

ORDINANCE NO. 3793

AN ORDINANCE AMENDING ALL OF CHAPTER 2, ANIMAL CONTROL REGULATIONS OF  
THE CITY OF DODGE CITY CODE

**CHAPTER II. ANIMAL CONTROL AND REGULATION**

- Article 1. General Provision
- Article 2. Penalties
- Article 3. Keeping of Bees
- Article 4. Pit Bull Dogs

**ARTICLE 1.**

**GENERAL PROVISIONS**

2-101. **DEFINITIONS.** For the purposes of this chapter, the following words and phrases shall mean:

- (a) Abandon the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
- (b) Altered the animal is permanently sterile by any means-operation, accident or birth.
- (c) Animal Shelter the facility or facilities operated by the City or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.
- (d) At-large to be outside of a fence or other enclosure or device which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to an Object within range of public thoroughfares are deemed to be "At-large."
- (e) Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health or vaccination status of the animal causing such bite.
- (f) Companion Animal means:

- (1) cats;

- (2) Dogs;
  - (3) Domestic ferrets;
  - (4) Domestic rodents commonly kept as pets;
  - (5) Domestic rabbits;
  - (6) Reptiles commonly kept as pets, excluding any venomous reptile or any constrictor snake over six foot in length, alligator, caiman, crocodile, anaconda, Komodo dragon, monitor lizard; and
  - (7) Domestic birds commonly kept as pets excluding any fowl. (Ord. 3514).
- (g) Cat any member of the species felis catus, regardless of gender.
- (h) Cruelty means any act of neglect, torture, or torment that causes or if not remedied will cause unjustifiable pain or suffering to an animal.
- (i) Dangerous or Vicious Animal any animal deemed to be dangerous, aggressive, or vicious per section 2-114.
- (j) Dog any member of the species canis familiars, regardless of gender.
- (k) Domestic Animal any horse or other equine, dairy and beef cattle, swine, sheep, goats, fowl, ostrich, emu, llama, alpaca and any other animal defined as such by a promulgated rule.
- (l) Euthanasia the human destruction of a companion animal, domestic animal, or an exotic animal administered by a method which causes immediate unconsciousness.
- (m) Exotic Animal any animal not defined as a "companion animal" or "domestic animal" herein.
- (n) Fowl birds commonly used for meat or egg production or sport which shall include but not be limited to, chickens, ducks, geese, turkeys, guineas and pigeons.
- (o) Harbor to allow any animals to habitually remain, lodge or be fed within one's home, store, yard, enclosure or place of business or any other premises where one resides or has control.
- (p) Humane Live Animal Trap any cage trap that upon activation enclosed an animal without placing any

physical restraint upon any part of the body of such animal.

(q) Immediate Control the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(r) Impound to seize summarily, confine, or restrain in custody.

(s) Kennel any establishment, commercial, residential or otherwise, where more than a total of four (4) dogs and/or puppies are maintained for the purpose of breeding, rearing, training, grooming, or boarding. Also any premises commercial, residential or otherwise where more than four (4) dogs/cats and/or puppies/kittens are harbored. Puppies or kittens born on the premises and less than twelve (12) weeks of age shall not be included in the count.

(t) License the method of caring and the information carried on a dog which identifies the owner of said dog and any other information required by the City of Dodge City.

(u) Own and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any such animal subject to the provisions of the chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.

(v) Owner the person or persons, firm association, partnership or corporation owning, keeping or harboring a companion animal, domestic animal or exotic animal. Also includes any other competent person into whose charge an animal has been placed by the actual owner.

(w) Tether any physical method that restrains a dog by tying it with a rope, chain or any like object to a stationary object.

(x) Vaccinated a companion animal or domestic animal has been administered a vaccine or vaccines against a disease or diseases harmful to itself and/or communicable to others.

(y) Veterinarian a doctor of veterinary medicine licensed by the State of Kansas.

2-102

**ANIMAL CONTROL OFFICER; DUTY TO IMPOUND: CITATION ALTERNATIVE.**

- (a) There is hereby created the position of animal control officer for the City and such officers shall be charge with the enforcement of this chapter. Any person employed by the City as an animal control officer and commissioned by the chief of police shall have such powers and authority as allowed by law in the enforcement of this chapter all animal control officers shall be subject to the supervision and direction of the Chief of Police.
- (b) The animal control officer shall have the authority to seize and impound animals found to be in violation of the provisions of this chapter. Any law enforcement officer employed by the city is also authorized to seize and impound animals found to be in violation of the provisions of this chapter.
- (c) If a complaint is filed in the municipal court for any violation of this chapter, any animal control officer or law enforcement officer shall serve upon the accused person, a written complaint and notice to appear in the city court at a time not less than five days after such notice to appear is served, unless the accused person shall demand an earlier hearing.

2-103.

**SAME; CAPTURE/DESTRUCTION.** When deemed necessary by Law enforcement officers or the animal control officer for the health, safety and welfare of the residents of the City, such officers and/or their agents may:

- (a) Place a humane trap on public property or upon the private property of a requesting or consenting person for the purpose of capturing any animal defined in this chapter chapter as creating a nuisance in the city;
- (b) Use any tranquilizer gun, humane trap, or other suitable device to subdue and capture any animal that is deemed by the animal control officer, to be of danger to itself or to the public health and safety, or to be a nuisance to the public; or

(c) Use firearms or other suitable weapons to destroy any rabid animal, or vicious animal as defined in section 2-114, or any animal creating a nuisance as defined in section 2-110, where such animal is impossible or impractical to catch, capture or tranquilize.

**2-104 SAME; RIGHT OF ENTRY.** The animal control officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter. It shall be unlawful for any person to interfere with the animal control officer or law enforcement officer in the exercise of this right.

**2-105. MUNICIPAL ANIMAL SHELTER ESTABLISHED.** A municipal animal shelter shall be established to carry out the provisions of this chapter. Such a shelter may be operated by a contractor and all services required herein may be provided by a contractor. The shelter shall have the following services and facilities:

(a) The impounding of stray and ownerless companion and domestic animals and animals otherwise in violation of the provisions of this chapter.

(b) Holding facilities for stray or ownerless animals impounded for violations of the provisions of this chapter.

(c) Facilities for the humane destruction of animals.

The shelter may also authorize animal adoption, including medical testing, treatment and sterilization.

**2-105a. DISPOSITION OF UNCLAIMED ANIMALS.** If any animal is not redeemed by its owner or harbinger within the time allowed for redemption thereof, the animal control officer, any authorized law enforcement officer, any authorized veterinarian or any duly authorized shelter personnel may destroy such animal or authorize the adoption of the same for the costs per the provisions of the Kansas Pet Animal Act and the resolution of the City of Dodge City in Ordinance No. 3299.

**2-106. INTERFERENCE WITH ANIMAL SHELTER.**

(a) It shall be unlawful for any person to remove or attempt to remove any animal from a cage, pen or the premises of the animal shelter, unless authorized by an animal control officer or the Municipal Judge.

(b) It shall be unlawful for any person to obstruct, interfere with or hinder in any manner any animal control officer, law enforcement officer, City employee or authorized agent in efforts or actions to seize, take up or impound any animal believed to be in violation of this chapter.

(c) It shall be unlawful for any person to feed or provide care for any impounded animal unless authorized by an animal control officer.

(d) It shall be unlawful for any person to obstruct, interfere with or hinder in any manner the authorized care of an impounded animal.

## 2-107. CRUELTY TO ANIMALS.

(a) It shall be unlawful for any person to subject an animal to cruelty.

(b) Cruelty is further defined to mean that any of the following is a separate act of cruelty:

- (1) for any person to beat or physically injure an animal except that reasonable force may be employed to drive off vicious animals.
- (2) for any person to drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done.
- (3) for any person to own, keep or harbor any
- (4) animal which is not provided with adequate medical
- (5) treatment and is thus infected with any dangerous or incurable disease or suffers from any painful condition.
- (6) for any person to dye or artificially color any animal.
- (7) for any person to promote, stage, hold, manage, in any way conduct, or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or another animals. Also for any person to train any animal to fight or to possess the equipment for training said animals to fight or the equipment used in such fights.
- (8) for any person to own, keep or harbor any animal which is not provided with adequate care, food, drink, air, light, space, shelter, and protection from the elements as necessary for the well-being of such animal.

- (9) for any person to abandon or lease any animal in any place without making provisions for its proper care.
  - (10) for any person to taunt an animal.
  - (11) for any person to poison or attempt to poison an animal.
  - (12) for any person to leave an animal in a vehicle when the temperature is such that it could cause unjustifiable pain or suffering to the animal.
- (c) These provisions shall not apply to the exceptions sanctioned under section 2-108.
- (d) The Municipal Judge may order a person convicted of a violation under this section to transfer the animal involved to the municipal animal shelter where it can be adopted, transferred, or destroyed, as the shelter director deems appropriate.

**2-107a. SAME; EXCEPTIONS.** The provisions of section 2-107 shall not apply to:

- (a) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care.
- (b) Bona fide experiments carried on by commonly recognized research facilities.
- (c) Killing, attempting to kill, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 37 of the Kansas States Annotated.
- (d) Rodeo practices accepted by the Professional Rodeo Cowboy's Association.
- (e) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or by an authorized agent, such as a licensed veterinarian at the request of the owner.
- (f) The humane killing of an animal by a public health official in the performance of his or her official duties.
- (g) The humane killing of an unclaimed animal following the receipt of such animal at a municipal pound or an

incorporated animal shelter by the operator or authorized agents of such establishments.

2-108

**TETHERING OF DOGS RESTRICTED.** It shall be unlawful for any person to continuously tether a dog for more than one continuous hour, except that tethering of the same dog may resume after a hiatus of three continuous hours, for up to three hours total time on tether per day.

(a) For the purpose of tethering a dog, a chain, leash, rope or tether shall be at least ten feet in length.

(b) A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to tether a dog shall not weigh more than one-eighth of the dog's body weight, or due to weight, inhibit the free movement of the animal within the area tethered .

(c) Dogs shall be tethered in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other manmade or natural obstacles.

(d) It is unlawful to attach chains, ropes or other restraints 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.

2-109

**ANIMAL TRAPS.** It shall be unlawful for any person to use, place, set out, or deploy any animal trap above ground, which makes use of a spring gun, spring jaw, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals.

2-110.

**NUISANCE; ANIMAL ACTIVITIES PROHIBITED.** It shall be unlawful for the owner or harbinger of any animal to keep or maintain such animal in the City so as to constitute a nuisance. For the purpose of this section, "nuisance" is defined as any animal which:

(a) Molests or interferes with persons on public or private property, other than that of its owner or harbinger;

(b) Attacks or injures other domestic animals

(c) Damages or fouls public or private property other than that of its owner or harborer, by its activities or with or with its excrement;

(d) Scatters refuse on public or private property, other than that of its owner or harborer;

(e) Causes any condition which threatens or endangers the health or well-being of persons or other animals.

2-111

**NOISE.** If any animal is found to be in violation of the City's noise ordinance (Ordinance No. 3361) it shall be the duty of any owner or harborer of such animal to abate the violation. If any owner or harborer fails to abate the violation, the animal or animals may be seized and impounded by any animal control officer or law enforcement officer in order to abate the condition. Said animal is subject to adoption and removal from the city or it may be destroyed by the order of the municipal judge after a hearing.

2-112

**ANIMAL CONFINES.** It shall be unlawful for any person to:

(a) Keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that may reasonably annoy others, and devoid of rodents and vermin.

(b) Excrement shall be removed at least once a week from any pen or yard area where animals are kept, or more often if necessary to prevent or control odors, insects and vermin. If excrement is stored on the premises, it shall be stored in adequate containers with fly-tight lids.

(c) All animal pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) It shall be unlawful to maintain any animal pen or kennel, or to tether any animal closer than 25 feet to the dwelling house of another, other than that of the owner of the animal.

(e) All premises on which animals are kept shall be subject to inspection by Animal Control Officers or Law Enforcement Officers. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded.

Animals impounded shall be released after fees are paid and the condition which caused the impoundment has been corrected.

2-113 **DEAD ANIMALS.** All dead animals shall be disposed of by the owner or harbinger within 24 hours of the animal's death, by burial, incineration at an approved facility, by rendering or by other lawful means. No dead animal shall be dumped on any private or public property or disposed of in any city-owned refuse container, or any other refuse container, unless authorized by the owner or lessor of the container.

2-114 **AGGRESSIVE ANIMALS.**

- (a) All dogs deemed aggressive by Animal Control, will be spayed or neutered, microchipped, current on rabies vaccinations, and registered with the city of Dodge City through Animal Control.
- (b) All aggressive dogs will be required to be in a 6 sided kennel while outside or on a secure leash if being walked by owner. They shall never be tethered.
- (c) Defined: For purposes of this chapter an aggressive or vicious animal shall include:
- (1) Any animal with a known propensity, or tendency to cause injury or to otherwise threaten the safety of human beings or domestic animals or companion animals; or
  - (2) Any animal which in an aggressive or threatening manner approaches any person in an apparent attack upon the person while on streets, sidewalks, or any public grounds or places or on private property other than on the property of the owner; or
  - (3) Any animal which, unprovoked, attacks or bites or has attacked or bitten a human being or domestic animal; or
  - (4) Any animal which is urged by the animal's owner or harbinger to attack, or whose owner or harbinger threatens to provoke such animal to attack, any animal Control Officer or any Law Enforcement officer while such officer is engaged in the performance of official duty. (Ord. No. 3561)

This section shall not apply to dogs kept by law enforcement agencies for use in the performance of official duties.

(d) Immediate Destruction: Nothing in this chapter shall be construed to prevent the Animal Control Officer or a law enforcement officer from taking whatever action is reasonably necessary to protect the officer or the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

Whenever a complaint is filed in the city court alleging that an animal is vicious and/or aggressive and in violation of this section, the Municipal Court shall determine whether or not the animal is vicious, as defined herein. In making a determination, the Court shall consider the following:

- (1) The seriousness of the attack or injury;
- (2) Past history of attacks or injuries;
- (3) The likelihood of future attacks or injuries;
- (4) The condition and circumstances under which the animal is kept or confined.

If the court finds from the evidence presented that the animal is not vicious, the court shall order the release of the animal to the owner or harbinger, after the payment of any fees or expenses associated with the impoundment of said animal as assessed by the court.

If after trial it is found that the animal is vicious as defined herein, the court may order the animal to be destroyed in a humane manner by the animal control officer or designated agent.

Consent by an owner or harbinger of a vicious animal to have it destroyed, after finding that the animal is vicious, does not relieve or render the owner or harbinger immune from the decision of the court, nor of the fees and fines which result from the animal being in violation of this section.

## **2-115: Control and Protection of animals in general.**

(a) Any owner, keeper or harbor of any Domestic Animal found running at large within the corporate limits of the city shall be deemed guilty of a misdemeanor. Knowledge or intention on the part of the owner, keeper or harbinger shall not be elements of this offense. An Animal Control Officer or Police Officer may seize, impound and cause to be destroyed any such animal, including those animals not within the definitions of the Kansas Pet Animal Act,

using the procedures set out at K.S.A. 47-1710. The Supervisor of Animal Control may return the animal to its rightful owner, keeper or harbinger upon request and may require the payment of boarding, Reclaim, rabies, and city tag charge, for days spent in confinement at the shelter prior to return of the animal.

**2-116: Any person who is convicted of the charge of animal running at large shall be punished as set forth below.**

- (a) Upon a first conviction, Owner has the option of spaying or neutering the animal. If they do not want them altered, they can purchase an Unspayed or Unneutered Dog or Cat License. This fee will be \$50.00 and if they already have a city registration tag, that first tag will be voided out and a new unaltered dog or cat tag will be issued. This will show that the owner of the dog or cat already has been convicted of running at large once.
- (b) Upon a second conviction, Owner must have the animal spayed or neutered and a microchip implanted in the dog or cat traceable to the current owner and registered with the City of Dodge City.
- (c) Upon a third conviction, Owner must purchase a 6 sided pen that the dog or cat can't get out of while outside and not with its owner on a leash. This means the pen must have a top, bottom, and all four sides. Dogs should not be able to dig out or climb out, and the pen must have a lock on the door.

**2-117 IMPOUNDMENT OF RABIES SUSPECTS.**

- (a) Any animal control officer, law enforcement officer or any licensed veterinarian under contract with the City to provide animal control services, hereinafter referred to as the City veterinarian, may seize, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in the city pound, or in a veterinary hospital or animal care facility for a period not to exceed 30 days during which time the city veterinarian shall determine whether or not such animal is suffering from a communicable disease and, if not, the City Veterinarian shall authorize the

release of the animal upon payment by the owner of the boarding costs and any other applicable fees. The City Veterinarian may authorize the keeping of any such animal on the owner's premises if the owner can produce proof of a current rabies vaccination for the animal and demonstrates the facilities and ability to quarantine the animal adequately. If in the opinion of the City Veterinarian symptoms of possible rabies infection develop or the circumstances of the animal bite or scratch incident merit a level of concern requiring such, then the animal shall be destroyed and an examination of brain tissue for rabies conducted. The owner of the animal shall be responsible for the cost of the examination.

(b) In lieu of the provisions of subsection (a), the owner of such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian within the City for observation. Such Veterinarian shall report his or her findings to the shelter Veterinarian in writing. If, in the opinion of the City Veterinarian an examination of brain tissues is justified, then the animal shall be turned over to an animal control officer or the City veterinarian to be killed and the tissue submitted for examination.

(c) Any animal desired for observation by the City Veterinarian under this section shall be delivered to an animal control officer or law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this code. The refusal of any person to so deliver such animal, subjects that person to immediate arrest.

## 2-118. ANIMALS BITTEN BY RABID OR POSSIBLE RABID ANIMALS.

(a) Whenever a companion or domestic animal is bitten by a rabid animal or an animal later proven to be rabid, or a wild animal, it shall be the duty of the owner of the exposed animal to report that fact to an animal control officer or law enforcement officer. It shall also be the duty of the owner of the exposed animal to have the exposed animal destroyed unless:

- (1) The animal which had been exposed had been vaccinated against rabies and such vaccination was current; and

(2)The animal can be quarantined in an appropriate facility for 45 days.

(b)The animal shall be released from quarantine only upon written order from the City Veterinarian declaring the animal to be free of rabies;

(c)If during confinement, the animal was found to have contracted rabies, it shall destroyed.

**2-119. REPORT OF RABID ANIMALS.** It shall be the duty of the owner or harbinger of any animal and practicing veterinarians who become aware of an animal suspicioned or diagnosed as having rabies to report said suspicion or diagnosis to the city veterinarian or animal control officer. This report shall be made immediately upon diagnosis or suspicion of rabies.

**2-120. VEHICULAR ACCIDENTS INVOLVING ANIMALS.** the operator of a motor vehicle which strikes any animal shall stop at once and shall immediately contact the owner of such animal if the owner can be determined. In the event the owner can not be ascertained or located, the operator shall at once report the accident to an animal control officer or law enforcement officer.

**2-121. RABIES VACCINATION REQUIRED.** It shall be unlawful for the owner or harbinger of any dog, cat or ferret over 4 months of age to fail to maintain effective rabies immunization of such dog, cat or ferret. Upon request by an animal control officer or law enforcement officer the owner or harbinger must be able to produce a current, valid, completed certificate of immunization against rabies or the dog, cat or ferret shall be deemed Not be immunized.

**2-122 REGISTRATION REQUIRED.**  
(a)Every owner of any dog over 3 months of age shall annually register with the City of Dodge City his or her name and address with the name, sex and description of each dog owned or harbored within the City. It shall be unlawful for the owner of any newly-acquired dog to fail to register the animal within 30 days from acquisition or bringing the dog into the City. It shall be unlawful for the owner of any previously registered dog to fail to maintain current registration of such dog.

(b)The registration period shall be from January 1st through December 31st of each year.

(c) The City of Dodge City shall collect an annual registration fee as established in the fee schedule set out in Article 9 of Chapter 1.

(d) It shall be the duty of the City Clerk or designated agent, upon receipt of the registration fee herein before required, to record the date of registration, and the name of the owner or keeper, the number of the registration, and the fee paid, and to deliver to the owner or keep of the dog a certificate stating that the person has registered the dog and the number by which the dog is registered. The City Clerk or designated agent shall also deliver to the owner or keeper of the dog a tag with the registration number and the registration year thereon. When any registration tag is lost during a registration period, the owner of the dog may request a duplicate tag for the remainder of the registration period. When so requested, the City Clerk or designated agent shall, upon presentation of the registration certificate, issue a duplicate of such tag without a charge.

(e) It shall be unlawful for any person to take off or remove the City registration tag from any dog belonging to another, or remove the strap or collar to which the same is fastened.

**2-123. SAME; COUNTERFEIT TAG.** It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make or use any false, forged or counterfeited tag or imitation thereof.

**2-124. IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.**

(a) Any companion or domestic animal found in violation of the provisions of this article shall be subject to impoundment by the City.

(b) A record of all dogs impounded shall be kept by the City containing a physical description of the animal, registration number (if any) and the date of impoundment.

(c) If the animal impounded has a current registration tag attached to it or if the staff of the city pound knows the owner of the animal by other means, every reasonable attempt shall be made to contact the owner as soon as

possible or at least 24 hours before such animal is disposed of by destruction, sale or adoption. If, after a minimum of three full days of custody during which the public has clear access to inspect and recover the animals through time periods ordinarily accepted as usual business hours, the city pound staff has been unable to locate the owner, or the owner, upon having been located, fails to redeem or claim the animal, then the animal may be euthanized, sold to or adopted by another person.

(d) If at any time within the impounding period, the owner of an impounded animal does appear to redeem the animal, it shall be turned over to the owner upon payment of the impoundment fee or penalties plus the actual cost of impoundment, and upon compliance with the registration and immunization provisions of this article. This subsection shall not apply to any animal alleged as being vicious under section 2-114, quarantined for rabies observation under section 2-117, or being held as evidence for court regarding a violation of this chapter.

(e) The minimum impoundment fee shall be established in the fee schedule set out in Article 9 of Chapter 1.

(f) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.

**2-125**

**CONFINEMENT OF DOGS IN HEAT.** Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a secure enclosure, and the area of enclosure shall be so constructed that no other dog or dogs may gain access to the confined animal except for purposes of planned breeding. Any female dog that is in the state of estrus (heat) and that is not properly confined, or any such dog that is creating a neighborhood nuisance, may be impounded by an animal control officer or law enforcement officer. All expenses incurred as a result of the impoundment shall be paid by the owner or harbinger.

**2-126**

**EXOTIC ANIMALS.**

(a) It shall be unlawful for any person, partnership, organization, association, business firm or corporation

to keep, maintain, harbor or have in control within the city any exotic animal.

(b) The prohibitions of this section shall not apply to zoos, circuses, carnivals, pet shops, educational institutions, or medical institutions, if:

- (1) Their location conforms to the provisions of the zoning ordinance of the City and any required permits have been obtained from the city; and
- (2) All animals and animal quarters are kept in a clean and sanitary condition so maintained as to eliminate objectionable odors; and
- (3) Animals are maintained in quarters so constructed as to prevent their escape.

2-127

#### DOMESTIC ANIMALS.

(a) It shall be unlawful for any person, partnership, organization, association, business, firm or corporation to own, harbor or maintain any domestic animal within the city without possession of a current valid permit issued by the City of Dodge City which designates the type and number of domestic animals which may be maintained and the location at which they may be kept.

(b) Permits must be renewed on an annual basis and are not transferable.

(c) It shall be unlawful for the owner or harbinger of any domestic animal within the City to fail to display a current permit upon request of any animal control officer or law enforcement officer.

(d) The prohibitions of this section shall not apply to animals temporarily housed at bona fide sale barns, veterinarian offices or hospitals, or other agricultural business or temporarily within the City to participate in fairs, shows, rodeos or other demonstrations, contests or displays.

2-128

#### KENNELS.

(a) It shall be unlawful for any person, partnership, organization, association, business, firm or corporation to operate or maintain any kennel within the City without

possession of a current valid permit issued by the city of Dodge City which designates the number of dogs which may be maintained and the location at which they may be kept.

- (b) Permits must be renewed on an annual basis and are not transferable.
- (c) It shall be unlawful for the owner or operator of any kennel which the city to fail to display a current permit upon request by an animal control officer or any law enforcement officer. (ORD. NO.3387)

## **ARTICLE 2. PENALTIES**

### **2-200 PENALTY.**

- (a) Persons convicted of a violation of this chapter shall be punished by a fine not to exceed \$1000.00, or by imprisonment for no more than 180 days, or by both such fine and imprisonment, except those in violation so Section 2-107 Cruelty to Animals or 2-108 Tethering.
- (b) Any person convicted of a violation of Section 2-107 Cruelty to Animals or 2-108 Tethering, shall be punished by a fine not to exceed \$2,500 or by imprisonment for no more than one year, or by both such fine and imprisonment. (ORD. NO. 3387)

## **ARTICLE 3.**

### **KEEPING OF BEES**

### **2-301**

#### **GENERAL PROVISIONS**

**PURPOSE.** The purpose and objective of the chapter are as follows:

1. To allow the keeping of bees within the City Limits in zones other than Agricultural Zoned areas.
2. To establish regulations and requirements for the keeping of bees.

**ADMINISTRATION:** City staff or other appointed representative shall administer. Implement and enforce the provisions of this chapter.

## DEFINITIONS:

"Abandoned Hive" includes. But is not limited to, a Colony or Hive and equipment a Beekeeper has ceased to manage, is deserted, not maintained or left unattended.

"Apiary" a Hive or collection of Hives including the immediate area surrounding the Hive.

"Bees" means any stage of the common domestic honey bee. *Apis Mellifera* species.

"Beekeeper" is any person or persons who owns. Operates, maintains, possesses or otherwise controls a Hive or is the owner of property upon which a Hive is situated.

"Colony" is a single managed Colony or Hive consisting of a queen and all life stages to support sustenance and reproduction kept by a Beekeeper and synonymous with Hive.

"Flyover Barrier" is a solid wall, fence, or dense vegetation or combination thereof that provides an obstruction through which Bees cannot readily fly.

"Hive" is where a managed Colony is located. A Hive consists of a managed Bee Colony kept in a structure intentionally provided by the Beekeeper for Bee housing. The Bee housing. The Bee housing structure has movable frames to allow the Beekeeper and inspector complete access to the inner living area of the Colony and its contents for manipulations such as re-queening, viewing, evaluation and sampling.

"Hive Pests" means any agent or characteristic in a Managed Bee Colony or Hive that makes the existence of such Colony or Hive detrimental to the apicultural industry, other neighboring apiaries, the environment, or public safety by being kept in a manner as to contain any unhealthy conditions or be a source of Bee Pests which include but is not limited to disease, parasites, fungi, foulbrood, bacteria, microsporidia, virus, insect, nematode, mites, or other organisms that damage Bees or Bee products.

"Neighboring Dwellings" means a place where a person resides and may include, but is not limited to, the following: any part of an attached home, unattached residential office, unattached garage, mobile home, guest home, condominium or apartment.

"Undesirable Bee Behavior" is any behavior exhibited by Bees from a Hive that may result in harm to others. Undesirable Bee Behavior includes, but is not limited to, characteristics of Africanized Bees guarding a larger territorial perimeter around the Hive in greater numbers than is typical of European Bees, responding to minimal or

no provocation into over-defensiveness, aggressiveness, repeated swarming, unpredictability, reactivity, and agitation during, but not limited to, Hive inspection. Bees foraging on flowering vegetation is considered normal And desirable.

2-302

### PROHIBITION

It shall be unlawful for any person to place, establish, or maintain any Hive, box, stand or Apiary or keep any Bees or upon any premises within the city limits unless the Bees are kept in accordance with the provisions of this article.

2-303

### STANDARDS AND REQUIREMENTS

(a) Registration and Permit. Beekeepers shall register the number of Hives and the location of each Hive on the permit application. After submitting all required information, the City will issue a revocable license to the Beekeeper. An initial permit fee shall be Fifty Dollars (\$50.00).

(b) Distance Restrictions. Hives must be located at or greater than the following distances:

1. 50 feet from Neighboring Dwellings
2. 40 feet from any public road or sidewalk.
3. 40 feet from any public park or school.

(c) Flyover Barrier. Beekeepers must maintain an adequate Flyover Barrier of at least six (6) feet in height to Shield any part of a property line and creating a perimeter Around the Hive.

(d) Water Supply Required. Beekeepers shall maintain an Adequate and accessible supply of fresh water available at all times.

(e) Number of Hives. No more that (2) Hives shall be maintained on any property.

(f) Undesirable Hives. No Beekeeper shall own or operate a Hive that exhibits Undesirable Bee Behavior, contains Hive Pests or is an Abandoned Hive.

(g) Signage. Beekeepers must install and maintain a sign, no less than 5 inches by 3 inches, located at each pedestrian gate, indicating the keeping of bees on the property.

2-304.

### VIOLATIONS AND PENALTY

Any violation of any provision of this Ordinance shall be a

Misdemeanor and punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for not more Than six (6) months. Each day of violation after Notification shall constitute a separate offense. Nothing Contained herein shall prevent the City from taking such Other lawful action as necessary to prevent or remedy any violation. (Ord. #3668)

## **ARTICLE 4.**

### **PIT BULL DOGS**

#### **2-402. DEFINITIONS.**

The following words and phrases when used in this ordinance, shall have the meanings respectively, ascribed to them:

(1) "Enforcement Authority" means the City Manager, Chief of Police, Animal Control supervisor and their respective designees.

(2) "Pit Bull Dog" is defined to mean any and all of the following dogs:

- (a) The Staffordshire bull terrier breed of dog;
- (b) The American Staffordshire terrier breed of dogs;
- (c) The American Pit Bull Terrier breed of dog;
- (d) Any other breed commonly known as Pit Bull, Pit Bull Dog, or Pit Bull Terrier;
- (e) Dogs which have the appearance and characteristics of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier or a certified DNA test stating that the dog is less than 51% of the above breeds.

#### **2-403. SPECIAL REGULATIONS.**

Pit bull dogs located within the city limits must be lawfully registered with the City of Dodge City in full compliance with the provisions of this Ordinance. Pit Bull dogs may be kept within the city limits only upon strict

compliance with the standards and requirements set forth in Section 4.

2-404

**Standard and Requirements**

The keeping of a pit bull dog in the City limits shall be subject to the following mandatory requirements, in addition to compliance with all other state and local laws and regulations including the provisions of Section 2-114 of this Chapter 11:

- (a) Leash Requirement Outside of Pen. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length and properly sized. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash or tether outside its kennel or pen unless an adult physically capable of controlling the dog is in physical control of the leash or tether. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings.
  
- (b) Confinement. All pit bull dogs must have a fenced in yard or dog kennel while outside, unless walked by owner on a secure leash. They shall never be tethered.
  
- (c) Breeding Violation. Anyone breeding a pit bull in the city limits without a proper license will pay a fine of \$500.00 and have puppies taken into custody by animal control and rights to them revoked.
  
- (d) Microchipping. All pit bull dogs, at owners expense, shall have an identification microchip implanted in the dog which is compatible with city detection equipment. Such microchipping shall be accomplished by a licensed veterinarian or by the Dodge City Animal Shelter as part of the special permitting process.
  
- (e) Special Collar. All pit bull dogs shall be required to wear a special designated numbered collar at all times when not confined indoors. The collar shall be visible on the dog when it is in a kennel or pen, or on a leash. The collar shall be one issued by the City during the special permit process. If the numbered collar is lost, stolen or damaged to the extent the number is not easily visible, the owner must immediately purchase a replacement collar from the city.



(f) Spayed or Neutered. All owners at the time of application for permit shall provide proof that the pit bull has been spayed or neutered.

This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication of the Ordinance or a summary thereof in the official City newspaper.

ATTEST:   
Connie Marquez  
City Clerk

Jan Wi  
Mayor