

ORDINANCE NO. 366

AN ORDINANCE PROHIBITING THE OWNING OR KEEPING OF DANGEROUS ANIMALS AND PROVIDING PENALTIES FOR VIOLATIONS.

Be it ordained by the Governing Body of the City of Rolla, Kansas:

SECTION 1. DEFINITIONS. For purposes of this ordinance, the following definitions shall apply:

A. "Dangerous animal" means any of the following:

- (1) Any mammal, amphibian, fish, reptile, or fowl of a species which due to size, vicious nature, or other characteristics would constitute a danger to human life or physical well-being or to animals.
- (2) Any animal having a known disposition or propensity to attack, bite, or injure any person or animal without provocation. Where the official records of the Animal Control Officer, City Clerk, Police Department, or Clerk of the Municipal Court indicate that an animal has bitten or attacked any person or animal, it shall be *prima facie* evidence that said animal is a dangerous animal.
- (3) Any animal owned or kept primarily or in part for the purpose of fighting or any animal trained or bred for fighting.
- (4) Any animal which is urged by its owner or keeper to attack, or whose owner or keeper threatens to cause such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty and when such animal has the apparent ability to cause injury or harm to such officer.
- (5) Any pit bull dog. "Pit bull dog" means any and all of the following dogs:
 - (a) The Staffordshire Bull Terrier breed of dogs;
 - (b) The American Staffordshire Terrier breed of dogs;
 - (c) The American Pit Bull terrier breed of dogs;
 - (d) Any other breed commonly known as Pit Bull, Pit Bull Dog, or Pit Bull Terrier; or
 - (e) Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Bull

Terrier, American Staffordshire Terrier, American Pit Bull Terrier, or a combination of any of these breeds.

(f) Any dog registered at any time in any jurisdiction as any of the dogs listed at subsections (a) through (e) above.

(6) Any Rottweiler;

(7) Any Doberman Pinscher;

(8) Any German Shepherd; or

(9) Any dog registered at any time in any jurisdiction as any of the dogs listed at Sections 1(A)(5) through 1(A)(8), above, and all subsections thereto.

B. "Person" includes any natural person, association, partnership, organization, or corporation.

C. "Prohibited dog" means any dog described at Sections 1(A)(5) through 1(A)(9), above, and all subsections thereto.

D. "Own" or "keep" means to own, keep, harbor, control, manage, possess, maintain, or have charge or custody of or provide care for.

E. "Owner" or "keeper" means any person who owns or keeps a dangerous animal.

SECTION 2. PROHIBITION. No person shall own or keep any dangerous animal in the City of Rolla, Kansas.

A. Exception; keeping of certain prohibited dogs. The prohibition set forth in Section 2 of this ordinance is not applicable to prohibited dogs registered with the City of Rolla as of June 13, 2008. The keeping of such dogs, however, shall be subject at all times to compliance with each of the following standards:

(1) Confinement. All prohibited dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled.

(2) Confinement Indoors. No prohibited 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, structure, or appurtenance on its own volition. In addition, no such animal may be kept in a house or structure when the

windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

- (3) Leash and Muzzle. No person shall permit a prohibited dog to go outside its kennel or pen unless such dog is secured with a leash no longer than four feet in length. No person shall permit a prohibited 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 chain, rope, or leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings. In addition, all prohibited dogs on a leash outside the dog's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- (4) Signs. All owners, keepers or harborers of prohibited dogs within the City shall within 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) Reporting Requirements. All owners, keepers or harborers of prohibited dogs must within 10 days of the incident, report the following information in writing to the Rolla City Clerk as required hereinafter.
 - (a) The removal from the City or death of a prohibited dog;
 - (b) The birth of offspring of a prohibited dog;
 - (c) The new address of a prohibited dog should the owner thereof move within the corporate city limits.
- (6) Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a prohibited dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided always that the registered owner of a prohibited dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.
- (7) Animals Born of Prohibited Dogs. All offspring born of prohibited dogs registered within the City must be removed from the City within six weeks of the birth of such animal.

B. Exception; transportation of dangerous animal. The prohibition set forth in Section 2 of this ordinance is not applicable to the transportation of

dangerous animals through the City when the person transporting such animal or animals has taken adequate safeguards to protect the public.

- C. Exception; keeping of dangerous animal by City. The prohibition set forth in Section 2 of this ordinance is not applicable to the keeping of any dangerous animal by the City or its designees in the enforcement of this Ordinance.

SECTION 3. SALE OR TRANSFER PROHIBITED. No person shall sell, give, or in any other way transfer a prohibited dog to any person within the City limits.

SECTION 4. FAILURE TO COMPLY. It shall be unlawful for the owner or keeper of any dangerous animal to fail to comply with the requirements and conditions of this ordinance.

SECTION 5. NOTICE OF VIOLATION. When the animal control officer has knowledge of a possible violation of this ordinance, the animal control officer shall forthwith cause the matter to be investigated. If, after investigation, there are reasonable grounds to believe there has been a violation of this ordinance, the animal control officer shall forthwith deliver written notice to the owner or keeper of the animal that is the subject of the violation requiring such person to safely remove said animal from the City within five days of the date of said notice. Such owner or keeper shall remove said animal from the City within the required time. Such notice shall not be required when a dangerous animal has caused serious physical harm or death to any person or has escaped and is at large, in which case the animal control officer shall cause said animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person or other animal.

SECTION 6. SEIZURE AND IMPOUNDMENT OF DANGEROUS ANIMALS. The animal control officer shall forthwith cause to be seized and impounded any dangerous animal when the owner or keeper of such animal has failed to comply with the notice sent pursuant to Section 5. Upon seizure and impoundment, the animal control officer shall cause a complaint to be filed in the municipal court against the owner or keeper of the subject animal, and said animal shall be delivered to a place of confinement approved by the Governing Body and kept until further order of the municipal court.

SECTION 7. VIOLATIONS AND PENALTIES. Any person violating any provision of this ordinance shall upon conviction be subject to a fine of not less than \$100.00 and not more than \$500.00, plus court costs. In addition to the fine imposed, the court may sentence the defendant to imprisonment in jail for a period not to exceed 30 days. Should the defendant refuse to remove the dangerous animal from the City, the court may find the defendant in contempt and order the immediate impoundment of the animal, or continued impoundment if the animal has already been impounded, as well as destruction 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, witness fees, and expenses necessitated by the enforcement of this ordinance.

SECTION 8. ASSIGNMENT OF DUTIES. At the discretion of the City Clerk, any of the duties and responsibilities imposed upon the City Clerk pursuant to this ordinance may be assigned in whole or in part to the Chief of Police.


SECTION 9. SEVERABILITY. If any section, subsection, 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 10. EFFECTIVE DATE. This ordinance shall take effect and be in force five days from and after its publication in *The Tri-State News*, the official City newspaper.

Passed by the Governing Body of the City of Rolla, Kansas on this 18 day of August, 2008.


PAULA COWSER, MAYOR

Attest:


JEAN A. HULL, City Clerk