

CHAPTER II. ANIMAL CONTROL

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2-101. PURPOSE. It is the intent of this Chapter to promote harmonious relationships in the interaction between humans and animals by:

- (a) Protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- (b) Delineating the responsibilities of an animal owner, harborer or keeper for the acts and behavior of such animal;
- (c) Providing security to citizens from annoyance, intimidation, injury, and health hazards by an animal;
- (d) Encouraging responsible pet ownership; and
- (e) Providing standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring, or dealing in animals in any manner whatsoever.

(Ord. 2685C; 09-02-14)
(Ord. 1796C; 05-17-99)

2-102. DEFINITIONS.

The following words, terms and phrases, when used in this Chapter, shall have the meanings described to them as follows, except where the context clearly indicates a different meaning:

- (a) **Abandonment** includes the following acts by an owner, harborer or keeper of an animal:
 - (1) leaving an animal on private or public property without providing responsible animal care for the animal or such actions indicating an intent to no longer possess the animal.

- (2) refusing to pay for the care of an animal when an animal becomes lost or escapes and another person cares for the animal;
 - (3) refusing to claim responsibility for the actions of an animal; or
 - (4) refusing to pay for an animal which has been impounded pursuant to this Chapter.
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- (b) **Adequate Feeding** is providing to an animal at suitable intervals (not to exceed 24 hours) a quantity of wholesome foodstuff, suitable for the animal according to the species and age of the animal that is sufficient to maintain a reasonable level of nutrition for the animal.
 - (c) **Adequate Watering** is providing to an animal clean fresh, potable water, supplied in a sanitary manner either continuously or at intervals suitable for the species of the animal, but not to exceed intervals of 10 hours.
 - (d) **Animal** means any living, vertebrate except humans.
 - (e) **Animal Control Officer** hereinafter ACO, is a person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this article, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, whose duties in whole or in part include the assignments which involve the seizure or taking into custody of any animal.
 - (f) **Animal Licensing Specialist** means the person designated by the City to issue licenses pursuant to this Chapter.
 - (g) **Animal Shelter** is any premises designated by the city for the purpose of impounding and/or quarantining and/or caring for animals.
 - (h) **Bite** means any contact between the teeth of an animal and the skin of another animal or person which causes visible trauma, such as a puncture wound, laceration, abrasion, or other opening of the skin.
 - (i) **Cat** means a *felis domesticus*
 - (j) **Dangerous Animal** means any mammal, reptile or bird which because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it is not kept in a safe manner in secured quarters. "Dangerous Animal" also includes any wild/domestic animal hybrid and any pit bull dog, Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier, or any animal having the appearance or characteristics of being predominantly of the breeds known as Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.
 - (k) **Dog** means a *canis familiaris* only (this term does not include hybrids such as *familiaris/lupus* or *familiaris/latrans*).
 - (l) **Domestic Animal** means any animal tamed by humans.
 - (m) **Euthanasia** is the humane killing of an animal by a method which produces instantaneous unconsciousness and immediate death without visible evidence of pain or suffering.
 - (n) **Harborer** means any person who provides food and/or shelter for seven consecutive days or more.

- (o) **Inoculation for Rabies or Vaccination for Rabies** means the inoculation of an animal by a licensed veterinarian with a vaccine approved by the State of Kansas for use in the prevention of rabies.
- (p) **Keeper** shall mean any person temporarily entrusted with the care and custody of the animal.
- (q) **Kennel** means any person engaged in the business of breeding, buying, selling, or boarding dogs and cats.
- (r) **Person** means any individual, association, partnership, corporation or any other group.
- (s) **Pet Shop** means any person engaged in the business of breeding, buying, selling, or boarding animals in any species.
- (t) **Primary Enclosure** means any physical structure used or designed to restrict any animal to a limited space, such as a room, pen, cage, compartment, hutch, vehicle or trailer.
- (u) **Responsible Animal Care** means any owner, harborer, or keeper of any animal is providing:
 - (1) adequate feeding;
 - (2) adequate watering;
 - (3) proper and comfortable shelter;
 - (4) veterinary care to prevent the animal from suffering and or provide for the health and well-being of the animal, including customary inoculations to maintain good health;
 - (5) humane treatment and socialization for the needs of the animal;
 - (6) sanitary conditions, including making physically clean and the reasonably prompt removal and sanitary disposal of all excreta; or
 - (7) the required amount of appropriate exercise to promote the good health of the animal.
- (v) **Secured Animal** means any animal other than a cat that is:
 - (1) attached to a hand-held lead and prevented from making uninvited contact with humans or other animals;
 - (2) safely tethered to a chain or leash provided the animal is under the direct and constant observation of and control of the owner, keeper or harborer and prevented from making uninvited contact with humans or other animals;
 - (3) confined to a cage, pen, vehicle, or trailer; or
 - (4) on the premises of the owner, harborer or keeper and under control of a responsible person and obedient to the command of that person.
- (w) **Secured Enclosure** means a locked structure enclosing an area suitable to confine a vicious dog or a dangerous animal and suitable to prevent young children from coming in physical contact with the animal. The structure shall be comprised of a top, sides and bottom and shall be designed to prevent the animal from escaping. If the bottom of the structure is not attached to the sides, the sides must be embedded in the ground by no less than one foot.
- (x) **Sell and/or Sold** means transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more animals are maintained by any person.

- (y) **Shelter** means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, age and condition of the animal which provides shade from direct sunlight and regress from exposure to inclement weather conditions. The shelter shall contain proper bedding material as appropriate for the species. The shelter shall be reasonably comfortable for the animal.
- (z) **Swine** means any of various stout-bodied, short-legged omnivorous mammals of the family Suidea with a thick bristly skin and a long mobile snout.
- (aa) **Trap** means any mechanical device or snare which seeks to hold, capture or kill an animal.
- (bb) **Veterinary Hospital** means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.
- (cc) **Vicious** means having a disposition or propensity to attack or bite any person or animal without provocation.
- (dd) **Wild Animal** means an animal as defined at (d) herein that is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage. Fish in an aquarium are not included in this definition.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

(Code 2000)

(Ord. 1997C; 06-16-03)

2-103. **ANIMAL ABUSE.**

- (a) It shall be unlawful for any person to abuse any animal. Animal abuse includes, but is not limited to:
 - (1) ill-treating or tormenting; maliciously killing, maiming, disfiguring or torturing; beating with a stick, chain, club or any other object; mutilating, burning or scalding with any substance; driving over with any vehicle or other moveable object with malicious intent or setting an animal upon another animal; except, provided that reasonable force may be employed to drive off vicious or trespassing animals. Provided, in no event shall excessive or inhumane force be used;
 - (2) driving or working any animal mercilessly or in a manner that inflicts pain;
 - (3) failing, refusing, or neglecting to provide an animal in their charge or custody with responsible animal care;
 - (4) transporting an animal in the open bed of a truck unless properly restrained so as to prevent the animal from leaving or being thrown from the vehicle and/or transporting any animal in any vehicle in a manner that inflicts pain or in any other inhumane manner;
 - (5) chaining, roping, or otherwise securing an animal without ensuring all of the following: that the animal will not become entangled; that the animal is within reach of its food and water and; that the animal is not in danger of becoming suspended and/or hung from any object or structure; and that the animal is fitted with appropriate collar for tethering;
 - (6) abandoning any animal within the city limits;

- (7) making accessible to an animal any substance which has in any manner been treated or prepared with a harmful or poisonous substance;
- (8) permitting or attending any dogfight, cockfight, bullfight or other combat between animals or between animals and humans;
- (9) cropping animal ears or docking animal tails except by a licensed veterinarian;
- (10) offering to give or giving a live animal as a prize or as a business inducement;
- (11) failing to stop when operating a motor vehicle after striking a domestic animal and immediately rendering proper assistance and immediately reporting any injury or death to the owner of the animal unless the owner cannot be ascertained and located in which case the operator shall immediately report the incident to the Leawood Police Department;
- (12) training or encouraging an animal to fight or attack other animals or humans; or
- (13) failing, refusing or neglecting to provide reasonable animal care as defined in Section 2-102 of this ordinance;.
- (14) Any and all other acts as enumerated in K.S.A. 21-6412.

(b) Exceptions: Nothing in the Section shall be deemed to prohibit any of the following activities:

- (1) Any action by a licensed veterinarian done in accordance with accepted standards of veterinary medicine.
- (2) Experiments on animals for bona fide scientific purposes by a recognized research facility under the Federal Animal Welfare Act (7 U.S.C. §2131 *et seq.*), but no experiment on animals shall inflict intense and prolonged pain or suffering or intense and frequently repeated pain and suffering on any animal.
- (3) Any act done in self-defense or defense of another person.
- (4) The humane killing of an animal which is diseased and disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by a licensed veterinarian at the request of the owner or an animal shelter, or by the operator, or his/her designee, of the animal shelter.
- (5) An ACO trained by a licensed veterinarian 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.

(c) Custody of Animal; Disposition; Costs of Care

- (1) Custody of Animal; Authority to Euthanize: Any ACO, law enforcement officer or licensed veterinarian acting on behalf of the City of Leawood, may take into custody any animal, upon either private or public property, when such Officer has probable cause to believe such animal has been subjected to abuse or neglect, as set forth in Section 2-103 of this Code. Such Officer 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 a veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, for euthanasia. The owner, harbinger or keeper of an animal euthanized pursuant to this Subsection shall not be entitled to recover damages for the euthanasia of such animal.

- (2) Costs of Care Assessed: Any necessary and reasonable expenses incurred for the care, treatment, euthanasia, or boarding of any animal taken into custody pursuant to Subsection (a) hereof, pending prosecution of the owner, harbinger or keeper of such animal for the crime of "animal abuse", as defined in Section 2-103 of this Code, shall be assessed to the owner, harbinger or keeper as a cost of the case if the owner, harbinger or keeper is adjudicated guilty of such crime.
- (3) Disposition of Animals:
- (a) If the owner of any animal which comes into the custody of the City pursuant to the provisions of this Section shall fail to make arrangements to care for such animal within twenty (20) days of the time the City takes possession of the animal for impoundment, the animal may be turned over to a duly incorporated humane society, animal shelter or licensed veterinarian for sale, adoption or other disposition or destroyed as an abandoned animal, in accordance with applicable City ordinances, unless the owner, harbinger or keeper files a cash or other accepted form of bond equal to 30 days of care and treatment. The City shall make reasonable attempt to locate and notify the owner, harbinger or keeper of the animal during the twenty (20) days.
- (b) If a person is adjudicated guilty of the crime of "animal abuse", as defined in Section 2-103 of this Code, and the Court is satisfied that an animal owned or possessed by such person would be, in the future, subject to any cruelty, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale, adoption or other disposition.
- (c) Any adult arrested or charged or juvenile placed in custody for or charged with a violation of K.S.A. 21-6412 shall be required to submit specimens of blood or an oral or other biological sample in accordance with the provisions of K.S.A. 21-2511. Such sample shall be taken by an authorized member of the City of Leawood Police Department.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

2-104.**TRAPPING.**

- (a) No person shall do any trapping anywhere in the city except by means of cage-type live traps, provided, however, that the Governing Body or the City Administrator may, by duly issued permit, approve the use of other traps and methods by area homes associations in certain limited circumstances and for a limited amount of time, when another method is shown to be humane and necessary to protect health, safety and welfare of the public.
- (b) A permit may be issued to a homes' association for the use of traps other than cage-type live traps upon application by a homes' association showing that another method is both humane and necessary to protect the health, safety and welfare of the public and demonstrating the following:
 - 1. The Governing Body has found that the animal or species of animal poses a specific and imminent threat to the public or property and there is reason to believe that cage-type live traps will not be adequate to trap the animal or species.
 - 2. The proposed trapping will comply with Kansas law and City of Leawood ordinances including the remaining portions of this section.
 - 3. The proposed trapper has a valid Nuisance Wildlife Control Permit issued by the State of Kansas.
 - 4. The proposed trapping will be targeted to the specific animal or animal species and will be restricted to areas shown on a map provided to the City prior to approval and will be limited to property owned by the homes association or by owners of property within the Association who have consented to such trapping.
 - 5. The number and type of trapping devices must be specifically identified and provided to the City prior to approval.
 - 6. The exact proposed time frame for the trapping shall be stated and shall not exceed 30 days.
 - 7. The trapping devices shall be designed to be as non-lethal as practicable yet still remain effective in capturing the targeted animal or species. In no circumstances may conibear type, body gripping or steel jaw leghold traps be used.
 - 8. The application for permit shall state the proposed disposition of the trapped animals. If it is proposed that the animal shall be euthanized, the method of euthanization shall be stated.
 - 9. The application shall state the proposed disposition of the animal once captured. The perimeter of the trapping area shall be posted at reasonable intervals with notice of the trapping operation. The notice shall be posted seven days in advance of the commencement of the operation and shall contain the name and telephone number of the trapper, and the name of the company, if applicable, and the Homes Association contact for the area where the operation is to occur.
- (c) The Governing Body may authorize agreement between the City of Leawood and an authorized trapper to provide for trapping on lands owned by the City, provided that the contract meets the elements stated in paragraphs (b)1 through (b)4, (b)6 and (b)7 of this section.
- (d) All traps shall be clearly marked with the owner's name, address and telephone number of the owner of the trap or the trap shall be confiscated by the Police Department and destroyed if not claimed within twelve hours.

- (e) All traps will be kept in good condition and working order and will be checked every twelve to eighteen hours while set to insure that no animal is unreasonably suffering and to remove and properly dispose of the animal.
- (f) This section does not apply to the use of traps specifically designed to kill rats, mice, gophers, squirrels or moles with the consent of the owner or occupant of the property where the trap is set.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

(Ord. 2320; 05-19-08)

2-105. FENCES.

- (a) Fences to contain any animal shall be securely constructed; adequate for the purpose; kept in good repair; and in compliance with the regulations provided in Section 16-4-9 of the Leawood Development Ordinance.
- (b) Invisible fences shall be maintained in accordance with the specifications of the manufacturer. An animal placed within an invisible fence shall be trained in accordance with the specifications of the manufacturer.
- (c) Invisible fences shall be no closer than 10 feet from a public walkway or street, and it shall be unlawful to allow an animal, other than a domestic cat, to have an invisible fence as the sole means of confinement

(Ord. 2685C; 09-02-14)

(Ord.1796C; 05-17-99)

2-106. COMPLIANCE WITH FEDERAL REGULATIONS. It shall be unlawful for any person to buy, sell or offer to sell a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969.

(Ord. 2685C; 09-02-14)

(Ord. 1796C, 05-17-99)

2-107. DEAD ANIMAL REMOVAL AND DISPOSAL. The property owner or occupant of the lot or tract of land where any animal has died and/or the owner, keeper or harbinger of the animal shall remove and properly dispose of the remains of the animal within 24 hours after the death of the animal or discovering the remains of the dead animal. In the event of a failure to properly dispose of the remains of an animal, the ACO or law enforcement officer may remove and dispose of the remains of the animal; and the property owner and/or owner, keeper or harbinger of the animal will be responsible for any expenses involved in the removal and disposal of said animal.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

2-108. INJURED OR ILL ANIMALS.

- (a) If the owner of an injured or ill animal cannot immediately be contacted, the ACO or law enforcement officer may seek aid for the animal. The owner of the animal will be responsible for any expenses for the treatment and board of the animal and subject to all other laws including Section 2-103(c) of this Code.
- (b) In the event that a domestic animal is severely injured or ill and an owner cannot be contacted, the ACO or law enforcement officer and his or her supervisor will decide if the animal will be euthanized.
- (c) The ACO or law enforcement officer may obtain care for any injured or ill wild animal found within the city limits and/or euthanize such animal.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

2-109. KEEPING OF A DANGEROUS AND/OR WILD ANIMAL.

- (a) It shall be unlawful for any person to own, keep or harbor any dangerous or wild animal within the city limits except as herein provided.
- (b) No person, other than the following entities having a valid dangerous animal permit, may keep a dangerous or wild animal for display or for exhibition purposes whether gratuitously or for a fee in the City of Leawood.
 - (1) a zoological park;
 - (2) circus;
 - (3) bona fide licensed veterinary hospital;
 - (4) bona fide educational institution;
 - (5) bona fide medical institution;
 - (6) bona fide museum.

Such persons or entities may receive a permit for keeping a dangerous animal if the subject animal or animals are considered wild animals such as lions, tigers, bobcats, all other members of the feline family, bears, wolves, coyotes, monkeys, apes, gorillas, poisonous or dangerous snakes or other reptiles, poisonous or dangerous insects, eagles, hawks, owls, other wild or dangerous members of the bird family, and any bird that is not captive bred domestically.

Any such person or entity must have a permit to keep a dangerous animal in the city, and shall execute the following agreement, which shall be attached to the permit as Exhibit A:

EXHIBIT A
Agreement Permitting Inspections

I, _____ have applied for a permit to keep a dangerous animal in the city, at premises known as _____. I understand that keeping a dangerous animal can pose special problems for the city. I agree that a city animal control officer may enter the premises described as _____ at any time with or without previous notice of the purpose of making an inspection. Such entry for inspection shall not include entry into any building or part of a building except locations where such animal is customarily kept or permitted to roam, and a way to get into such location.

Dated: _____

Applicant: _____

- (c) The Federal Animal Welfare Act must be strictly followed if any dangerous animal is to be kept by a zoological park, circus, bona fide licensed veterinary hospital, bona fide educational or medical institution or museum.
- (d) No person shall keep or permit to be kept any dangerous animal as a pet.
- (e) Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal within the city, the city shall conduct an investigation and if the investigation reveals evidence that indicates that such person named in the complaint is in fact the owner, keeper or harborer of any such dangerous animal in the city, the city shall mail written notice to the property owner where the animal is located requiring the owner to safely remove the animal from the city within five days. Notice shall not be required where a dangerous animal has caused serious physical harm or death to any person or has escaped and is at large, in which case the city shall cause the animal to be immediately seized and impounded or killed, if seizure and impoundment are not possible without the risk of serious physical harm or death to any person.
- (f) The city shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping or harboring such animal has failed to comply with the notice sent. Upon seizure and impoundment, the animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals. If, during the seizing and impounding of any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the city may render the animal immobile by means of tranquilizers or other safe drugs or if that is not safely possible, then the animal may be killed.
- (g) Any reasonable expenses incurred by the city in seizing, impounding and confining any dangerous animal shall be charged against the owner, keeper or harborer of such animal. Such charges shall be in addition to any fine or penalty provided for violating this section.
- (h) Any such dangerous animal shall be confined to a secured enclosure as defined in Section 2-102 of this Code.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

(Code 2000)

(Ord. 1997C; 06-16-03)

2-110.**VICIOUS ANIMAL.**

- (a) It shall be unlawful to own, harbor or keep a vicious animal within the City of Leawood except as provided in this Chapter.
- (b) The owner of an animal that has been found and/or declared to be vicious in any jurisdiction, must within 10 days of the conviction and/or declaration have a microchip implanted in the animal and provide to the ACO or law enforcement officer two color photographs of the animal clearly showing the color, approximate size and any distinguishing markings on the animal and the microchip number of such animal.
- (c) All vicious animals shall be confined in a secured enclosure as defined in this Chapter. It shall be unlawful for any owner, keeper or harbinger to allow a vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the ACO or law enforcement officer with respect to the vicious animal. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength capable of keeping said animal attached to said chain and not exceeding three feet in length, and shall be under the direct control and supervision of the owner, keeper or harbinger of the vicious animal. Any muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- (d) The owner of a vicious animal shall display in a prominent place on the premises a clearly visible warning sign indicating that there is a vicious animal on the premises and state whether it is a dog or cat. A similar sign is required to be posted on the secured enclosure, pen or the kennel of the animal.
- (e) No vicious animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal 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 screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- (f) Unless otherwise ordered by the Judge after being convicted of owning, keeping or harboring a vicious animal, the owner, harbinger or keeper shall present satisfactory evidence to the City Clerk that the owner has procured liability insurance in the amount of at least \$500,000 covering any damage or injury which may be caused by such vicious animal during any 12 month period for which a license is sought. The policy shall contain a provision requiring the City to be named as additional insured for the sole purpose of the City to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the 12 month period for which the license is being sought, unless the owner shall cease to own the vicious animal prior to the expiration of the license.

- (g) Trained police dogs utilized by properly certified law enforcement officers in the course of official duty shall be exempt from the provisions of this section.
- (h) A vicious cat must be declawed by a licensed veterinarian.
- (i) Upon conviction of a first offense, the general penalty for this Chapter shall apply.
- (j) Upon conviction of a second offense, the Court shall order the animal permanently removed from the City within three days or euthanized. Should the order of the Court be appealed, the animal must be removed from the City pending disposition of the appeal. Failure to comply with the removal order shall result in the animal being impounded and shall be punishable by a fine of \$500 per day that the vicious animal remains in the City and/or one year confinement in the county jail.
- (k) A permit for the keeping of a vicious animal shall be issued for one year upon payment of a fee of \$150 to the Police Department and will be deemed to have expired one year from date of issuance. The person to whom a permit is issued shall sign a written agreement permitting the ACO or a law enforcement officer to inspect the permittee's premises quarterly. Failure to comply with any of the foregoing requirements in this Section 2-111 shall be grounds to revoke such permit.

(Ord. 2685C; 09-02-14)

(Ord.1796C; 05-17-99)

2-111. BITE AND SCRATCH PROCEDURES.

- (a) When any animal has bitten or attacked any person within the City limits of Leawood, and/or when an animal is suspected of having rabies, it shall be the duty of any person having knowledge of such to report the same immediately to the Police Department.
- (b) Except as provided in subsection (f) herein, an animal alleged to have bitten or otherwise so injured a person causing an abrasion of the skin, shall immediately be quarantined at the expense of the owner with a licensed veterinarian within Johnson County, Kansas for a period of 10 days.
- (c) If the owner, keeper or harbinger of the animal alleged to have bitten or injured a person cannot be immediately contacted, the Leawood Police Department shall immediately impound such an animal at the expense of the owner for not less than 10 days. If the address of the owner can be determined, the Leawood Police Department shall mail a notice to the owner that the animal has been impounded under the provisions of this section. The owner has the right to redeem the animal if that animal is determined to be free of rabies at the expiration of confinement upon payment of all expenses including the boarding, any veterinarian fees and any license and penalty fees due and owing the city. There may be conditions concerning the keeping, housing and handling of the animal that the owner, keeper or harbinger must follow until the municipal judge determines how the animal shall be kept.
- (d) In the event the original place of quarantine is not the choice of the owner, the owner may request a change of place of quarantine to a licensed veterinarian of the owner's choice in Johnson County, Kansas from the A.C.O. The A.C.O. shall insure that the place of quarantine and licensed veterinarian complies with all provisions of this article. The total period of confinement of the animal is a period of not less than 10 days. No credit shall be given for any period of time the animal remained at large.

- (e) The veterinarian with whom the animal is quarantined shall provide a written report to the Police Department as to the health of the animal immediately after receiving any information concerning rabies.
- (f) In the event that the investigating officer determines:
 - (1) that the animal which injured the person did so while properly secured on or within the property of the owner, harbinger or keeper of the animal;
 - (2) that the person injured was upon the property without the consent of the owner; and
 - (3) that the animal had an effective rabies vaccine and was duly licensed under this article at the time of the injury, then the animal need not be impounded in accordance with Section 2-112 (a), but the following alternative procedure shall be followed:
 - (i) If the injured person or legal guardian desires that the animal be impounded and agrees in writing to pay for the board during the period of impoundment, it shall be impounded for the period specified notwithstanding any other provision of this article.
 - (ii) If the injured party or legal guardian is unwilling to agree in writing to pay for the boarding of the animal during the period of impoundment, the animal shall be permitted to remain confined in the residence of the owner or keeper, provided that the owner or keeper signs a written agreement to keep the animal confined for the specified period and allows the animal to be periodically examined by an ACO to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such an agreement, the animal shall be immediately impounded in accordance with this chapter.
 - (4) The owner, harbinger or keeper of any animal that bites or otherwise so injures a person causing an abrasion of the skin, shall be punished by a fine of not less than \$100 but not more than \$500, or by imprisonment of not more than 180 days, or by both such fine and imprisonment. The Judge may also order that the animal be euthanized taking into consideration the nature and severity of the incident and whether the animal has displayed dangerously aggressive behavior and is likely to inflict injury on another person or animal.

(Ord. 2685C; 09-02-14)
(Ord. 1796C, 05-17-99)

2-112. UNSECURED ANIMAL.

- (a) It shall be unlawful for the owner, keeper or harbinger of any animal to allow such animal to be unsecured anywhere in the city with the exception of the City's off-leash dog park (b) Unsecured or abandoned animals may be immediately euthanized if the ACO or any other agent designated by the city believes that seizure and impoundment are not possible without the risk of serious physical harm or death to any person.
- (b) If an animal is unsecured within the city limits, such animal may be seized by the ACO or by any other agent designated by the city, and the animal shall be held seven days as provided by the animal shelter or agent, and if within that seven days the owner, harbinger or keeper of the animal reports to the Police Department and pays the expenses of seizing, boarding, and caring for the animal, the animal may be released to the owner, harbinger or keeper provided that the animal is not vicious or dangerous, that the owner, harbinger or keeper can provide a current rabies vaccine inoculation certificate issued by a licensed veterinarian and proof of license issued by the City's Animal Licensing Specialist if the animal is not wearing its license tags, and that the animal is eligible to be released pursuant to all other provisions of this Chapter.
- (c) If an animal is impounded, the Police Department will attempt to contact the owner, harbinger or keeper of the animal. If the owner of the animal is known and does not claim the animal within seven days, then the animal will be deemed to be abandoned and the owner shall be charged with a violation of Section 1-103 of this Code and charged in accordance with all applicable local, state and/or federal laws. The disposition of the impounded abandoned animal shall be handled in accordance with Section 2-103 of this Code.
- (d) If the owner of an impounded animal cannot be determined, then the animal may be adopted or euthanized as decided by the designated agent and/or the animal shelter

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

2-113. ANIMAL NUISANCE.

- (a) **Nuisance** means an animal that:
 - (1) is unsecured; or
 - (2) acts in a manner that would disturb a reasonable person other than the owner, harbinger or keeper of the animal by growling or biting at a person;
 - (3) chases, molests, or acts in a manner toward a person other than the owner, harbinger or keeper that reasonably disturbs a person;
 - (4) attacks animals other than wild animals;
 - (5) damages the property of a person other than the owner, keeper or harbinger;
 - (6) barks, bays, howls, or makes any other noise that reasonably tends to disturb a person that has signed a statement (which can be recorded by the A.C.O.) setting forth facts concerning the volume, time, and length of barking. The person making such statement must agree in writing to testify in court if requested;
 - (7) creates odors that would offend a reasonable person other than the owner, keeper or harbinger of the animal;
 - (8) defecates on private property without the permission of the owner of the property;

- (9) becomes or creates an insect breeding site;
 - (10) threatens or endangers public health;
 - (11) impedes refuse collections; or
 - (12) acts in any other manner that interferes with the enjoyment of property by a person other than the owner, harborer or keeper of the animal.
- (b) It shall be unlawful for any person to fail to immediately remove any excrement deposited by his or her animal on any public or private property, other than the property of the owner of the animal. This section does not apply to a blind person while walking his or her work dog.
- (c) It shall be unlawful for the owner, harborer or keeper of an animal to allow the animal to be exposed in any public place in the city, or to ship or remove such animal from the property of the owner, harborer or keeper, when the animal is afflicted with a contagious or infectious disease unless under the supervision of the ACO or a licensed veterinarian.
- (d) All female animals in heat shall be confined in an enclosure or building in such a manner that the animal cannot come in contact with a male animal except for planned breeding.
- (e) It shall be unlawful for the owner, keeper or harborer of any animal to allow that animal to create any type of nuisance as defined in this Chapter.
- (f) Nuisance-Injunction: Any violation of Section 2-113 of this Code is hereby declared to be a nuisance. In addition to any other relief provided by this section, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

2-114. SALE OF ANIMALS. SPECIAL PERMIT AND BUSINESS LICENSE REQUIRED. It shall be unlawful to attempt to sell and/or maintain for sale, and/or sell an animal without obtaining a special permit and business license from the Animal Licensing Specialist. It shall be an exemption for City of Leawood residents to sell up to two litters per year.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)

2-115. CHAPTER ADMINISTRATION. The City Administrator is authorized to develop administrative regulations necessary to implement the provisions of this Chapter, including procedures for animal enumerations, animal shelter operation and such other fees required by this Chapter but not specified herein.

(Ord. 2685C; 09-02-14)

(Ord. 1796C; 05-17-99)