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ORDINANCE NO. 940

AN ORDINANCE OF THE CITY OF MAIZE, KANSAS, PERTAINING TO ANIMAL CONTROL AND REGULATIONS THAT AMENDS ARTICLES 1, 2, 3, 4 AND 5, AND SECTIONS 2-702 AND 2-703 OF CHAPTER II OF THE CODE OF THE CITY OF MAIZE, KANSAS, ADDS A NEW SECTION 2-705, AND THAT REPEALS THE ORIGINAL ARTICLES 1, 2, 3, 4 AND 5, AND SECTIONS 2-702 AND 2-703 OF CHAPTER II OF THE CODE OF THE CITY OF MAIZE, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Maize, Kansas:

SECTION 1. Chapter II, Article 1 Amended. Chapter II, Article 1 of the Code of the City of Maize, Kansas, is amended to read as follows:

ARTICLE 1. GENERAL PROVISIONS

2-101. DEFINITIONS. For the purpose of this Chapter, the following words and phrases shall mean:

(a) **Abandon:** Includes 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) **Animal:** Any live vertebrate creature, domestic or wild.

(c) **Animal Control Officer:** Any person empowered by the City to enforce or aid in the enforcement of this Chapter.

(d) **Animal Shelter:** Wichita Animal Shelter, which is hereby designated by the City as the facility for the boarding and disposition of any animal impounded under the provisions of this Chapter or any City ordinance or law of the state of Kansas.

(e) **Attack:** Any violent or aggressive physical contact with a person or domestic animal, or violent or aggressive behavior that confines the movement of a person, including, but not limited to, charging, cornering, chasing or circling a person.

(f) **Bite:** Any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(g) **Cat:** Any member of the species *felis catus*, regardless of sex.

(h) **Common Areas of Condominiums, Townhouses and Apartment Buildings:** Includes, but is not limited to, the yards, grounds, garden areas, play areas, clubhouses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways and driveways of condominiums, townhouses or apartment building complexes.

(i) **Control of a Dog or any other animal:** To physically restrain by means of an appropriate pen or by a chain or leash held by a responsible person who possesses sufficient strength for physical control of the animal.

(j) **Direct Control of a Dog:** To physically restrain a dog by a substantial chain or leash by a responsible person who possesses sufficient strength for physical control of the animal.

(k) **Dog:** Any member of the species *canis familiaris*, regardless of sex. Such term shall not include hybrid breeds of dogs which have been bred to a wild animal.

(l) **Guard Dog:** Any dog placed within an enclosure for the protection of persons or property by attacking or threatening to attack any person found within the enclosure patrolled by such dog.

(m) **Harbor:** The act of keeping or caring for an animal or providing premises to which the animal returns for food, shelter, or care.

(n) **Harborer:** See Owner, Keeper, Harboree.

(o) **Humane Traps:** Box-type or live-type traps which do not cause bodily harm to the animal intended to be captured or any animal or person coming in contact with such trap.

(p) **Identification Tag:** The official City of Maize-issued tag with engraved numerical license number.

(q) **Inhumane Treatment:** Any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from the weather; endangers the safety, health or well-being of an animal from heat, cold or lack of adequate ventilation; any treatment such as overloading, overworking, tormenting, beating, mutilating, teasing or other abnormal treatment; or causing or allowing the animal to fight with any other animal.

(r) **Keeper:** See Owner, Keeper, Harboree.

(s) **Livestock:** Includes, but is not limited to, cattle, horses, swine, goats, sheep or other animals, commonly regarded as farm animals. Animals kept as house pets, such as pygmy goats or pot belly pigs, shall not be declared livestock if the animal resides on the property in living conditions commonly associated with the manner of maintaining a pet animal.

(t) **Microchip:** A passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system.

(u) **Mistreatment:** Includes every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

(v) **Neglect:** Includes the failure to provide food, water, protection from the elements, opportunity for exercise or for other normal, usual and proper care for an animal's health and wellbeing.

(w) **Neighbor:** Any person residing within 200 feet from the outermost property line of the property where a domestic animal is owned, kept or harbored.

(x) **Nuisance Animal:** Any animal that commits repeated acts that irritate, perturb or damage rights and privileges common to the public or enjoyment of private property or indirectly injures or threatens the safety of a member of the general public. Such actions include, but are not limited to:

i. Damage to public or private property including, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flower bed, plant, shrub or tree in any manner;

ii. ripping any trash bag or tipping any solid waste collection container which spills or scatters trash, debris, refuse or waste.

iii. Repeatedly defecating upon any public place or upon premises not owned or controlled by the animal's owner, provided that this definition shall not apply where such waste is immediately removed and properly disposed of by the owner of such animal.

iv. Allowing or permitting an animal to be maintained in an unsanitary condition so as to be offensive to sight or smell.

v. Causing a condition which endangers public health or safety.

(y) **Owner, keeper or harboree:** any person who possesses, harbors, keeps, feeds, shelters, maintains or offers refuge or asylum to any animal, or who professes to keeping, owning or harboring such animal. In addition, any person who signs a receipt as owner, keeper or harboree for the return of an animal from any shelter or

animal holding facility shall be presumed to be the owner, keeper or harbinger of the animal. A parent or legal guardian shall be deemed to be an owner, keeper or harbinger of animals owned, kept or harbored upon their premises by minor children who are less than 18 years of age. Such term shall also include any person who exercises control over or is in possession of any such animal. The term "Owner" when used in this Chapter shall be construed to include "Keepers" and "Harborers."

(z) **Person:** any individual, firm, association, joint stock company, syndicate, partnership, corporation, other state franchised business entity such as a professional association, limited liability company, or limited liability partnership, or other organization of any kind.

(aa) **Pet Animal:** Includes dogs, cats, rodents, birds, reptiles, potbelly pigs, pygmy goats and any other species of animal which is sold or retained as a household pet, but does not include skunks and other species of the wild, exotic or carnivorous animals that may be further restricted in this Chapter.

(bb) **Picket:** Attaching a leash, rope, chain, lead or other similar apparatus or device to the body of an animal and another object for the purpose of confining the animal or limiting the movement of the animal.

(cc) **Pit Bull dog:** Any and all of the following dogs:

- i. The Staffordshire Bull Terrier breed of dogs;
- ii. The American Staffordshire Terrier breed of dogs;
- iii. The American Pit Bull Terrier breed of dogs;
- iv. Dogs which have the appearance and physical characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

v. A dog which possesses five out of the following eight characteristics to be a Pit Bull:

1. Head is medium length, with a broad skull and very pronounced cheek muscles, a wide, deep muzzle, a well-defined, moderately deep stop, and strong under jaw. Viewed from the front, the head is shaped like a broad, blunt wedge.

2. Eyes are round to almond shaped, are low in the skull and set far apart.

3. Ears are set high. Uncropped ears are short and usually held rose or half prick, though some hold them at full prick.

4. Neck is heavier and muscular, attached to strong, muscular shoulders.

5. Body is muscular, with a deep, broad chest, a wide front, deep brisket, well-sprung ribs, and slightly tucked loins.

6. Tail is medium length and set low, thick at the base, tapering to a point.

7. Hindquarters are well muscled, with hocks, set low on the legs.

8. Coat is a single coat, smooth, short and close to the skin. Pit Bull puppies have the same characteristics, though in juvenile and adolescent form, muscles along with breadth and depth of head and chest may be less developed. Specifically excepted from this definition is any dog with proof, by a written certification from a veterinarian licensed by the State of Kansas, that the dog does not contain in its lineage any American Pit Bull Terrier, American Staffordshire Terrier or Staffordshire Bull Terrier.

(dd) **Rabbits, Poultry and Domestic Fowl:** Includes; rabbits, pigeons, chickens, chicks, ducks, geese, turkeys, doves, squabs and all similar domestic fowl other than pet animals.

(ee) **Running at Large:** An animal off the premises of its owner and not effectively controlled and restrained by means of a leash, cord, or chain not exceeding ten (10) feet in length. For the purposes of this definition, “the premises of its owner” shall not include common areas of the grounds of a condominium, townhouse or apartment, and unrestrained animals upon those areas shall be deemed to be running at large. The phrase “effectively controlled and restrained” does not exclude extendable leashes that are maintained at ten (10) feet of length or less. It shall be a question of fact whether an individual, due to age, ability, or attention was able to effectively control and restrain an animal by means of a leash, cord, or chain of any length.

(ff) **Service Dog:** A dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability as defined by the Americans with Disabilities Act (ADA).

(gg) **Temperature and Ventilation Standard:** The City hereby adopts the standards promulgated by the American Society for the Prevention of Cruelty to Animals (ASPCA) in association with temperature and ventilation standards. The ASPCA has determined that when the outside temperature is 85 degrees, the inside of a vehicle will reach 102 degrees within ten (10) minutes, even with the windows cracked. In half an hour, the temperature inside a closed vehicle will soar to 120 degrees, which can be lethal to an animal in minutes. Because animals cannot sweat, they cannot control their body temperature in intense heat, leading to extensive organ damage, heatstroke or suffocation.

(hh) **Vicious Propensity:** A known tendency or disposition to approach any individual or domestic animal in an attitude of attack when there is no provocation. The tendency or disposition may be shown by previous documented acts of “attack” or “bite” as defined above.

(ii) **Wild Animals:** Includes all species of animals which exist in their natural unconfined state and the majority of such species are not domesticated.

SECTION 2. Chapter II, Article 2 Amended. Chapter II, Article 2 of the Code of the City of Maize, Kansas, is amended to read as follows:

ARTICLE 2: LICENSING AND REGISTRATION

2-201. **REGISTRATION; TAGS.** The owner of any dog of the age of six months or over shall cause the same to be registered with the City. The registration shall be maintained in the City’s electronic permit/registration system. Said registration shall contain the name, address and telephone number of the animal’s owner, the animal’s breed, name, sex, whether spayed/neutered, color and description and such other information as may be deemed necessary. The City Clerk, authorized assistants, or authorized vendors shall, upon payment of the license fee, provide the owner of the dog a receipt and shall also issue a suitable metallic or plastic tag, bearing a number and stating the year for which the tag is issued. The person to whom the tag is issued shall thereafter cause such tag to be attached to a suitable collar or harness worn by the dog.

It shall be unlawful for the owner of any newly acquired dog or any dog brought into the City to fail to register such 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. 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.

At the time of registration, the owner of any dog shall present to the City a certificate from any accredited veterinarian showing that the dog has been vaccinated against rabies with an approved vaccine. This certificate shall also show if the animal is spayed or neutered. The owner shall also provide information regarding whether the dog is contained within a fenced yard or fenced run. The premises shall be available for inspection to insure a fenced yard or fenced run is available that can adequately confine the dog.

It shall be unlawful for any person to make a false statement in an application for a license, and a false statement shall render null and void the license issued.

2-202. ANNUAL LICENSE FEE. There shall be imposed an annual license fee upon owners of each dog the age of six months or over. The standard license fee is \$35 per dog. If the owner furnishes a certificate showing that the animal has been micro-chipped, the license fee is \$25 per animal. If the owner furnishes a certificate showing that the animal has been spayed or neutered the license fee is \$20 per animal. If the owner testifies that the animal is confined in a fenced yard or fenced run, the license fee per animal is \$15. If the owner provides proof that the animal is both spayed/neutered and is confined in a fenced yard or fenced run the license fee per animal is \$10.

All licenses issued under this Article 2 will expire one year from the date the license is issued. A late fee of \$1 shall be assessed for each month beginning 30 days after the expiration of any previous annual registration for failure to renew. Any dog not licensed with the City within a period of 60 days after the licenses has expired may be cited for failure to license a dog. Any person who keeps, harbors or owns an unlicensed dog may be cited for keeping an unlicensed dog.

2-203. INOCULATION AGAINST RABIES REQUIRED. No license tag required by this Chapter for any animal over five months old will be issued unless the owner of the animal furnishes a certificate showing the animal has been inoculated against rabies as set forth below:

i. Inoculation must be performed by a person licensed to practice veterinary medicine in the State of Kansas.

ii. Inoculation must be with a prophylactic vaccine approved by the United States Department of Agriculture and listed in the current National Association of State and Public Health Veterinarians' Compendium of Rabies Control.

iii. Annually, a veterinarian must certify to the City that such dog has been properly vaccinated in accordance with the current compendium of rabies control. Annually, a new vaccination tag shall be assigned to such dog.

iv. Unless a licensed veterinarian certifies to the City that such vaccination would be injurious to such dog due to its age or health, all dogs or cats must be vaccinated for rabies by a licensed veterinarian at least every three years. Ferrets must be vaccinated for rabies annually.

2-204. ENUMERATION OF ANIMALS. The City Council may require an annual enumeration of all dogs and cats owned within the City. The enumeration shall account for the number and ownership of all dogs and cats owned in the City and the City shall do whatever follow up is necessary to ensure that all dogs over six months

harbored in the City are vaccinated and licensed.

- 2-205. FEES TO GENERAL FUND. All fees, charges and penalties paid to or collected by the City under or pursuant to the provisions of this Article shall be paid to the City Clerk and credited to the general operating fund.

SECTION 3. Chapter II, Article 3 Amended. Chapter II, Article 3 of the Code of the City of Maize, Kansas, is amended to read as follows:

ARTICLE 3. ANIMAL CONTROL AND PROTECTION

- 2-301. UNLAWFUL KEEPING OF ANIMALS. It shall be unlawful for any person to keep, harbor, own or in any way possess within the corporate limits of the City:

(a) on premises of less than one (1) acre of contiguous land area: any horse, donkey, mule or other equine; sheep; goat; swine; cow, ox or other bovine; or large ratite;

(b) not more than one of the animals listed at Section 2-301(a) may be kept, harbored, owned or in any way possessed on premises that are between one acre of contiguous gross land area and less than two (2) acres of contiguous land area;

(c) one (1) additional animal per acre, above the number allowed in Section 2-301(a)(1) of the animals listed at Section 2-301(a), may be kept, harbored, owned or possessed on premises that consist of contiguous land area that is two (2) acres or larger; i.e., two of the above-listed animals on two acres or more, three on three acres or more, four on four acres or more, etc.

(d) Roosters (male chickens), guinea cocks, peacocks or other birds that by nature exhibit loud calls;

(e) More than two (2) rabbits or more than three (3) fowl on any one (1) premises;

(f) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates such as apes, chimpanzees, gibbons, gorillas, orangutans, siamangs, and baboons, as well as bears, bison, bobcats, cheetahs, crocodilians, constrictor snakes, coyotes, deer, white-tailed deer, elk, antelope, moose, elephants, game cocks or other fighting birds, hippopotami, hyenas, jaguars, leopards, lions, lynxes, monkeys, ostriches, pumas, cougars, mountain lions, panthers, raccoons rhinoceroses, skunks, tigers, foxes and wolves; but excluding ferrets and small rodents of varieties used for laboratory purposes);

(g) Any mammal, amphibian, fish, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics would constitute a danger to human life, physical well-being, or property, including but not limited to snakes which are venomous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup including, but not limited to, boa constrictors, Madagascar ground boas, green and yellow anacondas, Cuban boas, Indian pythons, reticulated pythons, African rock pythons, Amethystine pythons, Boelens pythons and all members of the family pythonidae that exceed 6 feet in length;

- 2-302. COLLAR OR HARNESS REQUIRED. The owner of any dog shall cause the same to wear a collar or harness while such animal is outside the dwelling of the owner. The tag required in Section 2-201 shall be securely affixed to the collar or harness of each dog registered. The tag shall be situated on the collar or harness in such a manner that it may at all times be easily visible to law enforcement officers or

animal control officers of the City. When so requested, replacement tags shall be issued for \$1 each, upon presentation of the receipt. 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 on which the same is fastened.

2-303. PRESENTATION OF ANIMAL. The owner of any animal shall physically produce the animal for observation, identification or inspection when requested to do so by a City animal control officer or law enforcement officer investigating a violation of the animal control and/or welfare laws of the City, provided the officer has probable cause to believe a crime or violation of the animal control laws has been committed. Failure to do so is unlawful.

2-304. NUMBER OF DOGS AND CATS PERMITTED; PERMITS. The owning, keeping or harboring of up to a maximum of two dogs and up to a maximum of three cats upon any premises or property or in any dwelling or living quarters of any type within the City is permitted. There shall be a rebuttable presumption that the owning, keeping or harboring of more than two dogs and/or three cats upon any premises or property or in any dwelling or living quarters of any type within the City shall be considered a nuisance and is prohibited; provided:

(a) Any person who desires to own, keep, or harbor more than two dogs and/or more than three cats may apply to the City Clerk or designee for an "Animal Maintenance Permit" that shall, upon issuance, permit the applicant to own, keep or harbor the animals specifically allowed in that permit.

(1) All applicants must rebut the presumption of a nuisance and adequately show that special circumstances exist that justify the keeping of the subject animals, and that the keeping of additional animals will not create a nuisance in the surrounding neighborhood, that humane care will be provided and that the premises where the animals are kept is suitable for the keeping of multiple animals and is in conformity with all City zoning requirements. The criteria to be evaluated include, without being limited to, the following:

(A) That the animals will be kept or maintained at all times in a safe and sanitary manner;

(B) That the quarters in which such animals are kept or confined will be adequately lighted and ventilated and are so constructed and maintained that they can be kept in a clean and sanitary condition;

(C) That the health and wellbeing of the animals will not in any way be endangered by the manner of keeping or confinement;

(D) That the keeping of such animals will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;

(E) That the keeping of such animals will not cause fouling of the air by offensive odors and thereby create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animals are kept or harbored;

(F) That the animals will not unreasonably annoy humans, endanger the life, health or safety of other animals or persons or substantially interfere with the rights of citizens to the enjoyment of life or property.

(G) That the animals will not repeatedly run or be found at large, will not damage or deposit excretory matter upon the property of anyone other than their owner, and will not chase vehicles or molest or intimidate pedestrians or passersby.

(H) That the animals will not make disturbing noises, including but not limited to, continued and repeated or untimely howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors

and others in close proximity to the premises where the animals are kept or harbored, or otherwise be offensive or dangerous to the public health, safety or welfare, by virtue of their behavior, number, type or manner of keeping.

(l) That the applicant, or any person who will share in the care, custody and control of the animals is not currently in violation of or has not previously violated any applicable City, state or federal laws, codes, rules or regulations, including, but not limited to, those pertaining to the care and control of animals and the maintenance of their property, which would reflect adversely on their ability to fully comply with the conditions of the subject permit.

(b) The City Clerk or designated agent shall establish an application process to be followed by all individuals seeking an animal maintenance permit. The permit shall be issued on an annual basis. The fee for such animal maintenance permit shall be \$50 the first year and \$10 for each renewal year. These fees are in addition to regular licensure fees for each animal. All fees shall be nonrefundable and nontransferable. The animal maintenance permit shall be issued for the individual animals listed in the application and shall not be transferable to other animals. Should an animal subject to the permit be replaced, a new application, permit, and \$50 permit fee shall be required. The fact an individual has previously been issued an animal maintenance permit may be considered but shall not be controlling in the decision to issue an animal maintenance permit for a different animal.

(c) The Chief of Police or designated agent shall deny any application where the applicant fails to show proof of the aforementioned requirements, or an examination of the documentation submitted by the applicant or an investigation by an animal control officer or the police department, or both, reveals that in their opinion the applicant has failed to meet the requirements of this Section. Any application for the combination of a maximum of six animals (with a maximum of four dogs; maximum of six cats), shall be required to show proof of meeting the required standards by clear and convincing evidence. The animal control officers or police department shall submit a written report of its investigation stating the factual basis for its recommendation to grant or deny any application. The animal control officers or police department shall consider the comments of neighbors, past violations by applicant, the size, condition and location of the area where the animals will be kept, the size of the animals to be kept, past complaints concerning the applicant, the burden of proof and the criteria set forth in this Section, or any other factors relative to the issue of keeping additional animals.

(d) More than four dogs is considered a kennel. More than six cats is considered a cattery. Kennels and/or catteries are not allowed in any residential area. The Chief of Police or designee may issue a kennel permit to any person who keeps dogs or cats for breeding or selling on a commercial basis within the City. The applicant must be in conformity with the City zoning ordinances and state laws, must not have been convicted of violating the cruelty or animal welfare laws of this or any other jurisdiction, and must make a satisfactory showing that the area for housing the animals will provide a humane standard of care and will not constitute a nuisance to the surrounding neighborhood. The fee for such a blanket permit shall be as follows: 1- 2 litters per year - no license required; 3 or more litters per year, animal pounds and pet stores - \$100 per year. The fee is due on or before February 1st of each year, provided all animals owned, kept or harbored pursuant to this paragraph that are six months of age or older must be licensed in accordance with this Article. In addition, no more than one kennel permit shall be issued per premises.

(e) The permits described in this Section may be revoked by the Chief of Police or designee upon a showing that the animal's place of keeping constitutes a nuisance to the surrounding neighbors, that humane standards of care are not being

met by the permittee, or that a violation of City zoning regulations has occurred, or that the permittee had provided false information in their application.

2-305. DOG CONTROL. (a) Dog Control. All dogs must be confined to the residential property of the owner of the dog; provided, dogs may be taken off the residential property of the owner when:

(1) the dog is on a leash no longer than 10 feet in length and under the control of a responsible person. Whether a person is responsible shall be determined by giving due consideration to the size and temperament of the animal; provided, all dogs determined to be vicious and registered as vicious animals under the provisions of this Article shall be muzzled when off the residential property of the owner and shall be under the control of an adult;

(2) the dog is confined in a cage or within the enclosed interior of a motor vehicle;

(3) the dog is under the control of the owner and during the conduct of an AKC, UKC or other kennel club or organized dog club trial, show or exhibition, or during organized public animal exhibitions or competitions;

(4) the dog is under the control of the owner and during the conduct of training a dog for legal hunting activities, provided that if such training includes the discharge of a firearm, the conditions of the Uniform Public Offense Code and Kansas state law must be complied with; provided further, no training for hunting purposes will be conducted on any property without the permission of the landowner upon whose property the training is occurring; provided further, that such training and/or hunting activities are prohibited from all public parks and recreational facilities.

(b) For the purpose of this Section, confined to the residential property of the owner shall mean, but not be limited to mean, confined either inside the residential structure of the owner or, if outside the residential structure of the owner, the dog shall be physically restrained on a chain or leash or within a suitable fence or other proper method of physical restraint from which it cannot escape; provided:

(1) If the dog is in the physical presence of its owner and on its owner's property and under the demonstrated direct and immediate voice control of its owner, it shall be considered confined to the residential property of its owner. It shall not be considered confined to the residential property of the owner if the dog is off the property of the owner, whether it is under the demonstrated direct and immediate voice control of its owner or not.

(2) Dogs may be confined to the premises of the residential property of their owner by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's property. The collar may be controlled manually by a person or automatically in a predetermined manner. Dogs confined to residential property of the owner by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the front yards of an owner's property. No dog having been found a dangerous animal by the City shall be confined by an electronic fence or an electronic collar.

2-306. RUNNING AT LARGE. (a) It shall be unlawful for the owner of any animal other than a cat or cats to permit the same to run at large.

(b) Any owner of any animal, other than cats, 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 shall not be elements of this offense. The animal control officer may seize, impound and cause to be destroyed any such animal, pursuant to the provisions of K.S.A. 47-1701 *et seq.*, and amendments thereto. The animal control officer may cause any such impounded animal to be returned to its rightful owner upon the payment of a service charge, a boarding fee for days spent in confinement at the shelter prior to the return of the animal, and citations for the animal for running at large, and all other applicable citations for violation of this code.

(c) Any animal injured or found to be ill on public property while running at large shall be removed by an animal control or police officer who shall, if necessary, place such animal or animals in the custody of a doctor of veterinary medicine duly licensed by the state of Kansas for treatment of injury or illness, and the owner of any such animal or animals shall be liable for veterinary, impound or related expenses.

(d) The owner of an injured animal taken to a veterinarian by the animal control officer or a police officer is responsible for payment of charges for veterinary services related thereto. The owner shall reimburse the City for all expenditures the City may pay for veterinary services rendered to or on behalf of the owner's animal under this Section, and the costs and fees may be ordered as restitution associated with any citation issued under this Section.

(e) If any animal dies while running at large on public property, the owner shall be liable for disposal fees established by the animal shelter in addition to penalties for violation of this Section as set out in Article 7.

2-307. HABITUAL VIOLATOR; AGGRESSIVE ANIMAL AT-LARGE. It shall be a separate offense for any person to receive two or more citations for violation of Section 2-306 within a 36 consecutive month period. Such person shall be cited as a habitual violator. Violation of this Section may be found when a single individual has been adjudicated guilty of a violation of Section 2-306(a) regardless of the number of animals involved in such violations. Any person found guilty of a violation of this Section shall be fined a minimum of \$500 and a maximum of \$1,000 for each habitual violator citation. The Municipal Court Judge shall have no discretion to suspend the minimum fine or any portion thereof. A person cited for violation of this Section shall be required to appear in Municipal Court. In addition, the Municipal Court Judge shall have the authority to sentence the individual to up to six (6) months in jail. It shall be a defense to an alleged violation of this Section for the violator to have been adjudged not guilty of a charge under Section 2-306, or that the charge was dismissed without a finding of, or admission of, guilt.

2-308. BARKING DOGS. (a) It shall be unlawful for the owner of any dog to permit such dog, by loud and persistent or habitual barking, howling or yelping, to disturb any person or neighborhood, and the same is hereby declared to be a public nuisance.

(b) Either the animal control officer or a law enforcement officer may issue a citation for violation of subsection (a) above upon receiving two complaints within two weeks for excessive barking by the same dog from at least two separate and independent complainants, or upon receiving one complaint and personally observing such excessive barking.

(c) Complainants shall sign a written complaint noting the date and time of the barking, the length of the barking episode(s), the animal believed/known to be barking, and any additional relevant information concerning the excessive barking.

(d) Animals who are found to bark excessively following teasing or harassment by neighbors shall not be found to have violated this Section.

2-309. ANIMAL BITES. (a) No person who owns, possesses, harbors or exercises control over any animal shall do the following:

(1) Permit or allow the animal to attack or bite any person or domestic animal not on the premises of such owner;

(2) Permit or allow the animal to attack or bite any person or domestic animal upon the premises of the residence of such owner or upon the premises of any business establishment not then open to the public. It is an affirmative defense to this paragraph if such premises are previously posted at each entrance with a prominent and conspicuous sign warning all persons of the animal, and the animal is confined in a proper enclosure. It is also an affirmative defense to this paragraph that the attack or bite by the animal was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, theft or other crime upon the property;

(3) Permit or allow the animal to attack or bite any person or animal upon the premises of any business establishment that is open to the public. It is an affirmative defense to this paragraph that the attack or bite by the animal was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, theft or other crime upon the property.

(b) For the purposes of this Section, the word "permit" shall mean allow or let happen. Knowledge or intention on the part of the person who owns, possesses, harbors or exercises control over the animal shall not be elements of this offense.

(c) The provisions of this Section shall not apply to any law enforcement officer who uses an animal while engaged in law enforcement activities, nor to any owner of any animal which attacks or bites a person engaged in physically attacking or striking such owner.

2-310. CRUELTY TO ANIMALS. (a) Cruelty to animals is:

(1) intentionally killing, injuring, maiming, torturing, mutilating, beating or overworking any animal; this includes, but is not limited to, administering any poisonous substance with the intent that the same shall be taken or swallowed by any animal;

(2) acting or failing to act when the act or failure to act causes or permits pain or suffering to such animal;

(3) abandoning or leaving any animal in any place or releasing or dumping an animal from a vehicle without making provisions for its proper care; in addition, "abandon" means for the owner to leave an animal without demonstrated or apparent intent to recover or resume custody, to leave an animal for more than 12 hours without providing adequate food and shelter for the duration of the absence, or to turn out or release an animal for the purpose of causing it to be impounded;

(4) failing to provide adequate care, adequate food, adequate health care, adequate shelter or adequate water; or

(5) failing to provide veterinary care when needed to treat injury or illness unless the animal is promptly destroyed in a humane manner.

(b) The provisions of this Section shall not apply to:

(1) Normal or accepted veterinary practices;

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

(3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated or as permitted under Section 2-311 or Section 2-307 herein;

(4) Rodeo practices accepted by the Rodeo Cowboys' Association;

(5) 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 the agent of such owner residing outside of the City or the owner thereof within the City if no animal shelter, pound or licensed veterinarian is within the City, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of any incorporated humane society, the operator of an animal shelter or pound, public health officer or 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;

(7) The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing an immediate threat to any person, farm or domestic animal or property; or

(8) The killing of any animal by an animal control officer or law enforcement officer trained in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.

2-311. SEIZURE AND DISPOSITION OF ANIMALS. (a) Any public health officer, animal control 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 herein, and when failure to do so would result in further injury or pain and suffering to the animal. 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 or 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, for humane killing.

(b) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in Section 2-308(a) herein, and the court having jurisdiction 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.

2-312. ABUSE AND NEGLECT OF ANIMALS. (a) It shall be unlawful for an owner of an animal to fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry, and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise. This requires that an owner must offer some freedom from continuous chaining, stabling or tethering. All restraints placed on an animal must be such that it prevents the animal from being tangled or injured by the restraint. The area where animals are kept must also be kept free from unsanitary conditions and vermin-harboring debris.

(b) It is unlawful for any person to offer to give or to give a live animal as a prize or as a business inducement or any other form of gratuity.

2-313. INJURY TO A DOMESTIC ANIMAL. (a) Injury to a domestic animal is willfully and maliciously:

(1) Administering any poison to any domestic animal;

(2) Exposing any poisonous substance with the intent that the same shall be taken or swallowed by any domestic animal; or

(3) Killing, maiming, or wounding any domestic animal.

(b) This Section shall not apply to any person exposing poison upon their premises for the purpose of destroying coyotes or other predatory animals in accordance with state law, nor shall it apply to any licensed veterinarian who administers any such substance in the practice of veterinary medicine in accordance with the standards of the veterinarian profession.

(c) It is unlawful to injure a domestic animal in a willful or malicious way as described in this Section 2-311.

2-314. RESCUE OF ANIMALS FROM VEHICLES. Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life as determined by an animal control or law enforcement officer, such is a violation of this Section and any animal control officer is hereby authorized, with assistance from the police, to enter such vehicle and rescue such animal and thereafter impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this Section and impounded, if such owner cannot be determined.

2-315. COMMERCIAL ANIMAL ESTABLISHMENTS; STANDARDS. Any person operating a commercial animal establishment shall keep and maintain the animals, and all structures, pens, or yards, tanks, ponds or other holding areas in which the animals are kept, in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury and illness to these animals. All holding areas must be properly sanitized so as to keep the animals enclosed therein free of diseases. All such animals shall be provided with a constant supply of wholesome food and water or in lieu of this, the proprietor shall prominently and publicly post and shall follow a schedule for adequate feeding and watering. A schedule shall also be posted for cleaning and maintaining cages and other holding areas at the facility. Any animal that is infected or diseased with an infectious agent shall be immediately isolated in such a manner as to prevent spread of disease to any other healthy animals, and it shall be treated immediately to prevent further condition deterioration or euthanized, and if the owner fails or refuses to provide for such, the supervisor of animal control may remove each/such animal to the animal shelter for disposition. All commercial animal establishments must permit inspection of their records, premises and the animals harbored therein by animal control officers, law enforcement officers and City and state inspection officials. It is unlawful for any person to fail to comply with the standards set out in this Section 2-315.

2-316. UNLAWFUL TRAPPING. Unlawful trapping is the utilization, except for display or exhibition purposes, of any trap, net, snare, or other trapping device which does not painlessly capture or immediately kill its victim; or the utilization of any trap of the type commonly known as steel jaw, leghold traps.

2-317. UNLAWFUL TRADING IN ANIMALS. The giving away of any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contest, game, or other competition; or as an inducement to enter a place of amusement or business; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade is unlawful.

2-318. DESTRUCTION OF CERTAIN ANIMALS. Law enforcement officers or animal control officers of the City or anyone having the authority of an animal control officer, as designated by the City Administrator or Chief of Police, may kill any dog, cat,

domestic animal or warm-blooded animal without notice to the owner thereof, whether or not it bears the required tag, if such dog, cat, domestic animal or warm-blooded animal is deemed by the officer to be a vicious animal, or injured severely with no apparent chance of survival, or in such pain as to warrant humane destruction. The remains of any such animal so destroyed may be preserved by such officers to permit a test to be conducted for rabies.

- 2-319. DISEASE CONTROL; QUARANTINE. When rabies or other communicable diseases are known to exist in the community, or when it is known to exist in neighboring communities, the Mayor may declare a quarantine of all dogs, cats, other domestic animals and any other warm-blooded animals. It shall be the duty of the owner of the dog, cat, other domestic animal and any other warm-blooded animal to keep such dog, cat, other domestic animal and any other warm-blooded animal confined to the premises of such owner and under control.
- 2-320. ENFORCEMENT OF QUARANTINE. It shall be the duty of all animal control officers, or anyone having the authority of an animal control officer, law enforcement officers, or those having the authority of law enforcement officers to enforce such quarantine. The City Administrator and the Chief of Police shall have the right to deputize other persons as needed. Such deputized persons need not seize such animals but shall aid in determining the owner to the end that warrants of arrest can be issued against the violating owners.
- 2-321. DEAD ANIMALS; DUTY TO REPORT. 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 and all persons having knowledge of any dead animal on public property in the City to immediately report the same to the police department, giving the kind of animal and the place where the same may be found. It shall be the duty of the police department, immediately upon receipt of such report, to remove or provide for the removal of such dead animal.
- 2-322. REMOVAL OF DEAD ANIMAL. It is the responsibility of the owner of the premises to remove all deceased animals within 12 hours after the death of such animal. If not so removed, the police department shall cause the animal to be removed and the cost of removal will be assessed against the owner.

SECTION 4. Chapter II, Article 4 Amended. Chapter II, Article 4 of the Code of the City of Maize, Kansas, is amended to read as follows:

ARTICLE 4. DANGEROUS DOGS

2-401. DANGEROUS DOG DESIGNATION; DISPOSITION; APPEAL. (a) The animal control officer, Chief of Police, or their designee, may declare a dog to be dangerous based on:

- (1) the nature of any attack committed or wound inflicted by the animal;
- (2) the past history and seriousness of any attacks or wounds inflicted by the animal;
- (3) the potential propensity of the animal to inflict wounds or engage in aggressive or menacing behavior in the future;
- (4) the conditions under which the animal is kept and maintained which could contribute to, encourage, or facilitate aggressive behavior, such as, but not limited to, allowing the animal to run at large, tethering in excess of legal limits as defined in this Chapter, physical property conditions, presence of young children, the elderly or infirm within or residing near the home, any past violations of this Chapter and/or failing to provide proper care, food, shelter or water.

(b) The Chief of Police, in determining whether a dog is a dangerous dog, shall also consider the following:

- (1) if the dog was actively being used by a law enforcement official for legitimate law enforcement purposes; or
- (2) if the threat, injury or damage was sustained by a person:
 - i. who was committing, at the time, a criminal trespass or other wrongful act upon the premises lawfully occupied by the owner of the dog; or
 - ii. who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or
 - iii. who was committing or attempting to commit a crime; or
 - iv. if the dog was responding to pain or injury.

(b) Upon finding that a dog is dangerous, the Chief of Police or designee will notify the owner of the dangerous dog whether the dog should be removed from the City or may be maintained under conditions described in Sections 2-403, 2-404 and 2-405. Notice will be sent to an owner of a dangerous dog in the following manner:

(1) by personal service at the dog owner's usual place of abode by leaving a copy of the notice with some person of suitable age and discretion residing therein; or

(2) by certified mail addressed to the owner's last known address, or addressed to the location where the dog is maintained/harbored. Service by certified mail will request a return receipt, with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered. Service of process by certified mail shall be considered obtained upon the delivery of the certified mail envelope. If the certified mail envelope is returned with an endorsement showing refusal of delivery or failure to serve the letter for any reason, the Chief of Police or designee shall send a copy of the notice to the owner by ordinary first class mail. This first class mailing will be evidenced by a certificate of mailing. Service will be considered obtained upon the mailing of this additional notice by first class mail.

(c) If the Chief of Police or designee determines a dog is a dangerous dog that should be removed from the City, the owner will have five days after receiving notice

as provided in Section 2-401(b) to remove the dog from the City. If the owner fails to remove the dog from the City within the five-day period, the Chief of Police or designee may cause the dog to be seized, impounded and disposed of. If the Chief of Police or designee determines a dangerous dog may be kept in accordance with conditions described in Sections 2-403, 2-404 and 2-405 the owner will have five days after receiving notice as provided in Section 2-401(b) to come into compliance with conditions set forth in Sections 2-403, 2-404 and 2-405. After the five-day period, if the owner fails or refuses to come into compliance with the conditions set forth in Sections 2-403, 2-404 and 2-405 the Chief of Police or designee may cause the dangerous dog to be seized, impounded and disposed of.

(d) It is unlawful to keep a dangerous dog if the owner of the dog is not in compliance with conditions set forth at Sections 2-403, 2-404 and 2-405 following the five-day period after receiving notice that the dog is a dangerous dog that must be maintained under conditions set forth in Sections 2-403, 2-404 and 2-405.

2-402. APPEAL OF FINDING THAT A DOG IS A DANGEROUS DOG. (a) The owner of a dog declared to be dangerous may request a review of the determination that the dog is a dangerous dog by filing a written request with the City Administrator within ten days of the receipt of a notification from the Chief of Police.

(b) Upon receipt of a request for review, the City Administrator shall hold a hearing within ten days to review the determination by the Chief of Police that a dog is a dangerous dog.

(c) The City Administrator or designee ("City Administrator"), in reviewing a determination of the Chief of Police that a dog is a dangerous dog will consider the factors set out at Section 2-401(a). If the City Administrator decides a dog is a dangerous dog, the City Administrator will decide whether the dog should be removed from the City or may be maintained in compliance with conditions set forth in Section 2-403, 2-404 and 2-405. The Chief of Police or designee shall attend the City Administrator's hearing. The dangerous dog owner and the Chief of Police or designee will present evidence at the hearing. Witnesses who testify at the hearing will be subject to cross-examination.

(d) Pending a decision by the City Administrator on the review, the owner shall comply with the determination of the Chief of Police as to whether the dog should be removed from the City or maintained in compliance with the conditions set forth in Sections 2-403, 2-404 and 2-405. The City Administrator's decision is a final decision which, in compliance with state statute, be appealed to the 18th Judicial District, District Court of Sedgwick County, Kansas.

2-403. DANGEROUS DOG; FAILURE TO CONFINE; DESTRUCTION AND DEFENSES. (a) It is unlawful for an owner of a dog designated to be a "dangerous dog" that is not ordered removed from the City, to permit the dog to be outside an approved or secure enclosure unless the dog is restrained by a substantial chain or leash and under physical restraint by a responsible person who is 18 years of age or older and possesses sufficient strength for physical control of the animal for the purpose of transportation to and from a veterinarian for medical treatment. In such event, the dangerous dog shall be securely muzzled and restrained with a chain or 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.

(b) Secure or approved enclosures required under this Section must be approved by the Chief of Police or designee and be adequately lighted and kept in a clean and sanitary condition.

(c) The owner shall allow access to the property where the dangerous animal is being harbored, to facilitate inspections and insure compliance for the duration of the life of the animal. Failure to allow access shall be *prima facie* evidence of a violation of this Section.

(d) The owner of any dog that has been determined to be dangerous shall be required to have the animal surgically sterilized by a licensed veterinarian within thirty days of the dangerous animal determination, at his or her own expense. The owner shall provide documentation of the sterilization upon completion. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro-chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro-chipping of the dog.

(e) Any owner failing to provide documentation of the sterilization procedure as required by this Section shall be deemed guilty of a misdemeanor, and shall be required to immediately remove the dog from the City.

(f) The owner of any dog that has been determined to be dangerous shall be required to have a microchip, traceable to the dangerous dog and the current owner, inserted into the dog and copies of documentation of said procedure available for review by the animal control officer, Chief of Police, or their designee. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro-chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro-chipping of the dog. Any owner of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

(g) It is unlawful for anyone having prior felony convictions defined in Articles 34, 35, 36, and 43 of Chapter 21, and Article 41 of Chapter 65 of the Kansas Statutes Annotated to possess, harbor, own or reside on any premises with a dangerous dog.

(h) It shall be unlawful for any person to:

(1) harbor, keep or maintain a dangerous dog on property not owned by such person without the written consent of the landowner; or

(2) sell, barter or give away to another person a dog which has been deemed dangerous; or

(3) Own, keep or harbor more than one dog which has been declared dangerous by this Article.

(i) Should a previously determined dangerous dog be found running at large in violation of this Article, and should it attack or inflict injury upon any person, the judge of the municipal court shall, in addition to any other penalty provided in this Chapter, order the dog destroyed; provided, however, the judge of the municipal court may, at his or her discretion, consider whether the attack or injury was sustained by a person who, at the time, was committing a criminal trespass or other wrongful act upon the premises of the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, aroused, or assaulted the dog or was committing or attempting to commit a crime.

2-404.

SIGNS REQUIRED. Upon determination by the animal control officer, Chief of Police, or their designee, the owner of a dangerous dog shall display in a prominent place at the entrance to his or her premises a clearly visible warning sign indicating

there is a dangerous dog on the premises. A similar sign is required to be posted on the secure enclosure in which the animal is harbored.

2-405. REGISTRATION AND INSURANCE. (a) The owner of a dangerous dog shall annually register the dangerous dog with the City on such forms as designated by the Chief of Police or designee, and shall have a microchip, traceable to the current owner of the dog, inserted into the dog. The owner shall complete an application and shall pay an addition \$100 annual registration fee to the City of Maize in addition to normal annual registration fees and shall pay all costs associated with the microchip procedure. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro-chipping of the dog. The owner of a dangerous dog shall notify the City of Maize in writing a minimum of seven days prior to any change in the address of the owner of the dog or the location of the dangerous dog.

(b) The owner of a dangerous dog or approved Pit Bull designated as a service animal required to be registered under this Section shall be required to maintain liability insurance in the amount of \$100,000 per occurrence for such dog against the potential injury or damage liabilities and hazards associated with the ownership or possession of such dog. The owner or person harboring a dangerous dog or Pit Bull shall file with the City of Maize a certificate of insurance reflecting the required minimum insurance.

2-406. PIT BULL DOGS. (a) It is unlawful to own, keep or harbor a dog identified as a Pit Bull as defined by this Chapter; EXCEPT, a Pit Bull may be allowed within the City, after approval by the Chief of Police, if the dog is certified as a service dog that is trained to do work or perform tasks for people with disabilities recognized by the Americans with Disabilities Act and if verifiable certification/documentation declaring the dog as a service animal is provided in writing at the time the dog is registered with the City.

(b) If a Pit Bull is approved to be kept or harbored, the following is unlawful:

(i) to keep or harbor more than one approved Pit Bull.

(ii) to fail to have a Pit Bull spayed or neutered.

(iii) to permit the dog to be outside an approved secure enclosure unless the dog is restrained by a substantial chain or leash and under physical restraint by the registered owner who possesses sufficient strength for physical control of the animal.

(iv) to fail to securely muzzle and restrain the dog with a chain or leash not to exceed four feet in length. 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.

(v) to fail to have an approved Pit Bull micro-chipped, traceable to the dog and the current owner, by the microchip being inserted into the dog.

(vi) to fail to provide to the City copies of documentation of said procedure at the time the dog is registered with the City and to fail to have such documentation available for review by the animal control officer, Chief of Police, or their designee.

(c) Exemptions for Pit Bull dogs shall be reviewed and approved by the Chief of Police or designee on an annual basis at the time of registration renewal under the guidelines of this Section.

(d) For the purpose of this Section, verifiable certification/documentation of a service dog shall mean an identification card or letter with:

i. the legal name of the dog's user;

ii. the name, address and telephone number of the facility, school or trainer

who trained the dog;

iii. what task(s) the dog has been trained to perform; and

iv. a picture or digital photographic likeness of the dog user and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.

v. The Chief of Police may require any other documentation or proof deemed necessary to verify the legitimate use of a Pit Bull as a service dog before allowing the dog to be registered, kept, maintained or harbored in the City.

(e) If the animal is a Pit Bull dog, the owner shall be given five days from receipt of notice to safely remove the dog from the City. After five days from receipt of notice and the failure or refusal of the owner to remove the animal, any animal control officer or law enforcement officer shall forthwith cause the animal to be seized and impounded.

(f) It is unlawful for the owner of a Pit Bull to:

(1) represent that such person has the right to be accompanied by a service dog, unless such person has the right to be accompanied by such dog pursuant to this Article; or

(2) represent that such person has a disability for the purpose of acquiring a service dog unless such person has such disability; or

(3) misrepresent or provide false training or certification documents that such dog is trained as a service dog.

SECTION 5. Chapter II, Article 5 Amended. Chapter II, Article 5 of the Code of the City of Maize, Kansas, is amended to read as follows:

**ARTICLE 5.
[RESERVED.]**

SECTION 6. Chapter II, Article 7, Section 702 Amended. Chapter II, Article 7, Section 702 of the Code of the City of Maize, Kansas, is amended to read as follows:

2-702. **LAW ENFORCEMENT CANINES.** The provisions of this Article shall not apply to law enforcement canines owned, kept and maintained by any commissioned police officer, and certified as trained for law enforcement purposes nor shall the provisions of this Article apply to law enforcement canines brought into the City at the request of the police department for assistance in law enforcement purposes, provided that all law enforcement canines shall be inoculated against rabies as required by Section 2-201.

SECTION 7. Chapter II, Article 7, Section 703 Amended. Chapter II, Article 7, Section 703 of the Code of the City of Maize, Kansas, is amended to read as follows:

2-703. **GENERAL PENALTIES FOR VIOLATIONS.** A person violating any provision of this Article is guilty of a misdemeanor and shall be punished by a fine of not more than \$500 plus any applicable court costs or by imprisonment of not more than six months or both such fine and imprisonment, provided the minimum fine for the following:

Violation	Fine
Violation for Running at Large 1 st offense within 12-month period 2 nd offense within 12-month period 3 rd offense within 12-month period	\$50 \$100 \$200/court appearance
Dog Bite Violations 1 st offense within 12-month period 2 nd offense within 12-month period 3 rd offense within 12-month period	\$150/court appearance \$250/court appearance \$500/court appearance
Failure to confine rabies suspect animal	\$250/court appearance
Failure to obtain dog license	\$50
Failure to vaccinate dog or cat for rabies	\$35
No identification tags	\$35

SECTION 8. Chapter II, Article 7, Section 705 Added. There shall be added to Chapter II, Article 7, a new Section 705 of the Code of the City of Maize, Kansas, and it shall read as follows:

2-705. RESTITUTION. (a) A defendant convicted of a violation of this Article may be ordered to make full restitution for damages incidental and consequential expenses incurred, which arise out of or are related to the offense, provided that, if more than one animal was involved and the acts or actions of either the animals and/or the owner of both animals were in violation of any Sections of this Chapter, restitution shall not be ordered.

(b) Restitution for a conviction under this Article includes, but is not limited to:

(1) the value of the replacement of an incapacitated or deceased animal, the training of a replacement animal if said animal was a guide dog or service animal, or retraining of the affected guide dog or service animal and related veterinary and care expenses; and

(2) medical expenses of the animal user, training of the animal user, if said animal was a guide dog or service animal, and compensation for wages or earned income lost by a guide dog or service animal user; and

(3) the value of the replacement or repair of any property damaged or destroyed.

(c) This Article does not affect civil remedies available for conduct punishable under this Article. Restitution paid pursuant to this Article must be set off against damages awarded in a civil action arising out of the same conduct that resulted in the restitution payment.

SECTION 9. Repeal. The existing Articles 1, 2, 3, 4 and 5 of Chapter 2, and Sections 2-702 and 2-703 of the Code of the City of Maize, Kansas, are hereby repealed.

SECTION 3. Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication of a summary one time in the official City newspaper.

PASSED by the Governing Body, and APPROVED and SIGNED by the Mayor of the City of Maize, Kansas, on this ____ day of _____, 201__.

(SEAL)

Clair Donnelly, Mayor

ATTEST:

Jocelyn Reid, City Clerk