

ORDINANCE NO. 393

AN ORDINANCE PERTAINING TO THE KEEPING OF PIT BULL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF WATHENA, KANSAS, AND PROVIDING FOR THE REGULATION OF ANY PIT BULL DOGS WHICH ARE PRESENTLY IN THE CITY OF WATHENA AND PROHIBITING THE KEEPING OF CERTAIN ANIMALS INSIDE THE CITY OF WATHENA WHICH ARE WARMBLOODED, CARNIVOROUS OR OMNIVOROUS, WILD AND EXOTIC ANIMALS OR ANIMALS HAVING A POISONOUS BITE, THE REGULATION OF THE SAME, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

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

SECTION I. ANIMALS; KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Wathena, Kansas:

(1) Any warmblooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, racoons, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes.

(2) Any animal having poisonous bites.

(3) Any pit bull dog; provided that pit bull dogs licensed with the City on the date of the publication of this ordinance may be kept within the City subject to the standards and requirements set forth in Section II of this ordinance. The term "Pit bull dog" as used in this Ordinance shall mean and include:

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

SECTION II. KEEPING OF LICENSED PIT BULL DOGS. The provisions of Section I of this ordinance are not applicable to owners, keeping or harboring pit bull dogs within the City of Wathena as of May 22, 1986, the effective date of this ordinance, which dogs are licensed and registered as required by Ordinances 355 and 361 of the City of Wathena. The keeping of such pit bull dogs, however, shall be subject to the following standards, provisions and conditions:

(1) LEASH AND MUZZLE. No person shall permit a licensed pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) CONFINEMENT. All licensed pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine licensed pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secured bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) CONFINEMENT INDOORS. No licensed pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when the screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) SIGNS. All owners, keepers or harborers of licensed pit bull dogs within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "BEWARE OF DOG", in addition, a similar sign is required to be posted on the kennel or pen of such animal.

(5) INSURANCE. All owners, keepers or harborers of licensed pit bull dogs must within ten (10) days of the effective date of this ordinance provide proof to the Wathena City Clerk of public liability insurance in a single instant amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any person which may result from the ownership, keeping or maintenance of such animal. Such insurance policies shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City Clerk of Wathena, Kansas.

(6) IDENTIFICATION PHOTOGRAPHS. All owners, keepers or harborers of licensed pit bull dogs must within ten (10) days of the effective date of this ordinance provide to the City Clerk two

color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) REPORTING REQUIREMENTS. All owners, keepers or harborers of licensed pit bull dogs must within ten (10) days of the incident report the following information, in writing, to the Wathena City Clerk:

- (A) The removal from the City or death of a licensed pit bull dog;
- (B) The birth of offspring of licensed pit bull dogs;
- (C) The new address of the licensed pit bull dog owner should the owner move within the corporate city limits.

(8) SALE OR TRANSFER OF OWNERSHIP PROHIBITED. No person shall sell, barter or in any other way dispose of a pit bull dog licensed within the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dogs; provided that the registered owner of a pit bull dog may sell or otherwise dispose of the licensed dog or the offspring of such dog to any person who does not reside within the City.

(9) ANIMALS BORN OF LICENSED PIT BULL DOGS. All offspring born of pit bull dogs licensed within the City must be removed from the City within six (6) weeks of the birth of such animal.

(10) IRREBUTTABLE PRESUMPTIONS. There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section I(3) hereto of this ordinance is in fact a dog subject to the requirements of this section.

(11) FAILURE TO COMPLY. It shall be unlawful for the owner, keeper or harborer of a licensed pit bull dog to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

SECTION III. VIOLATIONS AND PENALTIES. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction be fined a sum not to exceed \$500.00. In addition to the fine imposed the Court may sentence the accused person to imprisonment in the County Jail for a period not to exceed thirty (30) days or by both such fine and imprisonment. In addition, the Court shall order the registration of the subject pit bull dog revoked and the dog removed from the City. Should the accused person refuse to remove the dog from the City the Court may find the accused person in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues

shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and witness fees necessitated by the enforcement of this ordinance.

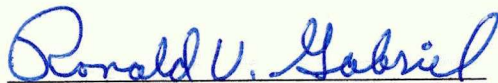
SECTION IV. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION V. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor, on this the 3rd day of June, 1986.


Mayer

ATTEST:


City Clerk