the provisions of this Article. Any person found guilty of violating the provisions of this Article shall be assessed, fined, and the animal disposed of, as provided below:~~

~~(A) **At Large.** Any dangerous dog that is not confined or registered as required pursuant to this Article shall be impounded by an animal control officer or a law enforcement officer. In addition to all costs for impoundment, the owner or keeper shall pay a Two Hundred Fifty Dollar (\$250.00) fine. For a second offense within twenty four (24) months, in which the dog is not confined or registered as required pursuant to this Section, in addition to all costs for impoundment, the owner or keeper shall pay a Five Hundred (\$500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a five (5) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. The judge shall have no authority to suspend the fine or any portion thereof.~~

~~(B) **Attack on Human.** If any dangerous dog shall attack, assault, wound, bite, or~~

~~otherwise injure or kill, or assist in such injury or killing, a human being, the owner or keeper shall pay a Five Hundred Dollar (\$500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a five (5) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. The judge shall have no authority to suspend the fine or any portion thereof.~~

~~(C) **Attack on other animal.** If any dangerous dog shall kill or wound, or assist in killing or wounding, any animal, the owner or keeper shall pay a Two Hundred Fifty Dollar (\$250.00) fine, and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a five (5) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. The judge shall have no authority to suspend the fine or any portion thereof. If the owner or keeper of a dog impounded pursuant to this Section shall believe that there shall not have been a violation of the provisions of this Section, such owner may petition the Municipal Court, on forms approved by the Municipal Judge, praying that the impounded dog not be destroyed. The impounded dog shall not be destroyed pending the resolution of such owner's petition if the petition shall have been filed within five (5) days of impoundment of such dog and notice shall be have been delivered within five (5) days of the impoundment of such dog to the Humane Society. The dog shall remain impounded pending the determination of the petition. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner upon the payment of the expenses by the owner or keeper.~~

~~In addition to the fines provided in this Section, the Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Article to serve up to a maximum of six (6) months in jail.~~

~~3-305 **DOGS; THREATS TO PUBLIC SAFETY.**~~

~~Notwithstanding any other provision of this Article to the contrary and irrespective of whether the dog has been declared dangerous pursuant to this Article, the Municipal Judge may order any dog destroyed if the Judge determines that the dog is an immediate threat to public health and safety and that confinement and registration of the dog by the owner or keeper of the dog as provided in this Article will not adequately protect public health and safety. No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety. In making such determination the Judge may consider the severity of the attack and such other relevant information. The Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Section to serve up to a maximum of six (6) months in jail and to pay a fine not to exceed \$1,000.00.~~

ARTICLE 4. ENFORCEMENT OF DOUGLAS COUNTY RESOLUTION NO. HR-03-7-3

3-401 ENFORCEMENT OF DOUGLAS COUNTY RESOLUTION NO. HR-03-7-3 WITHIN THE CORPORATE LIMITS OF THE CITY OF LAWRENCE.

Pursuant to K.S.A. 19-101a(a)(5), the City of Lawrence, Kansas, (hereinafter the "City") hereby consents that Resolution No. HR-03-7-3 (relating to the regulation of vicious dogs within Douglas County, Kansas and imposing criminal penalties for the violation thereof) (hereinafter the "Resolution"), as adopted by the Board of County Commissioners of Douglas County, Kansas on July 9, 2003, shall apply within the City limits of the City of Lawrence.

3-402 ENFORCEMENT BY DOUGLAS COUNTY SHERIFF.

The Sheriff of Douglas County, Kansas and said Sheriff's deputies and other agents are hereby expressly granted permission and jurisdiction to investigate and enforce violations or suspected violations of Douglas County Resolution No. HR-03-7-3 within the City limits

of the City of Lawrence.

3-403

JOINT COOPERATION.

It is hereby declared the policy of the City that the City's law enforcement officers, animal control officers, and other agents shall jointly cooperate with the Sheriff of Douglas County, Kansas and said Sheriff's deputies and other agents in sharing intelligence, investigating, and enforcing violations or suspected violations of the Douglas County Resolution No. HR-03-7-3 within the City limits of the City of Lawrence.

3-404

OTHER CITY OF LAWRENCE ANIMAL CONTROL REGULATIONS.

The provisions of Douglas County Resolution No. HR-03-7-3 shall apply within the City of Lawrence in addition to all other City ordinances or regulations. Nothing in this Article shall, by implication or otherwise, serve to repeal or invalidate any other animal control regulations otherwise applicable within the City.