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State law reference-Livestock and domestic animals, K.S.A. 47-102 et seq.

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ARTICLE I. IN GENERAL

Sec. 3-101 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal- means all animals except human beings, vertebrate or invertebrate, wild or domesticated, including those animals in the zoological class of “aves” commonly referred to as fowl.

Animal Control Officer- means any person appointed as such by the City Manager, whose duties shall be to assist in the enforcement of this Chapter.

At large- means the status of an animal when it is not on the premises of its owner’s real property and not restrained by a competent person.

Competent person- means a person who is capable of controlling the behavior of a domestic animal and to whose command such domestic animal is obedient.

Dog- means all members of the *canis familiaris*, male, female or neuter, six months of age or older.

Domestic animal- means an animal kept as a pet and not as livestock.

Household- means those members of a family living in the same dwelling unit.

Inoculation, vaccination or vaccination for rabies- means the injection by a veterinarian or his authorized agent of a specified animal of antirabies vaccine into the body of the animal.

Notice- means relevant information conveyed from one person to another by personal delivery, deposit in U.S. mail, postage prepaid, or by telephone message.

Own- means to own, keep, harbor, shelter, control, manage, possess or have part interest in any animal.

Puppy- means all members of the *canis familiaris*, male, female or neuter, less than six months of age.

Restraint- means, when used in reference to an animal:

- A. When controlled by a line or leash not more than 15 feet in length, the line or leash is held by a competent person.
- B. When at “heel” of a competent person.
- C. When within an attended vehicle.
- D. When not more than 100 feet from a competent person, if such animal is not annoying any person or domestic animal or trespassing on private property or in a public area where animals are forbidden.

Vicious animal- means any animal which is fierce, dangerous, mean or uncontrollable; or one that has previously attacked or has bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal.

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Vicious dog- means any dog which is fierce, dangerous, mean or uncontrollable; or one that has previously attacked or has bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal.

REVISED: (*Ord. No. 3011-91, 12-04-91*)

Cross reference-Definitions and rules of construction generally, § 1-102.

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ARTICLE II. CARE AND CONTROL GENERALLY

Sec. 3-201 Cruelty to animals; general.

- A. For the purpose of this Chapter, any of the following acts shall constitute cruelty to animals and shall be deemed a Class B Misdemeanor:
1. Subjecting any animal to cruel mistreatment.
 2. Having custody of any animal and subjecting such animal to cruel neglect.
 3. Cruelly and in a willful and malicious manner, killing, maiming, wounding, beating or torturing any animal.
 4. Impounding or confining or causing the impoundment or confinement of an animal in any place and failing to supply such animal during confinement with sufficient food, water and exercise.
 5. Overworking any domestic animal when such animal is unfit for labor.
 6. Failing to provide any domestic animal with proper food, drink, proper care, and shelter or protection from the weather.
 7. Abandoning any animal.
- B. This Section shall not be deemed applicable to accepted veterinary practices or activities carried on for scientific research and as provided in K.S.A.21-4310 (2).
- C. Any dog found to be cruelly treated shall be placed with the Humane Society for adoption or disposition at the owner's expense.
- D. Sentence enhancement is appropriate refer to Sec. 3-215

REVISED: (*Code1982; Ord. No. 3595-06, 09-20-06*)

State law references-Cruelty to animals, K.S.A. 21-4310, 21-4311, 29-409; custody of cruelly treated animals, K.S.A. 21-4311.

Sec. 3-201A Traps prohibited; exception; penalty.

For purposes of this section, the following terms shall be given the meanings stated in this Subsection:

Animals- includes all animals vertebrate or invertebrate, wild or domesticated, including those animals in the zoological class of "aves" commonly referred to as fowl.

Traps- means and includes all manner of mechanisms or devices intended or used for the purpose of capturing animals by physically clamping parts of the trap around any portion of the animal's anatomy, except traps for eradication of mice, rats and other domestic vermin.

Prohibition- It shall be unlawful for any person, firm, or corporation to utilize or employ the use of traps for any purpose whatsoever within the City limits.

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Penalty- Any person, firm or corporation who shall violate any of the provisions of this Section or who shall aid, abet or assist in the violation of any of the provisions of this Section shall be determined guilty of a Class B Misdemeanor.

Exception- This section does not apply to members of the Police Department in its official line of duty.

REVISED: (Ord. No. 2962-90, 12-27-90)

Sec. 3-202 Animal Control Officer-Appointment.

The City Manager or his designated agent may appoint person(s) to be known as the Animal Control Officer(s), whose duty it shall be to assist in the enforcement of this Chapter. The Animal Control Officer(s) shall be under the direction of the Chief of Police.

REVISED: (Ord. No. 2962-90, 12-27-90)

Sec. 3-203 Animal Control Officer-Right of entry.

The Animal Control Officer shall have the right of entry onto any lots or lands for the purpose of enforcing the provisions of this article. Provided, however, the Animal Control Officer shall not have the right of entry to enclosed dwellings used for residential purposes, except for the purpose of examining or obtaining any animal suspected of having rabies, having been exposed to rabies or having bitten a person or other animal.

(Code 1982)

Sec. 3-204 Authority to take certain animals into custody.

Any Police Officer or Animal Control Officer or any officer or agent of any duly authorized Humane Society or Animal Shelter or licensed veterinarian may take charge of any animal found running at large, injured, abandoned or showing evidence of cruel neglect upon either private or public property and inspect, care for, treat or transport such animal to a duly authorized Humane Society or licensed veterinarian for treatment, boarding or other care; or if it appears the animal is diseased or injured beyond recovery, for disposition.

REVISED: (Ord. No. 2962-90, 12-27-90)

Sec. 3-205 Running at large; penalty.

- A. No domestic animal, except cats, shall be permitted to run at large in the City. Any animal shall be deemed to be running at large when found off the real property of the owner and not under restraint.
- B. Allowing an animal to run at large is a Class C Misdemeanor.
- C. Subsequent offense is a Class B Misdemeanor.
- D. Sentence enhancement is appropriate refer to Sec. 3-215

REVISED: (Code 1982; Ord. No. 3595-06, 09-20-06)

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Sec. 3-206 Keeping animals constituting a health hazard; penalty.

- A. No person shall keep, maintain or harbor within the City any animal which creates a hazard to the health of the inhabitants of the City.
- B. A violation of this section is a Class B Misdemeanor.
- C. Sentence enhancement is appropriate refer to Sec. 3-215

REVISED: *(Code 1982; Ord. No. 3595-06, 09-20-06)*

Cross reference-Sanitary nuisances, § 10-601 et seq.

Sec. 3-207 Duty to remove carcasses; penalty.

- A. The owner of any animal that dies within the City shall, within six hours, cause the carcass to be removed beyond the City limits, and in no case shall such owner permit such carcass to remain in the open air in the City until it becomes offensive in smell.
- B. A violation of this section is a Class C Misdemeanor.

(Code 1982)

Cross reference-Sanitary nuisances, § 10-601 et seq.

Sec. 3-208 Disturbing the peace; penalty.

- A. It shall be unlawful for the owner of any animal to permit such animal to disturb the peace and quiet of the neighborhood.
- B. A violation of this section is a Class C Misdemeanor.
- C. Sentence enhancement is appropriate refer to Sec. 3-215

REVISED: *(Code 1982; Ord. No. 3595-06, 09-20-06)*

Sec. 3-209 Confinement of animals suspected of rabies.

Any owned or wanted dog, cat or ferret which has bitten a person and has thereby caused a laceration of the skin of such person shall be reported immediately and seized and confined in a veterinary hospital or animal shelter approved by the local health officer or his/her designee for a period of not less than 10 days at the expense of the owner of the dog, cat or ferret. All other mammals shall be dealt with in accordance with the Administrative Regulations as promulgated by the Kansas Department of Health and Environment.

REVISED: *(Ord. No. 3011-91, 12-04-91; Ord. No. 3272-98, 06-17-98)*

Changed 7-18-05

Sec. 3-209A Quarantined/Immunized.

Dogs, cats or ferrets that have an owner, are wanted by that owner, and are not immunized against rabies and have been exposed to rabies by a known or suspected rabid mammal shall be quarantined for six months at a veterinary hospital, or a facility holding a current state pound and shelter license. These dogs, cats or ferrets shall be immunized against rabies one month before release from quarantine. The local health officer or the local health officer's designee shall authorize the release of the dog, cat, or ferret upon

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payment of the boarding fee. All other mammals and situations dealing with mammals exposed to a known or suspected rabid mammal shall be dealt in accordance with the Administrative Regulations as promulgated by the State of Kansas Department of Health and Environment.

New Section Added: *(Ord. No. 3272-98, 06-17-98)*

Sec. 3-210 Rabies proclamation.

When there is a good and sufficient reason to believe that rabies is existing in or near the City, the Chief of Police, by proclamation and publication in the official paper of the City, may require all persons owning, keeping or harboring domestic animals in the City to confine them or securely muzzle such domestic animals with a wire or leather muzzle for such length of time as may be designated in such proclamation or until otherwise ordered. It shall be unlawful for any person owning, keeping or harboring a domestic animal within the City to permit such domestic animal to run at large in violation of the terms or such proclamation.

REVISED: *(Ord. No. 3011-91, 12-04-91)*

Sec. 3-211 Use of tranquilizer gun authorized; killing authorized.

Any law enforcement officer, including the Animal Control Officer, shall be authorized to use a tranquilizer gun, and further shall be authorized to kill any animal which it is impractical or impossible to capture or tranquilize and that is endangering persons, other animals or property.

REVISED: *(Ord. No. 3011-91, 12-04-91)*

State law reference-Killing of certain dogs lawful, K.S.A. 47-646a.

Sec. 3-212 Trespass and destroying property; penalty.

- A. It shall be unlawful for any person to permit any domestic animal to trespass upon, or do injury to, public or private property.
- B. A violation of this Section is a Class C Misdemeanor.
- C. Sentence enhancement is appropriate refer to Sec. 3-215

REVISED: *(Ord. No. 3011-91, 12-04-91; Ord. No. 3595-06, 09-20-06)*

Cross reference-Sanitary nuisances, § 10-601 et seq.

Sec. 3-213 Keeping vicious animals-Prohibited; penalty.

- A. It shall be unlawful for any person to keep or harbor any vicious animal within the City.
- B. Keeping or harboring a vicious animal is a Class B Misdemeanor.
- C. Sentence enhancement is appropriate refer to Sec. 3-215

REVISED: *(Ord. No. 3011-91, 12-04-91; Ord. No. 3595-06, 09-20-06)*

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Cross reference-Sanitary nuisances, § 10-601 et seq.

Sec. 3-214 Keeping vicious animals-Court action.

Upon a finding by the Municipal Court that any animal in the City is vicious as deemed in Section 3-101, the Judge of the Municipal Court shall order the animal seized, impounded and destroyed by the proper authority. The Judge of the Municipal Court may permit the owner to post cash bond in the sum of up to \$500.00 to ensure that the vicious animal is confined in a manner which protects humans and domestic animals from possible bite and/or attack. The bond shall be held as set forth in Section 3-327. If such vicious animal is found by the judge of the municipal court to have not been confined in an appropriate manner during the bond period, such bond shall be forfeited to the City in addition to any other penalties imposed under Section 3-207. Lack of knowledge by the owner of the viciousness of an animal shall not be a defense to any action brought under this section.

REVISED: (*Ord. No. 3011-91, 12-04-91*)

Sec. 3-215 Sentence enhancements for violation of prohibitions.

The City Prosecutor shall have the authority to seek the enhancement of sentences as provided in this Ordinance by following the following procedure:

1. Enhancement is appropriate if the defendant has violated the same or similar Code at least two (2) times in the preceding five (5) years from the date of the charge of the current violation.
2. The City Prosecutor shall file a notice to enhance the sentence prior to the trial or plea in the current case, and shall provide the defendant notice of the enhancement at least 10 days prior to the plea or trial.
3. For each defendant the enhancement shall be as follows: for the first filing the enhancement shall be double the penalty provisions contained in this chapter; for second and subsequent filings for a defendant the enhancement shall be triple the penalties contained in this chapter.
4. Sentence enhancement is appropriate for violations of the following Sections:
 - 3-201, Cruelty to Animals
 - 3-205, Running at Large
 - 3-206, Keeping Animals Constituting a Health Hazard
 - 3-208, Disturbing the Peace
 - 3-212, Trespass and Destroying Property
 - 3-213, Keeping Vicious Animals

New Section Added: (*Ord. No. 3595-06, 09-20-06*)

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ARTICLE III. DOGS

Sec. 3-301 Dog fighting, penalty.

Every person who by words, sign or otherwise, sets any dog(s) or pup(s) to fight, or causes any dog(s) or pup(s) to attack any other dog or any other animal, or aids or abets or encourages any dog(s) or pup(s) to attack or chase any human being not engaged in malicious or criminal acts, or being the owner, keeper or harbinger of any dog(s) or pup(s) knowingly permits such dog(s) or pup(s) to fight without endeavoring to prevent such fighting, shall be guilty of a Class A Misdemeanor.

(Code 1982)

State law reference-Dog fighting, K.S.A. 21-4315 et seq.

Sec. 3-302 Vaccination requirements; penalty.

- A. It shall be unlawful for any person living within the Corporate Limits of the City to own any dog without first having had the dog inoculated against rabies and paying a registration fee. The registration shall be renewed on an annual basis. The vaccination shall be administered by a licensed veterinarian.
- B. Violation of this section is a Class C Misdemeanor.
- C. Sentence enhancement is appropriate refer to Sec. 3-331

REVISED: *(Ord. No. 3137-95A, 03-22-95; Ord. No. 3595-06, 09-20-06)*

State law reference-Confinement after biting person or other animal, K.S.A. 47-125.

Sec. 3-303 Registration fees; penalty.

Between January 1st and February 15th of each year, the dog owner shall register all dogs owned by her/him at the office of the City Clerk and pay the following fees:

- A. The City Clerk shall collect a registration fee of \$5.00 for each sterilized male or female dog whose owners reside within the Corporate Limits of the City, provided that all dogs belonging to the same household shall be registered in the name of the head of such household; and provided further that if such household contains more than two sterilized dogs, then the City Clerk shall collect a registration fee of \$10.00 for each additional sterilized dog. Before the City Clerk shall issue a tag showing payment of any fees for any sterilized dog, the City Clerk shall require satisfactory evidence of such fact by a certificate of a licensed veterinarian or by a statement verified by affidavit, provided that such evidence may be permanently filed or entered in the book of registration.
- B. The City Clerk shall collect a registration fee of \$15.00 for each unsterilized male or female dog whose owners reside within the Corporate Limits of the City, provided that all unsterilized male or female dogs appertaining to the same household shall be registered in the name of the head of such household.
- C. Failure to register is a Class D Misdemeanor.

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D. Sentence enhancement is appropriate refer to Sec. 3-331

REVISED: (*Ord. No. 3137-95-A, 03-22-95; Ord. No. 3595-06, 09-20-06*)

Sec. 3-304 Late registration fee; exceptions.

A late registration fee of \$2.00 shall be collected by the City Clerk for each month in which the owner fails, neglects or refuses to pay the registration fee provided for in Section 3-303. New residents of the city or persons acquiring a dog or owning a dog that attains age requiring registration shall have 30 days in which to register such dog at the regular fee as set out in Section 3-303. If registered after July 1st, the fee shall be one-half (2) the regular fee as set forth in Section 3-303.

(Code 1982)

Sec. 3-305. Registration to be for calendar year.

All registrations issued by the City Clerk shall be valid until December 31st of each year.

(Code 1982)

Sec. 3-306. Registration; procedure.

A vaccination certificate shall be presented to the City Clerk, attested to by a licensed veterinarian. The registration shall be at the Office of the City Clerk of Ottawa, Kansas. The City Clerk, upon presentation of a valid certificate of vaccination issued by a licensed veterinarian, shall record the following information: owner's name and address; color, breed, sex, age, weight, names (if any), and date of vaccination of the dog. After recording said information, the City Clerk shall issue a license to said owner and shall provide for each dog so vaccinated and registered, a tag of metal or other durable substance, having stamped or marked thereon the registration number which corresponds to the number of the registration record. This tag shall be kept on the dog at all times. The person making application shall sign the registration form which shall be conclusive evidence of the application for registration. The City Clerk may, between December 1st and January 15th, of each year, cause notice to be given of the registration period for dogs by publication once in the official city newspaper.

REVISED: (*Ord. 3137-95-A, 03-22-95*)

Sec. 3-307 Duty of owner to affix tag; penalty.

- A. It shall be unlawful for the owner of any dog to permit such dog outside the dwelling of the owner without a collar or harness. The tag required in Section 3-306 shall be securely affixed to the collar or harness of each dog registered. The tag shall be situated on the collar or harness in such a manner that it may at all times be easily visible. Replacement tags shall be issued for \$1.00 each.
- B. Failure to exhibit a tag on the dog is a Class C Misdemeanor.

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Sec. 3-308 Requirements for transient dogs; penalty.

- A. The provisions of this article with respect to registration shall not apply to any dog owned by any person temporarily remaining within the City less than thirty (30) days, or any dog brought into the City for less than thirty (30) days. Such dogs shall be kept under restraint by the owner.

(Code 1982)

Sec. 3-309 Running at large prohibited; penalty.

- A. It shall be unlawful for the owner of any dog or pup to permit such dog or pup to run at large within the Corporate Limits of the City at any time. Any dog or pup shall be deemed to be running at large when found off the real property of the owner and not under restraint. It shall be lawful for the Animal Control Officer or other person duly appointed by the City Manager to pursue and capture such dog running at large and to enter a private property, as defined in Section 3-301.
- B. Permitting a dog or pup to run at large is a Class C Misdemeanor.

(Code 1982)

Sec. 3-310 Unclaimed dogs.

- A. Any dog or pup in violation of this article within the City limits may be captured or taken up by the Animal Control Officer of the City or other person duly appointed by the City Manager and impounded in a place provided for that purpose by the City and a record of all dogs or pups impounded with their description containing the following information: color, sex, weight, height, identifying marks, registration number or rabies vaccination number and the date of impounding.
- B. Any dog impounded under this article which has not been claimed within the three (3) day limit as provided in Section 3-311 may be sold to any person. Such person shall be required to have the dog duly registered and inoculated as provided for in Section 3-302. No dog shall be sold to any person who shall use the dog for experimental purposes or who shall not treat such dog in a humane manner.

(Code 1982)

Sec. 3-311 Disposition.

- A. If a dog impounded under this article has no current registration tag, as provided for by Section 3-306, it shall be kept for three (3) days, and if within that time the owner does not appear to claim such dog, it may be sold, euthanized or otherwise disposed of. If, within three (3) days of the impoundment date, the owner of an impounded dog shall appear and claim such dog, the dog shall be turned over to the person claiming it upon payment of an impounding fee of \$25.00 if picked up within 24 hours, and \$5.00 for each additional day or portion thereof such dog remains impounded, and upon compliance with the requirements of Sections 3-303 and 3-306.

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- B. If a dog so impounded has a current registration tag attached to it, the owner of such dog, as shown by the records of the City Clerk, shall be notified as soon as possible within a three (3) day impounding period. If at the end of three (3) days the City Clerk has been unable to locate the owner or the owner refuses to claim or redeem the dog, then the dog may be sold, euthanized or otherwise disposed of.

- C. If a dog so impounded does not have a current registration tag and a rabies vaccination certificate, and such dog is reclaimed by the owner, then the City Clerk shall give such owner a registration form, and a duplicate thereof shall be presented to the Animal Control Officer, and such owner shall pay all impounding fees and register and have such dog vaccinated. If the owner has not complied with this section within seven (7) days, such dog shall be subject to disposal.

(Code 1982)

State law reference-Euthanasia of animals, K.S.A. 41-1718.

Sec. 3-312 Number of dogs limited, exception.

It shall be unlawful to own, keep or harbor more than four (4) dogs that are to be kept at the same address or on the same premises within the corporate limits of the City of Ottawa, Kansas, except where an approved kennel is permitted by city zoning regulations.

REVISED: *(Ord. No. 3675-08, 03-05-08)*

Sec. 3-313 thru 3-319. Reserved.

Sec. 3-320 Unspayed female dogs; confinement; penalty.

- A. An unspayed female dog shall be kept securely confined in an enclosed place while in heat.

- B. A violation of this section is a Class C Misdemeanor.

(Code 1982)

Sec. 3-321 Imported dogs; registration; transferring registration; penalty.

- A. All dogs brought into the City shall comply with rabies vaccinations. If said imported dog remains more than thirty (30) days, said dog shall be registered in accordance with the provisions of this article.

- B. A violation of this section is a Class C Misdemeanor.

(Code 1982)

Sec. 3-322 Requirements for sale; penalty.

- A. It shall be unlawful for any person, firm or corporation to sell or attempt to sell dogs or pups in the City without furnishing a certificate showing the date of birth of such dog or pup and its name and address, or a health certificate from a licensed veterinarian, which

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certificate shall be transferred to the purchaser of such dog from the person selling the dog.

- B. It shall be unlawful to sell any dog over six months of age unless the dog has first been inoculated against rabies and a certificate of vaccination issued.
- C. A violation of this section is a Class C Misdemeanor.

(Code 1982)

Sec. 3-323 Transfer fee.

If there is a change in ownership of a dog during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$1.00. The tag and license receipt shall not be transferable.

(Code 1982)

Sec. 3-324 Maintenance requirements; penalty.

- A. *Cleanliness-* It is hereby declared to be a nuisance and unlawful for any person to maintain any dog or pup in an area that is not at all times clean, dry and sanitary and free from excessive debris, garbage, water and offensive odors. All yards and pens shall be cleaned daily.
- B. *Drainage of premises-* All dog pens and yards shall be so located that an adequate drainage is obtained and normal drying occurs and standing water is avoided.
- C. *Inspection by City-* All premises subject to the right of entry as defined in Section 3-203 on which dogs are kept shall be subject to inspection by Animal Control Officers. If the authorized personnel of the City determines from such inspection that the premises is not being maintained in a clean and sanitary manner, s/he shall notify the owner or keeper of the dogs in writing to correct the sanitation deficiencies within 48 hours after notice is served on him.
- D. Any person failing to comply with the requirements of the Animal Control Officer shall be guilty of a Class C Misdemeanor.
- E. Sentence enhancement is appropriate refer to Sec. 3-331

REVISED: *(Code 1982; Ord. No. 3595-06, 09-20-06)*

Sec. 3-325 Cruelty to dogs or pups; penalty.

- A. It shall be unlawful for any person to neglect, deprive of necessary sustenance, cruelly beat, mutilate or cruelly kill a dog or pup or cause or procure a dog or pup to be deprived of necessary sustenance, cruelly beaten, mutilated or cruelly killed. Any dog found to be cruelly treated shall be placed with the Humane Society for adoption or disposition at the owner's expense.
- B. Cruelty to dogs or pups is a Class B Misdemeanor.

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- C. Sentence enhancement is appropriate refer to Sec. 3-331

REVISED: *(Code 1982; Ord. No. 3595-06, 09-20-06)*

Sec. 3-326 Opening pound; interfering with officer; penalty.

- A. It shall be unlawful for any person other than a duly authorized officer to break open or attempt to break open any enclosure in which dogs or pups are confined or held pursuant to the provisions of this article, or to take or let out any dog or pup placed therein by an officer of this City, or take or attempt to take from an officer of this City any dog or pup taken by him, or in any manner interfere with or hinder any officer of this City in catching or taking up any dog or pup.
- B. A violation of this section is a Class B Misdemeanor.

(Code 1982)

Sec. 3-327 Bond; forfeiture.

- A. Any cash bond posted as ordered by the Municipal Court under Section 3-214 shall be held by the City Clerk for a period of one (1) year, subject to forfeiture provisions of Section 3-214. Such cash bond shall be accompanied by an accurate color photograph and detailed written description of the vicious dog or other animal in question. No interest shall inure to the benefit of any person posting such a bond. During the one-year bond period, the person may reclaim the bond posted by providing the City Clerk with a sworn statement signed by the owner of the vicious dog or other animal stating that such vicious dog or other animal is either (1) deceased or (2) has been removed from the City and will not be returned. If such a statement is not received by the City Clerk during the one-year period, the cash bond shall be deemed forfeited. Any bond forfeited shall be paid to the City Treasurer and deposited in the general operating fund of the City.
- B. The filing of a false statement under this section shall be considered an ordinance violation punishable by a fine of up to \$500.00.

REVISED: *(Ord. No. 3011-91, 12-04-91)*

Sec. 3-328 Right of entry; penalty.

- A. It shall be unlawful for any person to conceal a dog or pup or interfere with the Animal Control Officer or any law enforcement officer in the performance of his legal duties, as provided in this Chapter. The officers shall have the right of entry onto any unenclosed lots or lands for the purpose of collecting any dog or pup which is on such lot or land in violation of this article and whose presence or existence is a violation of the provisions of this article. The officers shall have the right of entry to any property or premises for the purpose of examining or obtaining any dog or pup suspected of having rabies, having been exposed to rabies or having bitten a person or other animal.
- B. A violation of this section is a Class B Misdemeanor.

(Code 1982)

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Sec. 3-329 Pit bulls; keeping prohibited.

No person shall in any way keep, harbor, own or possess within the Corporate Limits of Ottawa, Kansas, any pit bull dog; provided, that pit bull dogs registered with the City on or before October 12, 1987, may be kept within the City subject to the standards and requirements as follows:

- A. *Leash and muzzle-* No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- B. *Confinement-* All pit bull dogs must be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. In addition, all structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- C. *Confinement indoors-* No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- D. *Signs-* All owners, keepers or harborers of registered pit bull dogs within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words, "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- E. *Insurance-* All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide proof to the City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City Clerk.
- F. *Identification photographs-* All owners, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this ordinance provide to the City Clerk two (2) color photographs with different poses of the animal clearly showing the color and approximate size of the animal.
- G. *Reporting requirement-* All owners, keepers or harborers of pit bull dogs must within ten (10) days of the incident, report the following information in writing to the City Clerk as required hereinafter:
 - 1. The removal from the City or death of a registered pit bull dog.

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2. The birth of offspring of a registered pit bull dog.
 3. The removal of the newborn dog as required in Section 9 hereinafter.
 4. The new address of a registered pit bull dog owner should the owner move within the Corporate City Limits.
- H. *Sale or transfer of ownership prohibited-* No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.
- I. *Animals born of registered dogs-* All offspring born of pit bull dogs registered within the City must be removed from the City within six (6) weeks of the birth of such animal.
- J. *Irrebuttable presumptions-* There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section 3-330 of this article is in fact a dog subject to the requirements of this section.
- K. *Failure to comply-* It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City to fail to comply with the requirements and conditions set forth in this Ordinance. Any dog found to be the subject of a violation of this Ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in revocation of the license of such animal resulting in the immediate removal of the animal from the City.
- L. *Violations and penalties-* Any person violating or permitting violation of any provision of this Ordinance shall, upon conviction in Municipal Court, be fined a sum not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the County Jail for a period not to exceed thirty (30) days. In addition, the Court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City, the Municipal Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Ordinance shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this Ordinance.
- M. *Severability-* If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.
- N. Sentence enhancement is appropriate refer to Sec. 3-331

REVISED: (Code 1982, Ord. No. 3595, 09-20-06)

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Sec. 3-330 Pit bulls; defined.

The term "pit bull dog" is defined to mean:

- A. The bull terrier breed of dog.
- B. Staffordshire bull terrier breed of dog.
- C. The American pit bull terrier breed of dog.
- D. The American Staffordshire terrier breed of dog.
- E. Dogs of mixed breeds or of other breeds than those listed in this section, which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers.
- F. Any dog which has the appearance and characteristics of being predominantly of the breed of bull terrier, Staffordshire bull terrier, American pit bull terrier or American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(Code 1982)

Sec. 3-331. Sentence enhancements for violation of prohibitions.

The City Prosecutor shall have the authority to seek the enhancement of sentences as provided in this Ordinance by following the following procedure:

- 1. Enhancement is appropriate if the defendant has violated the same or similar Code at least two (2) times in the preceding five (5) years from the date of the charge of the current violation.
- 2. The City Prosecutor shall file a notice to enhance the sentence prior to the trial or plea in the current case, and shall provide the defendant notice of the enhancement at least 10 days prior to the plea or trial.
- 3. For each defendant the enhancement shall be as follows: for the first filing the enhancement shall be double the penalty provisions contained in this chapter; for second and subsequent filings for a defendant the enhancement shall be triple the penalties contained in this chapter.
- 4. Sentence enhancement is appropriate for violations of the following Sections:

- 3-302, Vaccination Requirements
- 3-303, Registration Fees
- 3-324, Maintenance Requirements
- 3-325, Cruelty to Dogs or Pups
- 3-329, Pit bulls, Keeping Prohibited

New Section Added: (Ord. No. 3595, 09-20-06)

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**ARTICLE IV. POSSESSION OF EXOTIC ANIMALS
WITHIN THE CORPORATE BOUNDARIES
OF THE CITY OF OTTAWA, KANSAS**

Sec. 3-401 Exotic animals; keeping prohibited.

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

(Code 1982)

Sec. 3-402 Exotic animals; defined.

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

- A. All poisonous animals including rear-fang snakes.
- B. Apes; includes all member of the ape family, e.g., Chimpanzees; gibbons; gorillas, orangutans; and saimangs.
- C. Baboons.
- D. Badgers.
- E. Bears.
- F. Bison.
- G. Bobcats.
- H. Cheetahs.
- I. Crocodilians.
- J. Constrictor snakes, four (4) feet in length or more.
- K. Coyotes.
- L. Deer; includes all members of the deer family, e.g., white-tailed deer, elk, antelope.
- M. Elephants.
- N. Game cocks and other fighting birds.
- O. Hippopotami.
- P. Hyenas.
- Q. Jaguars.
- R. Leopards.

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- S. Lions.
- T. Lynxes.
- U. Monkeys.
- V. Ostriches.
- W. Pumas; also known as cougars, mountain lions and panthers.
- X. Raccoons.
- Y. Rhinoceroses.
- Z. Skunks.
- AA. Tigers.
- BB. Wolves.

(Code 1982)

Sec. 3-403 Keeping exotic animals, prohibited; exceptions.

The prohibitions of Section 1 shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:

- A. Their location conforms to the provisions of the zoning ordinance of the City.
- B. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- C. Animals are maintained in quarters so constructed as to prevent their escape.
- D. Animals are maintained in quarters so constructed as not to endanger or cause harm to the animal.

(Code 1982)

Sec. 3-404 Keeping exotic animals; penalty

The Municipal Judge shall have the authority to order any animal deemed vicious, confined, destroyed, or removed from the City.

REVISED: *(Ord. No. 3266-98, 05-06-98)*