

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. 1796C; 05-17-99)

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

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) **Abandon** 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.
- (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 Grooming** is providing timely grooming appropriate and necessary for the species, breed and/or size of the animal.
- (d) **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.
- (e) **Animal** means any living vertebrate except humans.
- (f) **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.
- (g) **Animal Licensing Specialist** means the person designated by the City to issue licenses pursuant to this Chapter.
- (h) **Animal Shelter** is any premises designated by the city for the purpose of impounding and/or quarantining and/or caring for animals.
- (i) **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.
- (j) **Cat** means a felis domesticus
- (k) **Dangerous Animal** means any animal that:
- (1) when unprovoked, has aggressively bitten, scratched, attacked or endangered the safety of a human or domestic animals;
 - (2) when unprovoked, has killed a domestic animal;
 - (3) has previously been declared to be potentially dangerous, and since that time has bitten, attacked, aggressively charged at or endangered the health or safety of a human or domestic animal; or
 - (4) is owned, kept, controlled, managed, or possessed primarily for the purpose of fighting or is trained for fighting;
 - (5) is a wild/domestic animal hybrid;
 - (6) is a Pit Bull Dog; or
 - (7) has been found by a Judge or administrative judge in this City, or any other city, to be a dangerous animal, vicious animal or similar label akin to the definition herein.
- (l) **Dog** means a *canis familiaris* only (this term does not include hybrids such as *familiaris/lupus* or *familiaris/latrans*).
- (m) **Domestic Animal** means any animal tamed by humans.
- (n) **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.

- (o) **Harboring** means any person who provides food and/or shelter to an animal for three consecutive days or more.
- (p) **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.
- (q) **Keeper** shall mean any person temporarily entrusted with the care and custody of an animal by another.
- (r) **Kennel** means any person engaged in the business of breeding, buying, selling, or boarding dogs and cats.
- (s) **Owner** means any person who owns, or has charge, custody or control of an animal. It shall be prima facie evidence that the person listed as owner on any animal licensing records is the owner of the animal(s) listed. A parent or legal guardian shall be deemed to be an owner of animals owned or maintained by children upon the parent or guardian's premises.
- (t) **Person** means any individual, association, partnership, corporation or any other group.
- (u) **Pet Shop** means any person engaged in the business of breeding, buying, selling, or boarding animals in any species.
- (v) **Pit Bull Dog** means any and all of the following dogs:
 - (1) Staffordshire Bull Terrier breed of dog;
 - (2) American Staffordshire Terrier breed of dog;
 - (3) American Pit Bull Terrier breed of dog; or
 - (4) Any dog having the appearance and characteristics of being predominantly of the breeds known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier. In determining whether a dog has the appearance and characteristics of being predominantly of the breeds listed herein, a dog which possesses at least five of the following eight characteristics shall be considered to be a pit bull dog:
 - (i) Head is medium length, with a broad skull and very pronounced cheek muscles, a wide, deep muzzle, a well-defined, moderately deep stop, and strong under jaw. Viewed from the front the head is shaped like a broad, blunt wedge.
 - (ii) Eyes are round to almond shaped, are low in the skull and set far apart.
 - (iii) Ears are set high; un-cropped ears are short and usually held rose or half prick, though some hold them at full prick.
 - (iv) Neck is heavy and muscular, attached to strong, muscular shoulders.
 - (v) Body is muscular, with a deep, broad chest, a wide front, deep brisket, well-sprung ribs, and slightly tucked loins.
 - (vi) Tail is medium length and set low, thick at the base, tapering to a point.
 - (vii) Hindquarters are well muscled, with hocks, set low on the legs.
 - (viii) Coat is a single coat, smooth, short and close to the skin.
- (w) **Potentially Dangerous Dog** means any animal that:
 - (1) has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or domestic animals; or

- (2) without provocation, has approached any person or domestic animal in a terrorizing manner or in an apparent attitude of attack, upon any public or private property.
- (x) **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.
- (y) **Responsible Animal Care** means any owner, harborer, or keeper of any animal is providing:
 - (1) adequate feeding;
 - (2) adequate watering;
 - (3) proper and adequate shelter;
 - (4) veterinary care as necessary 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) appropriate exercise as required to promote the good health of the animal.
 - (8) adequate grooming for the type of animal.
- (z) **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.
- (aa) **Secured Enclosure** means a locked structure enclosing an area suitable to confine a potentially dangerous dog or a dangerous or wild animal and suitable to prevent someone 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.
- (bb) **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.
- (cc) **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.
- (dd) **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.
- (ee) **Trap** means any mechanical device or snare which seeks to hold, capture or kill an animal.
- (ff) **Veterinary Hospital** means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

- (gg) **Vicious** means having a disposition or propensity to attack or bite any person or animal without provocation.
- (hh) **Wild Animal** means an animal as defined 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. 1796C; 05-17-99)
(Code 2000)

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

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

(Ord. 2860C; 09-18-17)

(Ord. 3074; 02-07-22)

(Ord. 3116; 03-20-23)

2-103. ANIMAL WELFARE.

- (a) **CRUELTY TO ANIMALS:** Cruelty to animals is:
 - (1) knowingly abandoning any animal in any place without making provisions for its proper care;
 - (2) having physical custody of any animal and knowingly and intentionally failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such animal;
 - (3) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;
 - (4) knowingly but not maliciously killing or injuring any animal;
 - (5) permitting or attending any dogfight, cockfight, bullfight or other combat between animals or between animals and humans;
 - (6) cropping animal ears or docking animal tails except by a licensed veterinarian;
 - (7) offering to give or giving a live animal as a prize or as a business inducement; or
 - (8) failing to stop and to immediately render proper assistance after striking a domestic animal with a motor vehicle, and/or failure to immediately report any injury or death of the animal to the owner, unless the owner cannot be ascertained and located, in which case the operator shall immediately report the incident to the Leawood Police Department;
- (b) **EXCEPTIONS:** Nothing in the Section shall be deemed to prohibit any of the following activities:
 - (1) Normal or accepted veterinary practices.
 - (2) Bona fide experiments carried on by commonly recognized research facilities.
 - (3) Any act done in self-defense or defense of another person.
 - (4) The humane killing of an animal that is diseased or 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 by any officer or agent of an animal shelter.
 - (5) An ACO trained by a licensed veterinarian in the use of chemical immobilization, with the appropriate dosage for the size of the animal, when such animal is displaying vicious or dangerous tendencies, and 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, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such Officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care; or, if it appears 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 unless the owner proves that euthanasia was unwarranted.
 - (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 this Subsection (c), pending prosecution of the owner, harbinger or keeper of such animal for cruelty to animals, 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:
 - (i) 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 an 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 cruelty to animals, in addition to any other penalty provided by law, the Court may order that such animal not be returned to or remain with such person. Such animal may be ordered turned over to an animal shelter or licensed veterinarian for sale, adoption or other disposition.
- (d) **RESPONSIBLE ANIMAL CARE REQUIRED.**
- (1) It shall be unlawful for any owner, keeper or harbinger to fail to provide responsible animal care, as that term is defined in Section 2-102.
 - (2) It shall be unlawful for any owner, keeper or harbinger to fail to provide an animal in his or her care with living space sufficient for the species and/or the opportunity for adequate daily exercise, requiring some freedom from continuous tethering and/or stabling. Any restraint placed on an animal must be such that it prevents the animal from being tangled or injured by the restraint and that it does not impede the animal's access to food, water and shelter.
 - (3) It shall be unlawful for any owner, keeper or harbinger to leave an animal in a vehicle when weather conditions exist that could endanger the animal's life. Animal control, with assistance from law enforcement, is hereby authorized to enter such vehicle and rescue such animal and thereafter

seek veterinary treatment for the animal, if needed, and/or impound the animal. A written notice shall be left on the vehicle whenever an animal has been impounded or removed for treatment under the authority of this Section.

- (4) It shall be unlawful to transport 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 to transport any animal in any vehicle in a manner that inflicts pain, or results in inhumane treatment, to the animal.

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

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

(Ord. 2860C; 09-18-17)

(Ord. 3116; 03-20-23)

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. 1796C; 05-17-99)
(Ord. 2320; 05-19-08)
(Ord. 2685C; 09-02-14)

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

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

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

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

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 wild 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 wild/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 wild animal in the City, at premises commonly known as _____. I understand that keeping a wild animal can pose special problems for the City. I agree that a city Animal Control Officer may enter the premises described above at any time with or without previous notice for 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 any way for the animal to get into such location.

Dated: _____

Applicant: _____

- (c) The Federal Animal Welfare Act must be strictly followed if any wild 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 or wild animal as a pet.
- (e) If a person is keeping or harboring a dangerous animal within the City in violation of this Section, the City shall provide written notice to the property owner where the animal is located requiring the owner to safely remove the animal from the City within five (5) days. Notice may be served upon the property owner by personal service, by leaving a copy with a person over 18 years of age at the property where the animal is kept, or by posting the notice conspicuously on the property. Written 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 may cause the animal to be immediately seized and impounded. If seizure and impoundment are not possible without the risk of serious physical harm or death to any person, the animal may be euthanized. Any notice to remove an animal hereunder may be in addition to a municipal court citation for a violation of this Chapter.
- (f) The city may cause to be seized and impounded any animal which has been declared dangerous, where the person owning the property on which such animal is kept or harbored 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 no such organization exists or is willing to accept the animal, or if the animal poses a risk of serious physical harm or death to any person, and all reasonable alternatives have been exhausted, then the animal may be euthanized.
- (g) Any reasonable expenses incurred by the City in seizing, impounding and confining any dangerous or wild animal may be recovered against the property owner, or the owner, keeper or harbinger of such animal, as restitution or as otherwise allowed by law. Any restitution collected shall be in addition to any fine or penalty imposed by the municipal court.
- (h) Any wild animal permitted hereunder shall be confined to a secured enclosure as defined in Section 2-102 of this Code.

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

(Code 2000)

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

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

(Ord. 3116; 03-20-23)

2-109A. DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL DETERMINATION

- (a) If an Animal Control Officer has probable cause to believe an animal in the City is a dangerous animal or potentially dangerous animal, as defined in Section 2-102, the City Prosecutor may file a petition with the Municipal Court, verified by an Animal Control Officer, seeking a finding that the animal is a dangerous animal or potentially dangerous animal. If the City intends to seek an order from the Court

that an animal be euthanized, the petition shall specifically state that is the remedy requested.

- (b) The City Prosecutor shall provide the owner, keeper or harbinger of the animal with a copy of the petition, and shall also notify them of the date, time, and location of the hearing. A certificate of service shall be filed documenting the method of service of the petition and notice of hearing.
- (c) When an Animal Control Officer has probable cause to believe that an animal may pose a threat of serious harm to human beings or other animals, the Animal Control Officer or a law enforcement officer is authorized to seize and impound the animal pending the hearing hereunder, and/or any appeal. If the subject animal has been seized and impounded, the matter shall be scheduled for a hearing within seven (7) business days from the date of impoundment. If the animal is not impounded, the hearing shall be held within fourteen (14) days from the date the petition is filed in the Municipal Court. These deadlines may be extended by the City or the court for good cause shown.
- (d) The hearing shall be conducted by the Municipal Judge. The Municipal Judge is empowered to hold hearings, authorize subpoenas to be issued, take the testimony of persons under oath, and to require the production of any evidence relating to any matter being heard.
- (e) At the hearing, all interested parties shall be given an opportunity to present evidence, testimony and relevant materials on the issue of whether the subject animal is a dangerous animal or potentially dangerous animal. The testimony and relevant materials may include but are not limited to Animal Control reports, observations and opinions; the facts, circumstances, and seriousness of any attack or wound; past history of bites or wounds inflicted by the animal in question; and the potential propensity of the animal to inflict wounds in the future. The hearing shall be administrative in nature, informal in the presentation of the testimony and open to the public. The burden of proof shall be by a preponderance of the evidence.
- (f) If the Judge determines that the City has proven by a preponderance of the evidence that an animal meets the definition of dangerous animal, the judge shall order the animal permanently removed from the City, or destruction of the animal, as deemed appropriate. The judge shall prepare a written order and provide a copy of such order to Animal Control to keep on file. If an animal is to be removed, the Judge may require the owner or keeper to provide animal control with the exact location, address and contact information for the new owner or keeper, within a time frame set by the Judge. If the animal was impounded prior to the hearing, the owner, keeper or harbinger shall be responsible for all impoundment and boarding fees.
- (g) If the Judge determines that the City has proven by a preponderance of the evidence that an animal meets the definition of a potentially dangerous animal, the owner, keeper or harbinger shall have fourteen (14) days from the date of the finding, or such other time frame as set by the Judge, to comply with the requirements of Section 2-110A of this Code pertaining to potentially dangerous animals. The judge shall prepare a written order and provide a copy of such order to Animal Control to keep on file.
- (h) If the owner, keeper or harbinger fails to appear for the hearing, or if the animal has been voluntarily removed from the City prior to the scheduled hearing, the City may proceed with the hearing, provided the Court finds sufficient notice of the hearing has been provided to the owner, keeper or harbinger.

- (i) If the animal has been impounded, the judge may order the animal remain impounded until a final decision is made by the owner, keeper or harbinger on what to do with the animal, with all costs of impoundment assessed against the owner, keeper or harbinger. In the event of an appeal, the Judge may require that the owner post a bond in an amount sufficient to pay for the animal's current impoundment and boarding fees, and a minimum of 30 additional days boarding, which shall be required to be posted with the Municipal Court. The animal shall remain impounded until either a new order is issued by the district court, or until a final determination is made on appeal.
- (j) The owner, keeper or harbinger of an animal subject to a petition seeking a dangerous or potentially dangerous determination may waive his or her right to a hearing and enter a stipulation that the animal is dangerous or potentially dangerous, or a stipulation that the evidence would be sufficient to sustain such a finding. Any such stipulation shall be reduced to writing, signed by the owner, and presented to the Municipal Judge. A stipulation shall have the same legal effect as a determination by the Judge that the animal is a dangerous animal or potentially dangerous animal, as the case may be. The owner shall comply with all provisions of this Code regarding dangerous or potentially dangerous animals within fourteen (14) days from the date of the stipulation, or some later time frame if agreed to by the City and approved by the Court.

(Ord. 3116; 03-20-23)

2-110. VICIOUS ANIMAL. (REPEALED)

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

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

(Ord. 3116; 03-20-23)

2-110A. POTENTIALLY DANGEROUS ANIMALS; REGULATIONS

- (a) The following provisions shall apply to all animals determined to be potentially dangerous, unless otherwise ordered by the Municipal Judge:
 - (1) Confinement Required: All potentially dangerous animals shall at all times be confined in a secured enclosure, as defined in Section 2-102, or inside a structure. No potentially dangerous animal shall be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building of its own volition. In addition, no potentially dangerous animal shall be kept in a house or structure when the windows are open or when window screens or screen doors are the only obstacles preventing the animal from exiting the structure.
 - (2) Confinement Exceptions: An owner of a potentially dangerous animal will be allowed to have their animal outside of an enclosure or structure only for the following purposes: (1) to obtain necessary veterinary treatment; (2) to transfer ownership of the animal; (3) exercise; (4) elimination breaks; or (5) to comply with the commands of an Animal Control Officer. These exceptions apply only if the dangerous animal is securely muzzled, restrained with a leash of sufficient strength and not more than four feet in length, and is under the direct control of an adult capable of exercising control over the animal. The muzzle shall be made and used 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.
 - (3) Permit Required: The owner or keeper shall obtain a permit for keeping a potentially dangerous animal in the City. The permit application shall be

on a form provided by the City and accompanied by a nonrefundable permit fee of \$150 payable to the Police Department. The permit fee is separate and distinct from any license fees required by the Code. The permit application shall contain, at a minimum, the following information: name, address, and telephone number of the owner or keeper; an alternate contact person by name, address, and telephone number; a picture or pictures of the animal showing its (1) face, (2) color, and (3) any distinctive markings; the height, weight, breed, and approximate age of the animal; the animal's microchip type and registration number; liability insurance carrier information; and any other information deemed necessary by the City. The permit shall be renewed annually or as long as the animal remains in the City. The person to whom the permit is issued shall sign a written agreement permitting the ACO or a law enforcement officer to inspect the premises where the animal is kept at all reasonable times.

- (4) **Microchip Required:** The owner or keeper of a potentially dangerous animal shall have a microchip implanted into the animal for identification purposes, and the name of the microchip manufacturer and identification number of the microchip must be provided to the City. All costs related to the purchase, implantation, and registration of the microchip are the responsibility of the owner.
- (5) **Spaying or Neutering Required:** All potentially dangerous animals shall be spayed or neutered.
- (6) **Tethering Prohibited:** No potentially dangerous animal may ever be leashed or tethered to an inanimate object.
- (7) **Insurance Required:** No potentially dangerous animal shall be permitted by the City unless the owner of such animal presents to the City proof that the owner or keeper has procured liability insurance in the amount of at least two hundred fifty thousand dollars (\$250,000.00) covering any damage or injury which may be caused by such potentially dangerous animal. The owner or keeper shall maintain the liability insurance required by this subsection at all times, unless and until the owner no longer owns the animal, and shall notify the City of any cancellation, termination or expiration of the liability insurance policy.
- (8) **Warning Signs:** The owner of property where a potentially dangerous animal is kept shall display in a prominent place on the premises a clearly visible sign warning of the presence of a potentially dangerous animal. A similar sign is required to be posted on any separate enclosure used to confine the dangerous animal. All such signs shall comply with the City's sign ordinance.
- (9) **Relocation, Removal or Death of the Animal:**
 - (i) Before an owner or keeper of a potentially dangerous animal moves the animal to another location within the City, the owner shall first notify Animal Control and provide an updated permit form to the City.
 - (ii) Before an owner or keeper of a potentially dangerous animal moves the animal outside of the City, the owner or keeper shall provide Animal Control with the exact location and address of the animal's new residence, and new owner or keeper if applicable. The Animal Control Officer shall verify the information, and may notify the receiving jurisdiction that the animal has previously been

- determined to be potentially dangerous.
- (iii) If the potentially dangerous animal dies or is euthanized, the owner or keeper shall promptly notify Animal Control and provide evidence to the satisfaction of Animal Control.
- (10) Notification of Escape: The owner or keeper of a potentially dangerous animal shall immediately notify Animal Control if such animal escapes from its enclosure or residence and is at large. Immediate notification also shall be required if the animal bites or attacks a person or domestic animal.
- (b) It shall be unlawful for any owner, keeper or harbinger of a potentially dangerous animal to fail to comply with any of the requirements and conditions set forth in this Section. Upon conviction for a violation of this Chapter, in addition to any other penalty as allowed, the Court may order the animal euthanized. Any costs for impoundment, boarding, or euthanasia shall be the responsibility of the owner or keeper.
 - (c) Penalty: Any person found guilty of violating the provisions of this Section shall be punished as provided in Section 2-501.

(Ord. 3116; 03-20-23)

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) Any animal alleged to have bitten or otherwise so injured a person causing an abrasion of the skin, shall immediately be confined for a period of not less than 10 days for observation, at the expense of the owner, keeper, or harbinger, at an approved animal shelter, with a licensed veterinarian, or home confinement as provided in subsection (f).
- (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 owner can be determined, the Leawood Police Department shall notify the owner by the quickest means possible 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.
- (d) In the event the original place of confinement is not the choice of the owner, the owner may request a change of place of confinement to a licensed veterinarian of the owner's choice, or request home confinement. The ACO shall insure that the place of confinement 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 or animal shelter with whom the animal is confined shall provide a written report to the Police Department as to the health of the animal immediately after receiving any information concerning rabies.
- (f) The ACO may authorize home confinement with the owner if the animal has a current rabies vaccination certificate and the facts and circumstances of the bite warrant a home confinement, 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.

- (g) 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 \$1,000, 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. 2922C; 01-07-19)

(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. This section shall not apply to dogs in the City's off-leash dog park, or to cats.
- (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.
- (c) 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 five days as provided by the animal shelter or agent, and if within that five days the owner, harbinger or keeper of the animal is identified 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 has not been declared a dangerous or potentially dangerous animal, that the owner, harbinger or keeper can provide a current rabies vaccine inoculation certificate issued by a licensed veterinarian, and that the animal is eligible to be released pursuant to all other provisions of this Chapter.
- (d) 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 five days, then the animal will be deemed to be abandoned and the owner may be charged with a violation of Section 2-103 of this Code and any other 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.
- (e) If the owner of an impounded animal cannot be determined, or if the owner abandons or fails to claim the animal, then the animal may be sold, adopted or other disposition as decided by the designated agent and/or the animal shelter as allowed by law.

(Ord. 2922C; 01-07-19)

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

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

(Ord. 3116; 03-20-23)

2-113.

ANIMAL NUISANCE.

- (a) **Nuisance** means an animal that:
- (1) is unsecured;
 - (2) acts in a manner that would disturb a reasonable person other than the owner, harbored 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, harbored or keeper that would disturb a reasonable person;
 - (4) attacks animals other than wild animals;
 - (5) damages the property of a person other than the owner, keeper or harbored;
 - (6) barks, bays, howls, or makes any other noise that is so loud, continuous or untimely as to cause annoyance, disturbance or discomfort to a reasonable person;
 - (7) creates odors that would offend a reasonable person other than the owner, keeper or harbored of the animal;
 - (8) defecates on property other than the owner, keeper or harbored's property, and the owner, keeper or harbored fails to immediately remove said waste;
 - (9) becomes or creates an insect breeding site;
 - (10) threatens or endangers public health;
 - (11) impedes refuse collections or mail delivery; or
 - (12) acts in any other manner that interferes with the enjoyment of property by a person other than the owner, harbored 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 visually impaired person while walking their work dog.
- (c) It shall be unlawful for the owner, harbored 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, harbored 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 harbored 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. 1796C; 05-17-99)

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

(Ord. 3116; 03-20-23)

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. 1796C; 05-17-99)

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

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. 1796C; 05-17-99)

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