

**Title 6
ANIMALS**

Chapters:

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Cross References: Health and sanitation, TMC Title 8, Division 1; hauling of stable manure, offal, house refuse, night soil or dead animals on Kansas Avenue, TMC 9.05.050; animal noise, TMC 9.45.330; animals prohibited on buses, TMC 10.40.060; Topeka Zoological Park, Chapter 11.35 TMC.

State Law References: Livestock and domestic animals, K.S.A. Chapter 47.

Chapter 6.05 GENERAL PROVISIONS

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6.05.010 Definitions.

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

- (a) “Animal shelter” means any premises designated by city administrative authority for the purpose of impounding and caring for animals held under authority of this title.
- (b) “Dangerous dog” shall mean any of the following:
 - (1) 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
 - (2) 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 other than on the property of the owner; or
 - (3) Any dog which, unprovoked, attacks or bites, or has attacked or bitten a human being or domestic animal; or
 - (4) Any dog which was previously determined to be a vicious animal pursuant to the previous Topeka City Code 18-8 or TMC [6.05.080](#); or
 - (5) Any dog owned or harbored primarily for the purpose of dogfighting shall only be considered dangerous if the dog is evaluated and dangerousness is concluded by a licensed veterinarian or a dog trainer certified by the Certification Council for Professional Dog Trainers with experience in evaluating dogs seized in similar cruelty cases.

(6) 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.

(7) 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 or if the dog was protecting or defending her litter of offspring or offspring on the owner’s property, within the immediate vicinity of the dog, from an attack or assault.

(8) Nothing in this chapter shall be deemed to regulate or prohibit the lawful maintenance and use of dogs by law enforcement agencies or include actions by a law enforcement dog while on duty or while performing duties.

(c) “Exposed to rabies” means an animal which has been bitten by or subjected to danger, attack or harm by any creature known to have been infected with rabies.

(d) “Humane killing” 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 Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that report), 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.

(e) “Humane society” means the Helping Hands Humane Society in the city or any animal shelter contracted with the city of Topeka which is licensed by the state of Kansas.

(f) “Owner” means any person owning, keeping, possessing or harboring any animal, or any person operating a kennel. A parent or legal guardian shall be deemed to be an owner of dogs owned or maintained by children upon their premises.

(g) “Secure enclosure” or “secure six-sided enclosure” shall mean a pen, kennel or structure with secure sides, a secure top attached to the sides and a secure bottom or floor attached to the sides of the pen or embedded in the ground no less than two feet. The secure enclosure must be at least six feet from any public sidewalk or street. The secure enclosure, other than a residence, must be locked with a key or combination lock when animals are within the enclosure. If the secured enclosure is a residence, then all doors, windows or other means of egress shall be secured in a manner to prevent an animal from escaping. All secure enclosures must comply with all zoning and building regulations of the city. All secure enclosures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

- (h) "Supervision" means within visual and auditory range of the owner.
- (i) Tether. When used as a verb, "tether" or "tethering" shall mean fastening a dog or cat to a stationary object, pulley run line or a stake. When used as a noun, "tether" or "tethers" shall mean a chain, leash, rope, cable, chain, string, leather or nylon strap, or any other material used to fasten a dog or cat to a stationary object, pulley run line or a stake.
- (j) "Vicious" means a cross, ferocious or dangerous disposition or a habit, tendency or disposition to snap, attack or bite any person or domestic animal. (Ord. 19473 § 1, 9-28-10.)

Cross References: Definitions generally, TMC 1.10.020.

6.05.020 Violations of title, mandatory minimum punishment.

The judge of the municipal court of the city shall, upon a conviction of any section in this title, other than TMC [6.05.080](#), sentence the owner, harbinger or possessor of such animal as follows:

- (a) Fine. A fine of not less than \$1.00 or more than \$499.00; or
- (b) Imprisonment. Imprisonment in the city jail for not more than 179 days; or
- (c) Both Fine and Imprisonment. Both fine and imprisonment not to exceed subsections (a) and (b) of this section. (Ord. 19473 § 2, 9-28-10.)

Cross References: Municipal judge, TMC 2.25.150.

6.05.030 Transportation and handling charges imposed in certain cases.

If a person is convicted of a violation of a section in this title and the animal was transported by the city police department to an animal shelter, then the judge of the municipal court shall impose and collect \$30.00 for handling and transportation of the animal. (Code 1981 § 8-8. Code 1995 § 18-3.)

Cross References: Municipal judge, TMC 2.25.150; police department, TMC 2.25.230.

6.05.040 Cruelty to animals.

- (a) It shall be unlawful for any person to recklessly or intentionally:
- (1) Kill, injure, maim, torture, burn or mutilate any animal;
 - (2) Abandon or leave any animal in any place without ensuring provisions for its proper care;
 - (3) Have physical custody of any animal and fail to provide such food, potable water, protection from the elements, opportunity for exercise adequate to maintain health, or other care as is needed for the health or well-being of such animal;

(i) Food. Food shall be wholesome, free from contamination, and of sufficient quantity and nutritive value to maintain the animal(s) good health. Animals shall be fed at least once a day except as dictated by veterinary treatment, normal fasts or other accepted practices. All food receptacles shall be kept clean.

(ii) Potable Water. Adequate fresh water shall be made available to animals on a regular basis.

(iii) Protection from the Elements. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and prevent severe discomfort of such animals. When sunlight is likely to cause overheating, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight. Owners of animals kept outdoors or in an unheated enclosure shall provide the animal with the following minimum standards of shelter:

(A) It shall include a moisture proof and windproof structure of suitable size to accommodate the animal and allow retention of body heat and shall be made of durable material with a solid floor.

(B) It shall be provided with a sufficient quantity of clean, suitable bedding material consisting of hay, straw, cedar shavings, or the equivalent, to promote insulation and protection against cold and dampness and promote retention of body heat.

(4) Knowingly leave any animal confined in a vehicle for more than five minutes in extreme weather conditions, defined as more than 80 degrees Fahrenheit or less than 30 degrees Fahrenheit as the heat or cold index taken in the vehicle shall create a legal, rebuttable presumption of violation of this act;

(5) Use of a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;

(6) Cause, instigate, stage, or train any animal to fight or permit any animal to fight any other animal or human; or

(7) Cause any physical injury other than the acts described in subsection (a)(1) of this section.

(b) It shall be unlawful for any person to attach chains or other tethers, restraints or implements directly to a dog or cat 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:

(1) Continuously tether a dog or cat for more than 15 minutes without supervision; or

(2) Use a tether or any assembly or attachments thereto to tether a dog or cat 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 or cat on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other manmade or natural obstacles; or

(4) Tether a dog or cat 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 a dog without securing its water supply so that it cannot be tipped over by the tether; or

(5) Tether a dog or cat in an open area where it can be teased by persons or an open area that does not provide the dog or cat protection from attack by other animals; or

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

(c) Any public health officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in subsection (a) of this section and subsections thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding and other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, the humane killing thereof.

(d) The owner of an animal killed pursuant to subsection (c) of this section shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.

(e) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to subsection (c) of this section, pending prosecution of the owner of such animal for the crime of cruelty to animals, as defined in subsection (a) of this section, shall be assessed to the owner as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

(f) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in subsection (a) of this section, and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, 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 or other disposition.

(g) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) Bona fide experiments carried on by any research facility that is in compliance with the Animal Welfare Act (7 USC Sections 2131 through 2159), and any amendments thereto;

- (3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Chapter 32 or 47;
- (4) Rodeo practices accepted by the Professional Cowboys Rodeo Association;
- (5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of domestic animals, by the owner thereof or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, law enforcement officer, animal control officer, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;
- (6) With respect to farm animals, normal or accepted practices of animal husbandry including the normal and accepted practices for the slaughter of such animals for food or byproducts and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;
- (7) The killing by any person of any domestic animal which is found outside on private, owned, or rented property on which the domestic animal is trespassing, and which the animal is found injuring, worrying, or posing an immediate threat to any person, domestic animal, or farm animal;
- (8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, or trained police officer or animal control officer using an electronic control device, when such animal is vicious or could not be captured after reasonable attempts using other methods;
- (9) Laying an equine down for medical or identification purposes;
- (10) Normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto;
- (11) Accepted practices of animal husbandry pursuant to regulations promulgated by the United States Department of Agriculture for domestic pet animals under the Animal Welfare Act, Public Law 89-544, as amended and in effect on July 1, 2006; or
- (12) In situations where delay would result in unnecessary and prolonged suffering of an injured or rabid animal, law enforcement officers may utilize alternative means to euthanize such animal. (Ord. 19473 § 3, 9-28-10.)

Cross References: Police department, TMC 2.25.230.

State Law References: Cruelty to animals, K.S.A. 21-4310, 21-4311.

6.05.050 Mistreatment of young fowl, rabbits and other animals.

- (a) It shall be unlawful for any person to possess, display, sell or to give away any ducklings, chicks, fowls or

rabbits as pets, playthings, novelties, gifts, for advertising or sales promotional purposes, or to suffer or cause such animals or fowl to be dyed, colored or in any way artificially treated.

(b) This section shall not be construed to prohibit the display by hatcheries, stores, owners, dealers or persons regularly and continuously engaged in the business of selling such animals or fowl to be raised for food; but no such hatcheries, stores, owners, dealers or persons shall sell or give away baby chicks, ducks, fowls or rabbits as pets, playthings or novelties, nor shall they suffer or cause such animals or fowl to be dyed, colored or in any way artificially treated. (Code 1981 § 8-3. Code 1995 § 18-5.)

6.05.060 Exotic or captive wild animals.

(a) Keeping, Maintaining. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to own, keep, maintain or have in his possession or under his control, within the city limits, any live mammal, bird or reptile.

(b) Selling, Trading. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to willfully sell, offer for sale, trade or offer for trade, within the city limits, any live mammal, bird or reptile.

(c) Buying, Accepting in Trade. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to willfully buy or accept in trade, within the city limits, any live mammal, bird or reptile.

(d) Exceptions. Persons may buy, own, accept in trade, keep, maintain, possess, sell, offer for sale, trade or offer for trade:

- (1) Domestic dogs.
- (2) Domestic cats.
- (3) Domestic hoofstock.
- (4) Rodents.
- (5) European ferrets.
- (6) Rabbits.
- (7) Birds, except for ostriches, emus, rheas and cassowaries.
- (8) Nonvenomous snakes less than eight feet in length.
- (9) Nonvenomous lizards, except all species of monitor lizards shall be prohibited.
- (10) Turtles, except snapping turtles.
- (11) Amphibians.

(12) Fish.

(13) Invertebrates.

(e) Exemptions.

(1) The prohibitions in subsections (a) through (c) of this section shall not apply to bona fide zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(2) The prohibitions in subsection (a) of this section shall not apply to:

(i) Medical institutions.

(ii) Post-secondary educational institutions.

(iii) Veterinary clinics in possession of the animals prohibited under this section.

(iv) Circuses, if properly licensed by the city.

(v) Carnivals, if properly licensed by the city.

(vi) Persons designated and licensed as animal rehabilitators by the state Fish and Game Commission.

(vii) Disabled persons with permanent mobility impairments who qualify to obtain assistance of a service monkey; provided, that:

(A) The service monkey is *Cebus apella* (capuchin monkey);

(B) The service monkey is owned and trained by a registered 501(c)3 nonprofit organization, Helping Hands Simian Aides for the Disabled, Inc., that assists disabled persons living with permanent physical disabilities; and

(C) The service monkey does not leave the residence of the qualified disabled person, except for one veterinary examination per year or in the event of medical emergency to the service monkey.

(viii) Persons listed in subsections (e)(2)(i) through (vii) of this section who are temporarily transporting such animals through the city, except that circuses and carnivals need not be licensed by the city if merely temporarily transporting an otherwise prohibited animal through the city.

(f) Sanitary Requirements. All persons and institutions listed in subsection (e) of this section must ensure that all animals and animal quarters conform to the provisions of the nuisance ordinances of the city and are kept in a clean and sanitary condition and so maintained as to limit objectionable odors; and shall ensure that all

animals are maintained in quarters which are adequately constructed so as to prevent their escape.

(g) Licensing. All persons and institutions listed in subsection (e) of this section must be properly licensed, if so required, by any rule or regulation promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state, or by any rule or regulation promulgated by any agency or department as authorized by state statute.

(h) Violations. A violation of any provision of this section shall constitute a new and separate offense each calendar day the violation continues to exist.

(i) Destruction or Removal of Prohibited Animals. Upon conviction of a violation of this section, the judge of the municipal court of the city may order the owner, harbinger, keeper or possessor to destroy or remove from the city any animal prohibited under this section. (Ord. 19859 § 1, 11-12-13.)

Cross References: Municipal judge, TMC 2.25.150.

6.05.070 Injuring or killing of wild and undomesticated animals unlawful – Exceptions.

(a) It shall be unlawful for any person to injure, kill, maim, molest, torture or destroy any wild or undomesticated animal in the city; provided, that upon complaint to the police department that any wild or undomesticated animal has caused or is causing damage or destruction of property upon any private premises in the city, such animal may be taken into custody and destroyed by an approved pest control firm or company upon the issuance of a permit by the police department; provided, however, that rats, mice and like rodents infesting any private premises may be controlled and destroyed at any time without a permit.

(b) Notwithstanding the prohibition of subsection (a) of this section, it shall be lawful to kill wild or undomesticated deer or turkeys by bow and arrow provided the bow hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property or privately owned property posted during the hunting season by a person to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.

(c) Notwithstanding the prohibition in subsection (a) of this section, it shall be lawful to kill wild or undomesticated migratory birds, game birds and turkeys by shotgun provided the hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property during the hunting season by an individual participating in a mentor-youth hunting program administered by KDWPT to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land. (Ord. 19703 § 1, 2-14-12.)

Cross References: Police department, TMC 2.25.230.

6.05.080 Dangerous dogs.

(a) 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 TMC [6.05.010](#), the animal control officer or law enforcement officer may seize and impound such animal at the humane society unless the owner agrees to impound the animal at the owner's expense at any veterinarian in the city until the conclusion of any pending municipal court charge regarding the animal. If an animal is ordered to be impounded pursuant to this subsection, the person who owns, harbors, keeps or possesses such animal shall be entitled to a hearing in the municipal court within 14 days of such impoundment to review the propriety of such impoundment and whether a bond may be posted. Impoundment expenses shall be assessed as court costs against a convicted owner and any bond may be applied to such costs.

(b) Dogs seized in connection with dog fighting shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs. Disposition and release of dogs is determined in accordance to K.S.A. 21-4311 and 21-4316 and any amendments thereto.

(c) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause of an act or acts which are made unlawful by the provisions of this section have occurred.

(d) It shall be unlawful for any person to possess a dangerous dog or violate the provisions of this title. Any person found guilty of violating the provisions of this title shall be assessed, fined, and the animal disposed of, as provided below:

(1) If the municipal court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(i) Registration and Microchipping. The owner shall annually register the dangerous dog with the city, on such forms designated by the police chief, and shall have a microchip inserted into the dog by the 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 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 shall be responsible for maintaining with the police department the address of the owner and the dangerous dog. The owner shall notify the police department within seven days of a change in address for the owner and dangerous dog.

(ii) Confinement. All dangerous dogs shall be confined in a secured enclosure. It shall be unlawful for any owner to maintain a dangerous dog upon any premises that does not have a secured enclosure. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling of the owner or outside the secured enclosure unless it is necessary for the owner 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 feet in length, and shall be under the direct control and supervision of the owner 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.

(iii) Sterilization. The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.

(2) Upon conviction of keeping a dangerous dog, the owner shall comply with the provisions of this chapter within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the municipal court, with the clerk of the municipal court no later than 20 calendar days after conviction. Upon receipt, the clerk of the municipal court shall provide a copy of such proof to the legal department and the dog may then be released. If the owner fails to comply with the provisions of this chapter 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 14 days of the finding to the district court pursuant to law.

(e) Dangerous Dog At-Large. Any dog that has been found to be a dangerous dog, or vicious dog under the previous Topeka City Code 18-8 or TMC [6.05.080](#), that is not confined or registered as required pursuant to this chapter shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not more than \$499.00. For a second offense within 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 \$499.00 fine and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The municipal judge shall have no authority to suspend the fine or any portion thereof.

(f) Dangerous Dog – Attack on Human. If any dangerous dog or vicious dog under the previous Topeka City Code 18-8 or TMC [6.05.080](#) shall attack, assault, wound, bite, or otherwise injure or kill, or assist in such injury or killing, a human being, upon conviction the owner shall pay a fine of at least \$499.00 and not more than \$1,000 and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The municipal judge shall have no authority to suspend the fine or any portion thereof.

(g) Dangerous Dog – Attack on Other Animal. If any dangerous dog or vicious dog under the previous Topeka City Code 18-8 or TMC [6.05.080](#) shall kill or wound, or assist in killing or wounding, any domestic animal, upon conviction the owner shall pay a \$250.00 fine, and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The judge shall have no authority to suspend the fine or any portion thereof.

(h) It shall be an affirmative defense to subsections (f) and (g) of this section that the dog was provoked, teased, injured and was protecting itself, its owner, its offspring or another human being.

(i) The impounded dog shall not be destroyed pending any appeals of convictions under subsections (e), (f) and

(g) of this section. The dog shall remain impounded pending the determination of the complaint. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner. In addition to the fines provided in this section, the municipal judge shall have the authority to sentence the person adjudicated guilty of this chapter to serve up to a maximum of six months in jail.

(j) Notwithstanding any other provision of this chapter to the contrary and irrespective of whether the dog has been declared dangerous pursuant to this chapter, the municipal judge may order any dog destroyed if the municipal 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 chapter 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 municipal 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 months in jail and to pay a fine not to exceed \$1,000. (Ord. 19473 § 4, 9-28-10.)

Cross References: City attorney, TMC 2.25.120; police department, TMC 2.25.230; municipal judge, TMC 2.25.150; animal control officer, TMC [6.10.020](#).

State Law References: Permitting dangerous animal to be at large, K.S.A. 21-3418.

6.05.090 Keeping or harboring animals on property upon which no person resides.

(a) More Than One Animal Prohibited. It shall be unlawful for any person to confine, harbor, keep or maintain more than one animal on property uninhabited by humans within the city limits.

(b) Exceptions. The prohibition of this section shall not apply to bona fide:

- (1) Zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.
- (2) Medical institutions.
- (3) Educational institutions.
- (4) Licensed veterinary clinics.
- (5) The humane society.
- (6) Persons or households engaged in the commercial business of buying, selling, training or boarding animals.
- (7) Animals maintained on nonresidential commercial properties for security purposes. (Code 1981 § 8-11. Code 1995 § 18-9.)

6.05.100 Dead animals in public places.

(a) It shall be unlawful for any person to put any dead animal in any street, avenue, alley or other public place in the city and it shall be the duty of the owner, possessor and all persons having knowledge of any dead animal in the city to immediately report it to the city clerk, giving the kind of animal and the place where such animal may be found.

(b) It shall be the duty of the animal control officer, immediately upon the receipt of a report under this section, to remove or provide for the removal of the dead animal. (Code 1981 §§ 8-163, 8-164. Code 1995 § 18-10.)

Cross References: City clerk, TMC 2.25.110; animal control officer, TMC [6.10.020](#).

State Law References: Disposal of dead animals, K.S.A. 47-1201 et seq.

6.05.110 Animal fighting.

(a) Defined. For purposes of this section, the term “animal fighting” means any fight or wrestling match between cocks or other birds, between dogs, bulls, bears or any other animal, or between any such animal and a person, except at exhibits sponsored by licensed rodeos and circuses.

(b) Activities Prohibited. A person who engages in any of the following proscribed conduct shall be guilty of a misdemeanor:

(1) Causing any animal to engage in animal fighting for amusement or financial gain;

(2) Training any animal under circumstances evincing an intent that such animal engage in animal fighting, for amusement or financial gain;

(3) Permitting any act described in subsection (b)(1) or (b)(2) of this section to occur on premises under his control;

(4) Owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting;

(5) Attending an exhibition of animal fighting as a spectator;

(6) Placing or accepting a wager at any place where an exhibition of animal fighting is being conducted.

(c) Subsections (b)(1) to (b)(4) of this section do not apply to conduct involving dogs. (Code 1981 § 8-10. Code 1995 § 18-11.)

State Law References: Dog fighting, K.S.A. 21-4315 et seq.

Chapter 6.10
ADMINISTRATION AND ENFORCEMENT

Sections:

- [6.10.010](#) Authority of police officers and parks and recreation department employees.
[6.10.020](#) Animal control officer.

6.10.010 Authority of police officers and parks and recreation department employees.

The police officers of the city are authorized to enforce this title and to aid and assist the animal control officer in the enforcement of this title. Employees of the department of parks and recreation are authorized to enforce this title and to aid and assist the animal control officer in the enforcement of this title with respect to animals at large in public parks or recreation areas. (Code 1981 § 8-24. Code 1995 § 18-31.)

Cross References: Department of parks and recreation, TMC 2.25.220; police department, TMC 2.25.230.

6.10.020 Animal control officer.

- (a) There is hereby created an office to be known as animal control officer for the enforcement of ordinances relating to animals.
- (b) The animal control officer shall be appointed by the city manager or designee. The animal control officer shall receive such salary as may be provided by ordinance and shall be responsible to the chief of police. (Ord. 18477 § 1, 7-12-05; Code 1981 §§ 8-22, 8-23. Code 1995 § 18-32.)

Cross References: Police department, TMC 2.25.230.

The following sections refer to animal control officer responsibilities: Municipal court, TMC 2.110.160, 2.110.170, 2.110.180, 2.110.210; animals, TMC [6.05.080](#), [6.05.100](#), [6.20.020](#), [6.20.050](#), [6.20.180](#), [6.20.190](#), [6.30.020](#), [6.30.040](#), [6.30.150](#).

Chapter 6.15 RABIES CONTROL

Sections:

- [6.15.010](#) Report of certain animals.
- [6.15.020](#) Demand to produce animal – Expense.
- [6.15.030](#) Killing or removing certain animals restricted.
- [6.15.040](#) Surrender of animal carcass on demand.

6.15.010 Report of certain animals.

Every person shall promptly report to the public health officer:

- (a) Any animal which bites a person;
- (b) Any rabid animal; or
- (c) Any animal suspected of being rabid. (Code 1981 § 8-181. Code 1995 § 18-56.)

6.15.020 Demand to produce animal – Expense.

An owner, upon demand by the public health officer, shall surrender any rabid animal, any animal which has bitten a human, or any animal suspected as having been exposed to rabies, for supervised quarantine or destruction, which expense shall be borne by the owner, and such animal may be reclaimed by the owner if and when adjudged free of rabies and upon compliance with the permit provisions set forth in this title. (Code 1981 § 8-184. Code 1995 § 18-59.)

6.15.030 Killing or removing certain animals restricted.

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as provided in this chapter, nor remove any such animal from the city limits, without first obtaining written permission from the public health officer. (Code 1981 § 8-186(d). Code 1995 § 18-62.)

6.15.040 Surrender of animal carcass on demand.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the public health officer. (Code 1981 § 8-186(e). Code 1995 § 18-63.)

**Chapter 6.20
DOGS – GENERALLY**

Sections:

Article I. General Provisions

- [6.20.010](#) Definitions.
- [6.20.020](#) Complaint and notice to appear.
- [6.20.030](#) Running at large prohibited.
- [6.20.040](#) Confinement of certain dogs required.
- [6.20.050](#) Breeding.

Article II. Permit

- [6.20.060](#) Required.
- [6.20.070](#) When required.
- [6.20.080](#) Exception – Nonresidents.
- [6.20.090](#) Exception – Seeing-eye dogs, military and police dogs.
- [6.20.100](#) Application.
- [6.20.110](#) Vaccination certificate prerequisite to issuance.
- [6.20.120](#) Fees.
- [6.20.130](#) Term.
- [6.20.140](#) Obtaining permits after deadline – Enforcement procedure.
- [6.20.150](#) Tag.
- [6.20.160](#) Unlawful use.

Article III. Impoundment

- [6.20.170](#) When at large.
- [6.20.180](#) When without a tag.
- [6.20.190](#) Killing of dog when unable to capture.
- [6.20.200](#) Notification of owner.
- [6.20.210](#) Detention period.
- [6.20.220](#) Redemption.
- [6.20.230](#) Failure to redeem.
- [6.20.240](#) Interference.

Article I. General Provisions

6.20.010 Definitions.

The following words, terms and phrases, when used in this chapter and Chapter [6.25](#) TMC, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At Large. An animal shall be deemed to be “at large” when it is not on the property of its owner and not under the physical control of the owner by leash or other similar device; voice control only will not be considered adequate control.

“Attack” means any violent or aggressive physical action or contact.

“Dog” means any domestic or wild dog.

“Kennel” means any person engaged in the business of breeding, buying, selling or boarding dogs.

“Neutered male” means any male dog which by operation has been made infertile or one that has been certified by a licensed veterinarian as being naturally infertile.

“Owner” means any person owning, keeping, harboring or possessing any dog or any person operating a kennel.

“Restraint” means confined by building, fence, leash or other appropriate means, or if accompanied by a competent person and under the person’s immediate control.

“Secure enclosure” means any structure secure on four sides, top and bottom, equipped with a gate or door that has a lock that secures such gate or door from being opened by anyone other than the owner, harborer, keeper or possessor of the dog, as set forth in TMC [6.20.040\(a\)](#).

“Spayed female” means any female dog which has been operated upon to prevent conception.

“Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of dogs. (Code 1981 § 8-41. Code 1995 § 18-86.)

Cross References: Definitions generally, TMC 1.10.020.

6.20.020 Complaint and notice to appear.

The animal control officer shall have the power to issue a complaint and notice to appear against the owner of a dog subject to, but not in compliance with, this chapter and Chapter [6.25](#) TMC; provided, that no owner charged with violating the provisions of TMC [6.20.060](#) shall be convicted of violating TMC [6.20.060](#) if the owner produces in court, or at the offices of the animal control officer, a valid permit for the dog, issued prior to the issuance of the complaint and notice to appear. (Code 1981 § 8-43. Code 1995 § 18-87.)

Cross References: Animal control officer, TMC [6.10.020](#).

6.20.030 Running at large prohibited.

It shall be unlawful for the owner, keeper or harbinger of any dog to permit such dog to run at large. The fact of a dog being found at large shall be prima facie evidence of a violation of this section. (Code 1981 § 8-42. Code

1995 § 18-88.)

6.20.040 Confinement of certain dogs required.

(a) The owner shall confine within a building or secure enclosure:

- (1) Every fierce, dangerous or vicious dog;
- (2) Every dog having a natural propensity to be fierce, dangerous or vicious; and
- (3) Every unspayed female dog in heat, in such a manner that such female cannot come into contact with another dog except for planned breeding.

(b) It shall be unlawful for the owner of any unspayed female dogs to keep such dogs in such manner as to cause a nuisance by attracting male dogs to the premises of such owner. (Code 1981 § 8-44. Code 1995 § 18-89.)

State Law References: Permitting dangerous animals to be at large, K.S.A. 21-3418.

6.20.050 Breeding.

Any business, individual, organization or entity engaged in the practice or business of breeding and/or selling dogs, with or without monetary compensation, shall provide the city treasurer the following information within 10 days after ownership of any dog is transferred:

- (a) The date of the sale or transfer of ownership.
- (b) The name and address of the new owner.
- (c) A description of the dog sufficient for identification by an animal control officer.
- (d) Approximate age of the dog. (Ord. 16374 § 1(8-65), 10-1-91. Code 1995 § 18-91.)

Cross References: City treasurer, TMC 2.25.140; animal control officer, TMC [6.10.020](#).

Article II. Permit

6.20.060 Required.

No person shall own, keep or harbor within the corporate limits of this city any dog over six months of age without first obtaining a permit therefor from the city treasurer, or agent authorized by the city treasurer, who may issue such permit when proper application is made in writing. (Code 1981 § 8-56. Code 1995 § 18-101.)

Cross References: City treasurer, TMC 2.25.140.

6.20.070 When required.

The owner of a dog shall be required to have a permit for the dog upon the date it is brought into the city or attains the age of six months, whichever is later. (Code 1981 § 8-62. Code 1995 § 18-102.)

6.20.080 Exception – Nonresidents.

The permit and vaccination requirements of this article shall not apply to a nonresident dog owner who keeps the dog within the city for not longer than 30 days; provided, that at all times such dog is under restraint. (Code 1981 § 8-57. Code 1995 § 18-103.)

6.20.090 Exception – Seeing-eye dogs, military and police dogs.

A person owning, keeping or harboring a dog that has been retired from the United States armed forces, a registered seeing-eye dog used by visually or hearing-impaired persons, or police or sheriff's department dogs shall not be required to pay the permit fee but shall be subject to all other regulations of this article, including but not limited to the requirement of having the rabies vaccination. (Code 1981 § 8-57.5. Code 1995 § 18-104.)

Cross References: Police department, TMC 2.25.230.

6.20.100 Application.

Applications for dog permits shall be made with the city treasurer or authorized agent upon forms provided by the city treasurer, setting forth such information as necessary to properly implement the terms and provisions of this article. Such forms shall be completed by the applicant and submitted to the city treasurer or authorized agent for validation and, after validation and payment of the permit fee, such forms shall serve as the dog permit. (Code 1981 § 8-58. Code 1995 § 18-105.)

Cross References: City treasurer, TMC 2.25.140.

6.20.110 Vaccination certificate prerequisite to issuance.

No permit shall be issued under this article except upon the presentation of a valid rabies vaccination certificate plainly showing the dog's last vaccination is currently effective and payment of the applicable fee under this article. (Code 1981 § 8-59. Code 1995 § 18-106.)

6.20.120 Fees.

(a) The fees for permits required by this chapter for each permit year are as follows:

- | | |
|---|---------|
| (1) For each unspayed or
nonneutered dog | \$20.00 |
| (2) For each spayed or
neutered dog | \$8.00 |
| (3) For any kennel or pet
shop covering all dogs
kept during the year | \$80.00 |

(b) No fee shall be required of any humane society or veterinary hospital. (Ord. 19611 § 1, 7-26-11.)

6.20.130 Term.

The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit. (Code 1981 § 8-61. Code 1995 § 18-108.)

6.20.140 Obtaining permits after deadline – Enforcement procedure.

(a) Late Charge. If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30-day period, a late charge of \$2.00 shall be assessed for each month the applicant is delinquent in making application, not to exceed a total of \$24.00. The late charge shall be added to and collected with the regular permit. Any portion of a month shall be considered as a full month for the purposes of late charge computation.

(b) Application and Renewal Forms. The city treasurer shall be authorized to mail application forms for permits and reminder notices to any animal owner of which the treasurer has record.

(c) Delinquency Notice. A complaint alleging violation of the renewal provisions of a permit under this article and a notice to appear shall be issued against the owner of a dog subject to but not in compliance with such renewal provisions; provided, that the city treasurer has issued at least 10 days in advance thereof a delinquency notice by United States mail, first class, postage prepaid, to the owner at the last known address of the owner. The complaint and notice to appear will be served as provided by Charter Ordinance No. 37, Section 2 (Appx. A, Section A10-25). A delinquency notice shall include at least the following:

- (1) A title that it is a delinquency notice;
- (2) A statement of late payment charges the owner must pay; and
- (3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) Complaint and Notice to Appear. The complaint and notice to appear as provided in this section shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in municipal court at a particular date and time.

(e) Fines. Any person charged with a violation of TMC [6.20.060](#) shall, upon a plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00. (Code 1981 § 8-66. Code 1995 § 18-109.)

Cross References: City treasurer, TMC 2.25.140.

6.20.150 Tag.

- (a) Upon full compliance with the terms of this article, the city treasurer or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.
- (b) The tag issued pursuant to this section shall be securely attached to the collar or harness of the dog for which such permit and tag is issued and shall be worn at all times the dog is off the premises of the owner.
- (c) If a tag issued for a dog is lost, a new tag may be obtained from the city treasurer upon payment of a replacement fee of \$1.00.
- (d) No person shall attach a tag to any dog other than the one for which the tag was issued. (Code 1981 § 8-63. Code 1995 § 18-110.)

Cross References: City treasurer, TMC 2.25.140.

6.20.160 Unlawful use.

- (a) A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid.
- (b) No person shall use any dog or kennel permit issued for another dog or kennel. (Code 1981 § 8-64. Code 1995 § 18-111.)

Article III. Impoundment**6.20.170 When at large.**

Any dog found to be at large within the city may be impounded in the animal shelter in a humane manner. (Code 1981 § 8-77. Code 1995 § 18-121.)

6.20.180 When without a tag.

The animal control officer may take into custody and impound all dogs not wearing a current registration tag. (Code 1981 § 8-78. Code 1995 § 18-122.)

Cross References: Animal control officer, TMC [6.10.020](#).

6.20.190 Killing of dog when unable to capture.

It shall be lawful for the animal control officer or an assistant, in the performance of duty, to pursue and capture any dog or to kill any dog if they cannot capture such dog. (Code 1981 § 8-79. Code 1995 § 18-123.)

Cross References: Animal control officer, TMC [6.10.020](#).

6.20.200 Notification of owner.

If, by a tag or other reasonable means, the owner can be identified, the animal shelter or its designated agent shall, as soon as possible upon impoundment, notify the owner by telephone or mail of the impoundment of the dog. (Code 1981 § 8-80. Code 1995 § 18-124.)

6.20.210 Detention period.

Impounded dogs shall be kept for a period of not less than 72 hours unless sooner claimed by the owner. (Code 1981 § 8-81. Code 1995 § 18-125.)

6.20.220 Redemption.

(a) The owner shall be entitled to take possession of any impounded dog, except as provided in this section, upon compliance with the permit provisions of this chapter and payment of the impoundment fees.

(b) No owner shall be allowed to redeem any dog impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction.

(c) No owner shall be allowed to redeem any dog found to be rabid or any dog which has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction.

(d) No owner shall be allowed to redeem any dog when, in the judgment of the animal shelter or humane society, the dog should be destroyed for humane reasons.

(e) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, 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 or other disposition. (Ord. 19631 § 1, 8-23-11.)

6.20.230 Failure to redeem.

If an impounded dog is not redeemed within the detention period set forth in TMC [6.20.210](#), then the dog shall be deemed abandoned and title thereto shall pass to the humane society by operation of law. (Ord. 17470 § 1, 2-22-00; Code 1981 § 8-83. Code 1995 § 18-127.)

6.20.240 Interference.

It shall be unlawful for any person to obstruct, hinder or prevent the impounding of any dog running at large contrary to the provisions of this chapter and Chapter [6.25](#) TMC or to break open, destroy or injure the door, gate or enclosure of any impounding area to take or attempt to take therefrom a dog therein impounded. (Code 1981 § 8-84. Code 1995 § 18-128.)

**Chapter 6.25
PIT BULL DOGS**

(Repealed by Ord. 19473)

**Chapter 6.30
CATS**

Sections:

Article I. Generally

- [6.30.010](#) Definitions.
- [6.30.020](#) Complaint – Notice to appear.
- [6.30.030](#) Confinement of female cats in heat.
- [6.30.040](#) Sale or transfer by certain persons – Disclosures.

Article II. Permit

- [6.30.050](#) Required.
- [6.30.060](#) When required.
- [6.30.070](#) Exception for nonresidents.
- [6.30.080](#) Application.
- [6.30.090](#) Vaccination certificate prerequisite to issuance.
- [6.30.100](#) Fees.
- [6.30.110](#) Term.
- [6.30.120](#) Tags.
- [6.30.130](#) Validity – Renewal.
- [6.30.140](#) Obtaining permit after deadline – Enforcement procedure.

Article III. Impoundment

- [6.30.150](#) Cats without current tag.
- [6.30.160](#) Notification of owner.
- [6.30.170](#) Detention period.
- [6.30.180](#) Redemption.
- [6.30.190](#) Failure to redeem.

Article I. Generally

6.30.010 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:

“Cat” means any domestic or wild cat.

“Ear-tipped feral cat” means a cat that is unsocialized to humans and has a temperament of extreme fear or resistance to contact with humans that exhibits a straight-line cutting of the tip of its left ear to indicate that it

has been sterilized and vaccinated against rabies.

“Neutered male” means any male cat which by operation has been made infertile or one that has been certified by a licensed veterinarian as being naturally infertile.

“Owner” means any person owning, keeping, harboring or possessing any cat or any person operating a kennel.

“Secure enclosure” means any structure secure on four sides, top and bottom, and equipped with a gate or door that has a lock that secures the gate or door from being opened by anyone other than the owner, harborer, keeper or possessor of the cat as set forth in TMC [6.30.030\(a\)](#).

“Spayed female” means any female cat which has been operated upon to prevent conception.

“Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of cats. (Ord. 19473 § 33, 9-28-10.)

Cross References: Definitions generally, TMC 1.10.020.

6.30.020 Complaint – Notice to appear.

The animal control officer shall have the power to issue a complaint and notice to appear against the owner of a cat subject to, but not in compliance with, this chapter; provided, that no owner charged with violating the provisions of TMC [6.30.050](#) shall be convicted of a violation of TMC [6.30.050](#) if the owner produces in court, or at the offices of the animal control officer, a valid permit for the cat, issued prior to the issuance of the complaint and notice to appear. (Code 1981 § 8-202. Code 1995 § 18-202.)

Cross References: Animal control officer, TMC [6.10.020](#).

6.30.030 Confinement of female cats in heat.

(a) The owner shall confine within a building or secure enclosure every unspayed female cat in heat, in such a manner that such female cannot come into contact with another cat except for planned breeding.

(b) It shall be unlawful for the owner of any unaltered male or unspayed female cat to keep such cat in such a manner as to cause a nuisance by attracting other cats. (Code 1981 § 8-203. Code 1995 § 18-203.)

6.30.040 Sale or transfer by certain persons – Disclosures.

Any business, individual, organization or entity engaged in the practice or business of breeding and/or selling cats, with or without monetary compensation, shall provide the city treasurer the following information within 10 days after ownership of any cat is transferred:

(a) The date of the sale or transfer of ownership.

(b) Name and address of the new owner.

- (c) Description of the cat sufficient for identification by an animal control officer.
- (d) Approximate age of the cat. (Ord. 16375 § 1(8-220), 10-1-91. Code 1995 § 18-204.)

Cross References: City treasurer, TMC 2.25.140; animal control officer, TMC [6.10.020](#).

Article II. Permit

6.30.050 Required.

No person shall own, keep or harbor within the corporate limits of this city any cat over six months of age without first obtaining a permit therefor from the chief of police, or agent authorized by the chief of police, who may issue such permit when proper application is made in writing. This permit requirement shall not apply to ear-tipped feral cats. (Ord. 19473 § 34, 9-28-10.)

Cross References: Police department, TMC 2.25.230.

6.30.060 When required.

The owner of a cat shall be required to have a permit for the cat upon the date it is brought into the city or attains the age of six months, whichever is later. (Code 1981 § 8-217. Code 1995 § 18-217.)

6.30.070 Exception for nonresidents.

The permit and vaccination requirements of this article shall not apply to a nonresident cat owner who keeps the cat within the city for not longer than 30 days; provided, that at all times such cat is under restraint. (Code 1981 § 8-212. Code 1995 § 18-218.)

6.30.080 Application.

Applications for cat permits shall be made with the city treasurer or authorized agent upon forms provided by the city treasurer, setting forth such information as necessary to properly implement the terms and provisions of this article. Such forms shall be completed by the applicant and submitted to the city treasurer or authorized agent for validation, and after validation and payment of the permit fee, such forms shall serve as the cat permit. (Code 1981 § 8-213. Code 1995 § 18-219.)

Cross References: City treasurer, TMC 2.25.140.

6.30.090 Vaccination certificate prerequisite to issuance.

No permit shall be issued under this article except upon the presentation of a valid rabies vaccination certificate plainly showing the cat's last vaccination is currently effective and payment of the applicable fee under this article. (Code 1981 § 8-214. Code 1995 § 18-220.)

6.30.100 Fees.

- (a) The fees for the permit required by this article, for each permit year, are as follows:

- | | |
|--|---------|
| (1) For each nonneutered
cat | \$20.00 |
| (2) For each neutered
cat | \$8.00 |
| (3) For any pet shop,
covering all cats kept
during the year | \$80.00 |

(b) No fee under this article shall be required of any humane society or veterinary hospital. (Ord. 19611 § 2, 7-26-11.)

6.30.110 Term.

The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit. (Code 1981 § 8-216. Code 1995 § 18-222.)

6.30.120 Tags.

(a) Upon full compliance with the terms of this article, the city treasurer or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar.

(b) The tag issued under this section, or an engraved tag provided by the owner carrying the same information as set out in subsection (a) of this section, shall be securely attached to the collar of the cat for which such permit and tag is issued and shall be worn at all times the cat is off the premises of the owner.

(c) If a tag issued for a cat is lost, a new tag may be obtained from the city treasurer upon payment of a replacement fee of \$1.00.

(d) No person shall attach a tag to any cat other than the one for which the tag was issued. (Code 1981 § 8-218. Code 1995 § 18-223.)

Cross References: City treasurer, TMC 2.25.140.

6.30.130 Validity – Renewal.

A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid. (Code 1981 § 8-219. Code 1995 § 18-224.)

6.30.140 Obtaining permit after deadline – Enforcement procedure.

(a) Late Charge. If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30-day period, a late charge of \$2.00 shall be assessed for each month the applicant is delinquent in making application, not to exceed a total of \$24.00. The late charge shall be added to and collected

with the regular permit fee. Any portion of a month shall be considered as a full month for the purposes of late charge computation.

(b) Application and Renewal Forms. The city treasurer shall be authorized to mail application forms for permits and reminder notices to any cat owner of which the treasurer has record.

(c) Delinquency Notice. A complaint alleging violation of the renewal provisions of the permit issued under this article and a notice to appear shall be issued against the owner of a cat subject to, but not in compliance with, the renewal provisions of this section; provided, that the city treasurer has issued at least 10 days in advance thereof a delinquency notice by United States mail, first class, postage prepaid, to the owner at the last known address of the owner. The complaint and notice to appear will be served as provided by Charter Ordinance No. 37, Section 2 (Appx. A, Section A10-25). A delinquency notice shall include at least the following:

(1) A title that it is a delinquency notice.

(2) A statement of late payment charges the owner must pay.

(3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) Complaint and Notice to Appear. The complaint and notice to appear issued under this section shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in municipal court at a particular date and time.

(e) Fines. Any person charged with violation of this article shall, upon a plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to the plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00. (Code 1981 § 8-221. Code 1995 § 18-225.)

Cross References: City treasurer, TMC 2.25.140.

Article III. Impoundment

6.30.150 Cats without current tag.

The animal control officer may take into custody and impound all cats not bearing a current registration tag. (Code 1981 § 8-231. Code 1995 § 18-236.)

Cross References: Animal control officer, TMC [6.10.020](#).

6.30.160 Notification of owner.

If, by a tag or other reasonable means, the owner can be identified, the animal shelter or its designated agent

shall, as soon as possible upon impoundment, notify the owner by telephone or mail of the impoundment of the cat. (Code 1981 § 8-232. Code 1995 § 18-237.)

6.30.170 Detention period.

Impounded cats shall be kept for a period of not less than 72 hours unless sooner claimed by the owner. (Code 1981 § 8-233. Code 1995 § 18-238.)

6.30.180 Redemption.

(a) The owner shall be entitled to take possession of any impounded cat, except as provided in this section, upon compliance with the permit provisions of this chapter and payment of the impoundment fees.

(b) No owner shall be allowed to redeem any cat impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction.

(c) No owner shall be allowed to redeem any cat found to be rabid or any cat which has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction.

(d) No owner shall be allowed to redeem any cat when, in the judgment of the animal shelter or humane society, the cat should be destroyed for humane reasons.

(e) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, 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 or other disposition. (Ord. 19631 § 2, 8-23-11.)

6.30.190 Failure to redeem.

If an impounded cat shall not be redeemed within the detention period set forth in TMC [6.30.170](#), then the cat shall be deemed abandoned and title thereto shall pass to the humane society by operation of law. (Code 1981 § 8-235. Code 1995 § 18-240.)

Chapter 6.35 LIVESTOCK

Sections:

- [6.35.010](#) Keeping near residences or businesses.
- [6.35.020](#) To be kept in sanitary buildings.
- [6.35.030](#) Swine prohibited.
- [6.35.040](#) Exceptions to restrictions on keeping livestock.
- [6.35.050](#) Nonconforming keeping of livestock.
- [6.35.060](#) *Repealed.*
- [6.35.070](#) Running at large or driving herds prohibited.
- [6.35.080](#) Grazing in public prohibited.

6.35.010 Keeping near residences or businesses.

It shall be unlawful for any person to keep cattle, sheep, goats or other food-producing animals in the city in a building or lot within 200 feet of any existing residence or other existing main use structure other than that of the owner of such animals. (Code 1981 § 8-101. Code 1995 § 18-261.)

6.35.020 To be kept in sanitary buildings.

It shall be unlawful for any person to keep cattle, sheep, goats, equine or any such animals in the city unless such animals are kept in a barn, stable or building which is constructed or equipped with sewer connections, watertight floors approved by the director of environmental code services, flyproof windows and doors and such other sanitary requirements as may be ordered by the director of environmental code services. (Ord. 17076 § 1, 1-28-97; Code 1981 § 8-102. Code 1995 § 18-262.)

6.35.030 Swine prohibited.

It shall be unlawful for any person to rear or keep any swine in the city. (Code 1981 § 8-103. Code 1995 § 18-263.)

6.35.040 Exceptions to restrictions on keeping livestock.

The provisions of TMC [6.35.010](#) through [6.35.030](#) shall not apply to any person engaged in the packinghouse business, or in selling or shipping cattle, sheep, goats, equine or swine insofar as it may be necessary for such parties to bring such livestock into the city and keep such livestock in the city in the legitimate transaction and carrying on of business; provided, that TMC [6.35.010](#) and [6.35.020](#) shall not apply to the keeping of equine on any parcel of land within the city, provided there is an intensity of no more than two horses on a minimum of three acres; and, provided further, that each additional equine shall require an additional one and one-half acres of land to the minimum required. (Code 1981 § 8-104. Code 1995 § 18-264.)

Cross References: Parking vehicle having offensive odor, TMC 10.60.030.

6.35.050 Nonconforming keeping of livestock.

The lawful use of a building or a lot for keeping livestock and which was existing at the time of the annexation of the building or lot to the city may be continued although such use does not conform with the provisions in this chapter. If a nonconforming use of any building or lot for keeping livestock is discontinued for a period of one year, the use of such building or lot shall thereafter conform to the provisions of this chapter. (Code 1981 § 8-104.1. Code 1995 § 18-265.)

6.35.060 Livestock as a nuisance.

Repealed by Ord. 19899. (Code 1981 § 8-104.2. Code 1995 § 18-266.)

6.35.070 Running at large or driving herds prohibited.

It shall be unlawful for any person to suffer or permit any livestock owned or controlled by such person to run at large, or to drive any herd of cattle, horses, mules or hogs, or any flock of sheep, upon any street in the city. (Code 1981 § 8-105. Code 1995 § 18-267.)

6.35.080 Grazing in public prohibited.

It shall be unlawful for any person to graze or permit to be grazed any horses, mules, cattle or other livestock upon any street, avenue, alley, public park or the parking of any street or avenue, or to picket out or fasten any such animal upon any such street, avenue, public park or parking of any street or avenue, or upon premises adjoining thereto, in such manner as to permit such stock to go upon or across any street, avenue, sidewalk, public park or parking of any street or avenue in the city. (Code 1981 § 8-106. Code 1995 § 18-268.)

Chapter 6.40 FOWL

Sections:

- [6.40.010](#) Keeping of domestic fowl regulated.
- [6.40.020](#) Running at large prohibited.
- [6.40.030](#) Destruction of birds and bird's nests prohibited – Exceptions.

6.40.010 Keeping of domestic fowl regulated.

It shall be unlawful for any person to keep or maintain any domestic fowl upon any private premises in the city (when such keeping is lawful under other ordinances of the city) within 50 feet of any dwelling other than that of the owner or tenant of the premises on which such fowl are kept or maintained, or to keep or maintain such fowl at any time on any premises in a manner or condition constituting a public nuisance. (Code 1981 § 8-144. Code 1995 § 18-291.)

6.40.020 Running at large prohibited.

It shall be unlawful for any person to allow or permit domestic fowl to run or be at large at any time in the city. For the purpose of this section, the term “at large” shall be defined to include those times during which any domestic fowl shall not be confined or kept in pens sufficiently strong or constructed to keep such fowl on the premises of their owner or keeper. (Code 1981 § 8-145. Code 1995 § 18-292.)

6.40.030 Destruction of birds and bird's nests prohibited – Exceptions.

It shall be unlawful for any person to shoot, kill, maim or injure in any manner any bird or fowl of the air in the city, or to destroy the nest of any such bird or fowl, except that:

- (a) English sparrows and starlings or the nests thereof may be destroyed at any time by any person or approved pest control firm or company when such destruction may be done without the use of firearms or other weapons or devices;
- (b) Pigeons or other birds of the air that have become public nuisances by reason of their nesting or roosting on any private premises in the city may, upon complaint to the environmental code services division, be destroyed by an approved pest control firm or company under the conditions of the permit issued by the environmental code services division. (Ord. 17076 § 2, 1-28-97; Code 1981 § 8-146. Code 1995 § 18-293.)