

ORDINANCE NO. 366-A

AN ORDINANCE AMENDING ORDINANCE NO. 366 TO REDEFINE “DANGEROUS ANIMAL;” TO MODIFY THE EXCEPTIONS PERTAINING TO THE OWNING OR KEEPING OF PROHIBITED DOGS AND CONDITIONS THERETO; TO SPECIFY ADDITIONAL CONDITIONS UNDER WHICH NOTICE NOT REQUIRED; TO MODIFY THE PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Governing Body of the City of Rolla, Kansas, finds it advisable and in the best interests of the citizens of the City of Rolla to amend Ordinance No. 366,

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

1. **Amendment of Section 1(A) of Ordinance No. 366.** Section 1(A) of Ordinance No. 366 is hereby amended to read as follows in its entirety:
 - 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 animal which, without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack.
- (6) 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.
- (7) Any Rottweiler;
- (8) Any Doberman Pinscher;
- (9) Any German Shepherd; or
- (10) Any dog registered at any time in any jurisdiction as any of the dogs listed at Sections 1(A)(6) through 1(A)(9), above, and all subsections thereto.

2. **Amendment of Section 2(A) of Ordinance No. 366.** The first paragraph of Section 2(A) of Ordinance No. 366 is hereby amended to read as follows in its entirety:

- A. The prohibition set forth in Section 2 of this ordinance is not applicable to prohibited dogs registered with the City of Rolla on June 13, 2008, and also on September 6, 2009, and whose registration is at all times after September 6, 2009, kept current with the City of Rolla, with each subsequent registration accomplished by no later than June 30 of each subsequent year. The keeping of such dogs, however, shall be subject at all times to compliance with each of the following standards:

3. **Amendment of Section 2(A)(1) of Ordinance No. 366.** Section 2(A)(1) of Ordinance No. 366 is hereby amended to read as follows in its entirety:
 - (1) **Confinement.** All prohibited dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet. All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements.

4. **Amendment of Section 2(A)(4) of Ordinance No. 366.** Section 2(A)(4) of Ordinance No. 366 is hereby amended to read as follows in its entirety:
 - (4) **Signs.** The owner of a prohibited dog shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a vicious dog on the premises. The sign must be readable from the public highway, street, or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Similar signs shall be posted on the dog's kennel, pen, or enclosed structure.

5. **Amendment of Section 2(A)(6) of Ordinance No. 366.** Section 2(A)(6) of Ordinance No. 366 is hereby amended to read as follows in its entirety:
 - (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. Upon any sale or transfer of any prohibited dog, the transferor shall within three days provide the police department with the name, address, and telephone number of the transferee.

6. **Addition of New Section 2(A)(8) of Ordinance No. 366.** A new provision, Section 2(A)(8), of Ordinance No. 366 shall read as follows in its entirety:
 - (8) **Annual Exemption Registration Fee.** A fee of \$100 shall be paid by the owner or keeper of each such prohibited dog at the time of each applicable annual registration.

7. **Amendment of Section 5 of Ordinance No. 366.** Section 5 of Ordinance No. 366 is hereby amended to read as follows in its entirety:

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 attacked, bitten, or injured a human being or domestic animal; or when a dangerous animal has previously been determined by the judge of the municipal court to be a prohibited dog, and the owner has failed to comply with the requirements and conditions for keeping a prohibited dog; or when a dangerous animal poses a threat of serious harm to the public health or safety; or when a dangerous animal is at large, in any of which cases 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.

8. **Amendment of Section 7 of Ordinance No. 366.** Section 7 of Ordinance No. 366 is hereby amended to read as follows in its entirety:

VIOLATIONS AND PENALTIES. Any person violating any provision of this ordinance shall upon conviction be subject to a fine of not less than \$250.00 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.

9. **Repealer.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
10. **Effective Date.** This ordinance shall take effect and be in force from and after its adoption and publication in the *Tri-State News*, the official City newspaper.

Ordinance No. 366-A
November 16, 2009
Page 5

PASSED BY THE GOVERNING BODY of the City of Rolla, Kansas on this 16th day of November, 2009.

PAULA COWSER, Mayor

Attest:

JEAN A. HULL, City Clerk