

Chapter 10 - ANIMALS

ARTICLE I. - IN GENERAL

Secs. 10-1—10-18. - Reserved.

ARTICLE II. - RABIES CONTROL

Sec. 10-19. - Definitions.

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

Animal means any of the order Mammalia which are capable of being infected with and transmitting rabies.

Bite or bitten means that the skin, of either a human or an animal, has been penetrated by an animal's teeth.

Cat means any domestic feline animal (*Felis catus*).

Currently vaccinated against rabies means an animal that has received a primary rabies vaccine, or has received a booster vaccine, administered in accordance with the most current version of the Compendium of Animal Rabies Prevention and Control prepared and updated annually by the National Association of State Public Health Veterinarians. Rabies vaccinations must be performed by or under the direct supervision of a veterinarian who is licensed or legally permitted to practice veterinary medicine.

Department of health and environment means the department of health and environment of the county.

Dog means any domestic canine animal (*Canis familiaris*).

Ferret means any common ferret (*Mustela (putorius) furo*).

Owner.

- (1) The term "owner" means any person who keeps, harbors, or has charge or control of, or permits any animal to habitually be or remain on, or be lodged or fed within such person's house, yard, or premises.
- (2) The term "owner" does not mean a veterinarian who has temporary custody, for a period of less than 30 days, of animals owned by others.

Quarantine means the confinement of an animal in a manner which precludes direct contact with other animals or persons other than persons in whose care the animal is placed. The quarantine shall be conducted under a written order by the department of health and environment designating the specific place, manner and provisions of the quarantine. If permitted by the order issued by the department of health and environment, the quarantine may be in the animal owner's residence.

Stray, unwanted or unclaimed means any of the following as determined by:

- (1) An animal is found running at large with no collar and the animal's owner has not claimed the animal after five days of impoundment, regardless of whether such owner has notice of such impoundment;

- (2) The owner has abandoned an animal as evidenced by lack of care, including the failure to provide food, water, shelter for more than 12 hours;
- (3) The owner relinquishes ownership by expressing an intent to do so; or
- (4) The animal's general condition and health evidences a disregard for the animal's well-being.

(Res. No. 008-08, § I, 2-7-2008; Res. No. 012-12, 3-1-2012)

Cross reference— Definitions and rules of construction, § 1-2.

Sec. 10-20. - Penalties.

From and after the effective date of the resolution from which this article is derived, any person who shall violate any provisions of this rabies control regulation shall be guilty for each such violation of a Class H infraction under the adopted fine schedule for the county codes court, and may be prosecuted in said court and fined not less than \$100.00 nor more than \$500.00 for each such violation. Each day such violation shall be permitted to exist shall constitute a separate offense punishable by a separate fine. Notwithstanding the foregoing, any person who shall be cited for the failure to obtain a required rabies vaccination for a dog, cat or ferret shall not be convicted of such offense if a proper vaccination certificate is provided to the court prior to trial evidencing that such vaccination had been obtained prior to the date of the alleged violation.

(Res. No. 008-08, § IX, 2-7-2008)

State Law reference— Penalty for violation of county resolutions, K.S.A. 19-101d.

Sec. 10-21. - Enforcement; designation of enforcement officers.

The director of the county department of health and environment and the director's designees shall be the county's code enforcement officers charged with the administration, investigation, and enforcement of this article. In addition, the county sheriff and all deputies shall be deemed code enforcement officers for purposes of the enforcement of this article.

(Res. No. 008-08, § VIII, 2-7-2008)

Sec. 10-22. - Costs.

All costs incurred in the enforcement of this article, including the testing, quarantining, boarding fees, inspections, vaccinations, and euthanasia of any animal shall be the obligation of the animal's owner to pay and payment may be demanded prior to the costs being incurred. If the owner shall fail to pay such costs immediately upon demand, the owner shall be deemed to have consented to the immediate humane euthanasia of such animal, but such owner shall nonetheless be responsible for all costs incurred.

(Res. No. 008-08, § VII, 2-7-2008)

Sec. 10-23. - Vaccination requirements.

- (a) *Initial vaccination.* Effective upon the effective date of the resolution from which this article is derived, the owner of every dog, cat and ferret three months of age or older shall have the animal vaccinated against

rabies. Vaccination at a younger age shall be in accordance with the labels of United States Department of Agriculture-licensed rabies vaccines. Unvaccinated dogs, cats or ferrets more than three months of age that are acquired or moved into the unincorporated area of the county must be vaccinated within 30 days of arrival, unless there is documented evidence of current vaccination.

- (b) *Revaccination.* The owner of every dog, cat and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between revaccinations should conform to the manufacturer's rabies vaccination product labeling.

(Res. No. 008-08, § II, 2-7-2008)

Sec. 10-24. - Duties.

- (a) *Duties of veterinarians.* It shall be the duty of each veterinarian, when vaccinating any dog, cat or ferret to complete a certificate of rabies vaccination (or generate a computer printout) for each dog, cat or ferret that is vaccinated. The certificate shall include the following information:

- (1) Owner's name, address, and telephone number.
- (2) Description of the dog, cat or ferret (species, breed, sex, markings, age, and name).
- (3) Date of vaccination.
- (4) Date of vaccination expiration.
- (5) Rabies vaccination tag number.
- (6) Vaccine producer and product name.
- (7) Manufacturer's serial or lot number of vaccine.
- (8) Veterinarian's signature.
- (9) Veterinarian's address and license number.
- (10) Microchip number (if applicable).

The original certificate of rabies vaccination shall be provided to the owner. The veterinarian who administers the vaccination shall retain one copy and shall make a copy available to the department of health and environment upon request. All certifications shall be retained until at least one year following the expiration of the vaccination. A durable metal or plastic, serially numbered, rabies tag issued by the veterinarian who administers the vaccine shall be provided to the owner.

- (b) *Duties of owner.* Every owner shall vaccinate against rabies such owner's dog, cat or ferret as required by this article. The owner shall ensure that the owner's dog, cat or ferret wears a collar or harness with owner identification and a current rabies tag securely attached. The rabies tag shall be worn at all times when the animal is outside of the owner's property unless otherwise provided in this article.

(Res. No. 008-08, § III, 2-7-2008; Res. No. 012-12, 3-1-2012)

Sec. 10-25. - Transient or show dogs, cats or ferrets.

Owners of dogs, cats or ferrets who are temporarily visiting the county with their dog, cat or ferret, exhibiting a dog, cat or ferret in competition, or hunting, must carry with them and be prepared, upon demand of a codes enforcement officer, to present a current certificate of rabies vaccination for each dog, cat or ferret.

(Res. No. 008-08, § IV, 2-7-2008)

Sec. 10-26. - Management of animals that bite humans or other mammals.

- (a) *Vaccinated dogs, cats and ferrets.* If no signs of illness compatible with rabies are detected, an animal that bites a human or other mammal shall be quarantined under such conditions as are outlined in an official quarantine order issued by the department of health and environment and observed for a period of ten days from the date of the bite. If a dog, cat or ferret shows no signs of illness compatible with rabies at the expiration of the quarantine period, the animal may be released from quarantine with the approval of the department of health and environment. If at any time during quarantine or upon examination, an animal shows signs of illness compatible with rabies, the animal shall be humanely euthanized and tested for rabies in an approved laboratory at the discretion of the department of health and environment.
- (b) *Dogs, cats and ferrets that are not currently vaccinated.* A dog, cat or ferret that is not currently vaccinated against rabies, that bites or reportedly bites a human or other mammal shall be considered a suspected rabid mammal and, at the discretion of the department of health and environment, may be seized and quarantined under such conditions as are outlined in a quarantine order. The quarantine order may require that the quarantine be conducted under the supervision of a veterinarian for a period of not less than ten days from the date of the bite. A stray, unclaimed, or unwanted animal that has bitten a human or other mammal may, at the discretion of the department of health and environment, be humanely euthanized and tested for rabies in an approved laboratory. Quarantined animals may be treated by a veterinarian, but the rabies vaccine shall not be administered to the animal until the quarantine period is complete. If, at any point during the quarantine period or upon examination, the dog, cat or ferret shows signs of illness compatible with rabies, the department of health and environment shall order the immediate humane euthanasia and rabies testing of the animal in an approved laboratory. If a dog, cat or ferret shows no signs of illness compatible with rabies at the expiration of the quarantine period, the animal may be released from quarantine with the approval of the department of health and environment. Prior to its release, the dog, cat or ferret shall be vaccinated against rabies at the owner's expense.
- (c) *Strays and other animals.* Stray, unclaimed, or unwanted dogs, cats and ferrets as well as animals other than dogs, cats or ferrets, that bite or reportedly bite a human or other mammal and are known or suspected to have rabies shall be treated according to the circumstances of exposure, the species, and the presence of rabies in the area, as well as any applicable KDHE regulations.

(Res. No. 008-08, § V, 2-7-2008; Res. No. 012-12, 3-1-2012)

Sec. 10-27. - Animals that are bitten by, or potentially exposed to, rabid or suspect rabid animals.

- (a) *Dogs, cats or ferrets currently vaccinated against rabies.* A currently vaccinated dog, cat or ferret that is bitten by, or otherwise potentially exposed to, a rabid or suspect rabid animal shall be revaccinated immediately and the owner shall either place the dog, cat or ferret in quarantine for 45 days or euthanize the animal. At the end of the quarantine period, the dog, cat or ferret will be examined by a veterinarian who will report the results of the examination to the department of health and environment. If the examination determines that the dog, cat or ferret is free of signs of illness compatible with rabies, it may be released from quarantine with the approval of the department of health and environment. If at any point during the quarantine period or upon examination, the dog, cat or ferret shows signs of illness compatible with rabies, the department of health and environment will order the immediate humane euthanized and rabies testing of the animal in an approved laboratory.

- (b) *Dogs, cats or ferrets that are unvaccinated or not currently vaccinated.* A dog, cat or ferret that is unvaccinated or not currently vaccinated against rabies and is bitten by or otherwise potentially exposed to a rabid or suspect rabid animal shall be euthanized immediately with the owner's consent, if the owner is known. If the owner is unwilling to consent to euthanasia, the animal shall be seized and impounded at the owner's expense for 180 days in quarantine, under such conditions as are outlined in an official quarantine order issued by the department of health and environment. If the animal shows no signs of rabies at the end of 150 days, it will be vaccinated against rabies at that time.
- (c) *Strays and other animals.* Stray, unclaimed, or unwanted dogs, cats and ferrets as well as animals other than dogs, cats or ferrets, that are bitten by, or otherwise potentially exposed to a rabid or suspect rabid animal bite shall be treated according to the circumstances of exposure, the species, and the presence of rabies in the area, as well as any applicable KDHE regulations.

(Res. No. 008-08, § VI, 2-7-2008; Res. No. 012-12, 3-1-2012)

Secs. 10-28—10-57. - Reserved.

ARTICLE III. - DOGS

Sec. 10-58. - Definitions.

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

Animal control officer means any person designated by the sheriff of the county to perform and or enforce provisions set forth in this article.

Bite means that the skin has been penetrated by an animal's teeth. Teeth marks alone, without broken skin, do not constitute a bite.

Dangerous dog means any dog that demonstrates one or more of the following types of behaviors:

- (1) Any dog who is known to its owner, or reasonably should be known to its owner, to have a propensity, tendency, or disposition to attack without provocation, to cause bodily injury, or to otherwise endanger the safety of human beings or domestic animals.
- (2) Any dog which bites a domestic animal or livestock without provocation, if such bite occurs on property other than that of the dog's owner. For purposes of this definition, the term "provocation" does not include natural and typical dog behavior, including bites, by which dogs attempt to establish dominance between them, provided, however, any dog that kills another dog shall be deemed a dangerous dog.
- (3) Any dog which bites a person without provocation.
- (4) Any dog kept for the purpose of fighting or any dog trained for fighting.
- (5) Notwithstanding this definition of dangerous dog, no dog may be determined a dangerous dog if:
 - a. Any bite sustained by a person who, at the time such bite was sustained, was committing criminal trespass or any other crime at the premises of the owner, or was teasing, tormenting or abusing the dog;

- b. The dog was protecting its property or defending a person or another animal within the immediate vicinity from an assault or battery; or
- c. The dog is used by a law enforcement agency in connection with the agency's official duties.

Dog means any domestic canine animal (*Canis familiaris*).

Livestock means cattle, calves, sheep, swine, horses, mules, goats, aquatic animals, domesticated deer, all creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas, and any other animal which can or may be used in and for the preparation of meat or meat products.

Own means a property interest in a dog, or the exercise of possession, dominion or control over a dog, or the intent to exercise dominion or control over a dog with the present ability to do so.

Owner means a person who owns an animal.

Stray means any of the following:

- (1) A dog that is found running at large with no collar and the dog's owner has not claimed the animal after five days of impoundment, regardless of whether such owner has actual notice of such impoundment;
- (2) The owner has abandoned a dog as evidenced by lack of care, including the failure to provide food, water, or shelter for more than 12 hours;
- (3) The owner relinquishes ownership by expressing an intent to do so; or
- (4) The dog's general condition and health evidences a disregard for the dog's well-being.

(Res. No. 032-08, § 1, 4-17-2008)

Cross reference— Definitions and rules of construction, § 1-2.

Sec. 10-59. - Administration of article.

- (a) *Officers*. The provisions of this article shall be administered and enforced by the sheriff of the county and his designees who shall be deemed code enforcement officers for purposes of prosecuting a violation of this article in county district court, codes court division. The sheriff shall have authority to establish reasonable administrative regulations, policies, and procedures as needed to effectively carry out the spirit and intent of this article and may delegate such authority to others as deemed prudent and expeditious.
- (b) *Animal shelter, establishment*. The sheriff of the county shall provide for the reception and the humane care of the animals impounded under this article and may contract with establishments for such reception and care.
- (c) *Interference prohibited*. No person shall knowingly interfere with any enforcement officer appointed under the provisions of this article in the performance of his official duties as prescribed herein. It shall be unlawful for any person to refuse to identify himself by correct name and address when asked to do so by any enforcement officer when the officer has reason to believe that such person has violated this article.
- (d) *Refusal to deliver dog prohibited*. No person shall refuse to deliver a dog to an enforcement officer when requested to do so under the impoundment provisions of this article.

(Res. No. 032-08, § 6, 4-17-2008)

Sec. 10-60. - Violations and enforcement.

Wherever in this article any act is prohibited or is declared to be unlawful or the performance of any act is required or the failure to do any act is declared to be unlawful, the violation of any provision of this article shall be deemed a Class D infraction punishable upon conviction by a fine of not less than \$50.00 and not more than \$100.00. Each day any violation of this article continues shall constitute a separate offense.

(Res. No. 032-08, § 7, 4-17-2008)

State Law reference— Penalty for violation of county resolutions, K.S.A. 19-101d.

Sec. 10-61. - Jurisdiction.

Jurisdiction for alleged violations of this article shall be, generally, in county district court, codes court division. However, jurisdiction over petitions to allow adoption or euthanization in cases involving dogfighting under K.S.A. 21-4316 et seq., shall be in the criminal division of the county district court. For requests for relief by a dog's owner of the provisions of section 10-65(c) relating to euthanization of a dangerous dog, jurisdiction shall be with the county district court, civil division.

(Res. No. 032-08, § 8, 4-17-2008)

Sec. 10-62. - Dangerous dogs.

- (a) *Ownership.* It shall be unlawful for a person to own a dangerous dog, except in accordance with the following requirements:
- (1) *Dangerous dog confinement.* All dangerous dogs shall be securely confined within a building or in a securely enclosed kennel or pen.
 - (2) *Standards for kennels or pens of dangerous dogs.* A kennel or pen used for confining a dangerous dog must have secure sides of sufficient height and sides to prevent escape. Such kennel or pen must have a secure bottom or floor attached to the sides of the kennel. The kennel or pen must be secured when the dangerous dog is within the kennel or pen. Any such kennel or pen must comply with all applicable zoning and building regulations.
 - (3) *Confinement indoors.* No dangerous dog may be kept on a porch, patio or in any part of a house or other structure that would allow the dangerous dog to exit such house or other structure on its own volition. In addition, no dangerous dog may be kept in a house or other structure when screen doors or screen windows are the only obstacle preventing the dog from exiting the house or other structure.
 - (4) *Control of dangerous dogs.* No person shall permit a dangerous dog to go outside its kennel or building unless:
 - a. The dangerous dog is secured on a leash no longer than four feet in length;
 - b. A person has physical control of the leash and animal to prevent attack; and
 - c. The dangerous dog shall not be leashed to inanimate objects such as trees, posts, or buildings, or left unattended.
 - (5) *Dangerous dog signage.* Every owner of a dangerous dog shall display in a prominent place at the place where the dangerous dog is kept a sign easily readable by the public in letters at least four inches high using the words: "Beware of Dog." Such a sign, if posted on the kennel or pen of the dangerous dog not

less than four feet or more than six feet high, as measured from the floor of the kennel or pen, shall be deemed in compliance with this article's signage requirement.

- (6) *Destruction of dangerous dogs.* After a hearing, a dangerous dog may be ordered humanely destroyed by order of the county district court upon a finding that:
- a. The owner of such dangerous dog has previously been twice convicted of failing to adequately confine or control such animal;
 - b. The dangerous dog presents an imminent threat to the public health and safety; or
 - c. The dangerous dog has caused great bodily harm to, or killed, a human being. An order of destruction provided for in this section may be sought and obtained in either county district court as provided in section 10-64 or requested as relief or restitution as a part of any criminal proceeding.
- (b) *Permitting or directing animals to bite.* It shall be unlawful for any person to permit or direct an animal to bite or attack another person, a domesticated animal or livestock. This subsection shall not apply to the use of dogs by law enforcement agencies or to lawful defense of a person, dwelling, or property.

(Res. No. 032-08, § 2, 4-17-2008)

Sec. 10-63. - Nuisance dogs.

- (a) Any dog which engages in any of the following types of behavior is deemed a nuisance:
- (1) While running at large and without provocation, exhibits aggression or combativeness toward a person whether or not the person is actually attacked, bitten, or otherwise physically injured by the dog;
 - (2) Molests, chases, or interferes with a person in the public right-of-way;
 - (3) Damages public or private property other than that of its owner; or
 - (4) Harasses any person or livestock without provocation.
- (b) It shall be a violation of this article to own a nuisance dog. Any person who is twice convicted for the actions of the owner's dog in any 12-month period shall thereafter keep the nuisance dog confined on the owner's property or on a leash when in public.

(Res. No. 032-08, § 3, 4-17-2008)

Sec. 10-64. - Procedures for dogs impounded under K.S.A. 21-4316.

K.S.A. 21-4316 et seq. authorizes the board of county commissioners to establish procedures to allow for the adoption or euthanizing of certain dogs involved in dogfighting. The following procedures shall apply to the care and disposition of any dog impounded under the provisions of K.S.A. 21-4316 relating to unlawful dogfighting activities:

- (1) When a dog is impounded by any law enforcement agency and placed with an animal shelter, humane society, veterinarian, or any other person or entity, the dog's owner shall be responsible for paying the costs of boarding the dog during the pendency of the underlying criminal proceedings and until the dog is released to the owner.
- (2) Any animal shelter, humane society, veterinarian or other person boarding a dog impounded under the provisions of K.S.A. 21-4316 may petition the district court of the county for an order allowing for the adoption or euthanizing the dog if the dog's owner fails to post a renewable cash or performance bond

with the county clerk sufficient to provide for the cost of care and treatment of the dog for not less than 30 days, or fails to keep such bond in force during the dog's impoundment.

- (3) For purposes of establishing the amount of the cash or performance bond required under this section, the board of county commissioners determines that a reasonable daily charge for ordinary care and treatment for each dog shall not exceed \$25.00 per day, but such daily charge may be increased by the county manager on or after each anniversary date of the adoption of this article by up to \$1.00 per day without further action of the board of county commissioners. Extraordinary costs for treatment and care may be submitted to the county manager for review and consideration and shall be approved if found reasonable and necessary for the care and treatment of any impounded dog.
- (4) If a dog's owner shall fail to post and keep in effect the cash or performance bond required by this section within seven days after impoundment of the dog, the animal shelter, humane society, veterinarian or other person boarding the dog may file a petition in the county district court seeking to place the dog for adoption or to euthanize the dog at any time after 20 days from the date the dog was first impounded.
- (5) Notwithstanding anything to the contrary in this article, if a dog's owner disclaims in writing the owner's interest in a dog impounded under K.S.A. 21-4316 et seq., the dog may be placed for adoption or euthanized by the animal shelter, humane society, veterinarian or other person boarding the dog without further notice or hearing. From and after the date of the execution of such disclaimer, the owner shall be released from any future costs imposed for the care and treatment of such dog during impoundment but shall remain liable nonetheless for costs incurred prior to the execution of such disclaimer.

(Res. No. 032-08, § 4, 4-17-2008)

Sec. 10-65. - Animal impoundment.

- (a) *Impoundment, general.* Any dangerous dog, stray, or nuisance dog found to be in violation of this article may be seized, impounded, and placed in an animal shelter, or other location approved by the sheriff of the county.
- (b) *Impoundment costs.* All costs associated with impounding and boarding an animal pursuant to this section shall be the obligation of the owner of such dog. If the owner fails to pay such costs immediately upon demand, the county shall be entitled to seek reimbursement of any costs incurred by the county either in an independent civil proceeding or as restitution as a part of any applicable criminal or codes court proceeding. No owner shall be relieved of liability for payment of an impoundment or boarding charges incurred because an animal is euthanized or delivered to a humane society or rescue group as provided herein.
- (c) *Euthanization or other disposition.* If an impounded dog's owner is not known or not located, or if an impounded dog is not claimed by an owner within five days after the dog is impounded, the dog may be humanely destroyed or released to a humane society, rescue group, veterinarian or other person, except that no impounded dangerous dog shall be released but rather such dangerous dog shall be humanely destroyed. However, an owner of an impounded dangerous dog may request a hearing in the county district court on any scheduled euthanization by requesting a hearing, in writing, within the five day impoundment period and, until such hearing is held and a final court decision is reached, the dangerous dog shall be kept in impoundment, at the owner's expense, which expense shall be paid in advance on a monthly basis.
- (d) *Rabies cases.* No dog quarantined for observation of suspected rabies shall be euthanized until authorization

to do so is obtained by the county's director of health and environment. The provisions of this article shall not reduce or otherwise limit any requirement for quarantining animals for observation following a suspected or actual exposure to rabies. Nothing in this article shall prohibit or delay the humane destruction of an animal suspected of being infected with rabies if such destruction is done in compliance with applicable county regulations and state law.

- (e) *Removal of dogs from animal control officer or shelter prohibited.* No person shall remove an dog from the custody of an animal control officer, animal shelter, or other location at which an dog is located, whether by force, deceit or otherwise, when such dog has been impounded by an animal control officer, whether under the provisions of this article or any other applicable regulation, unless the release of the dog has been authorized by an animal control officer or the director of public health.

(Res. No. 032-08, § 5, 4-17-2008; Res. No. 012-12, 3-1-2012)