

ORDINANCE NO. 416

ORDER AMENDING CITY ORDINANCE NO. 2-115, VICIOUS DOGS OF THE
CODE OF THE CITY OF BASEHOR, KANSAS.

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

Section 1. Section 2-115 of the code of the City of Basehor is hereby amended to read as follows:

VICIOUS DOGS.

(a) Definitions.

- (1) Animal Control Officer shall mean the chief of police of the city, or any police officer of the city, or any other person designated by the chief of police or the mayor of the city.
- (2) At Large shall mean off the premises of the owner or keeper or not under the control or supervision of the owner or keeper.
- (3) Dog shall include both male and female dogs, three months of age or older.
- (4) Own shall mean and include own, keep, harbor, shelter, manage, possess, or have a part interest in any dog. If a minor owns a dog subject to the provisions of this article, the head of the household of which such minor is a member shall be deemed to own the dog for the purposes of this article.
- (5) Owner shall mean the one who owns, his or her employee, agent, or other competent person into whose charge the actual owner has placed the dog.
- (6) Vicious Dog as used in this section, shall mean and include any dog which by virtue of its breeding, training, characteristics, behavior or other factors the owner or custodian thereof knows or has reason to know has a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or any other animal.

(b) Insurance. The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than \$200,000 per incident insuring the person against any claim, loss, damage or injury to any human being, any property, domestic pet, or livestock resulting from the acts of such dog. Such person shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. The owner or custodian of such dog must provide proof of insurance at the time the dog is registered. If the owner or custodian fails to provide such proof of insurance, the owner or custodian shall be denied registration and shall be subject to such other penalties provided for herein. In order to comply with the provisions of this section, the owner or custodian must provide insurance that specifically insures that specific breed of dog under the insurance policy. Such determination, if disputed, shall be resolved by the City Attorney, and his/her decision shall be final. This section shall not apply to dogs kept by law enforcement agencies.

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(c) Leash and Muzzle. No person shall permit a vicious, ferocious or dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a vicious, ferocious or dangerous dog to be kept on a chain, rope or other type of leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious ferocious or dangerous dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(d) Confinement. All vicious, ferocious or dangerous dogs shall be securely confined indoors or in a securely enclosed or locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious, ferocious or dangerous dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than one foot. All structures erected to house vicious, ferocious or dangerous dogs must comply with all zoning and building regulations of the city. All such structures must be ventilated and kept in clean and sanitary conditions.

(e) Confinement Indoors. No vicious, ferocious or dangerous dogs may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when screen doors are the only obstacle preventing the dog from exiting the structure.

(f) Signs. All owners, keepers or harborers of vicious, ferocious or dangerous dogs within the city shall within 10 days of the date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(g) Registration of Vicious Dogs. All owners, keepers or harborers of vicious, ferocious or dangerous dogs within the city shall within 10 days of the date of this ordinance register the dogs with the city clerk. Such registration shall include a photograph of each vicious dog owned, kept or harbored.

(h) Ownership of Certain Vicious Dogs Prohibited. It shall be unlawful to keep, harbor, own or in any way possess any vicious dog which either:

(1) Attempts to attack, bite or otherwise do bodily harm to a human being or another animal; or

(2) Attacks bites, or otherwise does bodily harm to a human being or another animal.

This section shall not apply to dogs kept by law enforcement agencies.

- (3) Any wolf-hybrid; provided, that wolf-hybrids registered with the City may be kept within the City if the owner provides the necessary insurance as required in Section (b) herein. "Wolf-hybrid" is defined to mean a domesticated dog that has in its known genetic history and/or formal pedigree cross breeding with the wolf species to include, but not be limited to, animals referred to as wolf-hybrids or wolf-mix breeds or the breed known as Tundra Shepherd. The registration of an animal at any time in any jurisdiction as wolf-hybrid, wolf-mix breed or Tundra Shepherd shall constitute prima facie evidence the animal is subject to this Article.

The keeping of such specific breeds shall be subject to the following additional standards:

- (1) No person shall permit a registered pit bull dog, Rottweiler dog or wolf-hybrid to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog, Rottweiler dog or wolf-hybrid to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs, Rottweiler dogs or wolf-hybrids on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting a person or other animals.
- (2) All registered pit bull dogs, Rottweiler dogs or wolf-hybrids shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs, Rottweiler dogs or wolf-hybrids must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two feet. All structures erected to house pit bull dogs, Rottweiler dogs or wolf-hybrids must comply with all zoning and building regulations of the City of Basehor, Kansas. All structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (3) No pit bull dog, Rottweiler dog or wolf-hybrid 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 an may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.
- (4) All owners, keepers or harborers of registered pit bull dogs, Rottweiler dogs or wolf-hybrids within the City of Basehor, Kansas shall within ten days of the effective date of this ordinance display in a prominent place on

(i) Disposition of Certain Vicious Dogs.

(1) Any public health officer, law enforcement officer, or licensed veterinarian, or any officer or agent of a duly incorporated humane society, may take into custody any dog suspected of being kept by its owner or custodian in violation of subsection (h). When a law enforcement agency takes custody of such dog, the agency may place the dog in the care of a duly incorporated humane society or license veterinarian for boarding, treatment, or such other care deemed necessary.

(2) Any vicious dog kept in violation of subsection (h) may be ordered by the court destroyed in a humane manner when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings or other animals. If the court does not order destruction of the dog, the court shall allow the owner or custodian thereof no more than 48 hours to remove the dog from the city. Failure to remove such dog within the time allowed by the court shall constitute a separate violation of subsection (h).

(3) Any person convicted of a violation of subsection (h) shall be assessed as costs all expenses for the care, treatment, boarding or other expenses necessitated by the seizure of any dog for the protection of the public, including all expenses for the humane destruction of such dog by order of the court.

(k) Insurance Requirements on Specific Breeds of Dogs. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Basehor, Kansas:

(1) Any pit bull dog; provided, that pit bull dogs registered with the City may be kept within the City if the owner provides the necessary insurance as required in Section (b) herein. "Pit bull dog" is defined to mean:

- (a) The Staffordshire bull terrier breed of dog;
- (b) The American pit bull terrier breed of dog;
- (c) The American Staffordsdshire terrier breed of dog;
- (d) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; or a combination of any of these breeds. The registration of an animal at any time in any jurisdiction as a pit bull or any dog listed above shall constitute prima facie evidence the animal is subject to this Article.

(2) Any Rottweiler dog; provided, that Rottweiler dogs registered with the City may be kept within the City if the owner provides the necessary insurance as required in Section (b) herein. The registration of an animal at any time in any jurisdiction as a Rottweiler shall constitute prima facie evidence the animal is subject to this Article.

their premises a sign easily readable by the public, using the words, "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(5) All owners, keepers or harborers of registered pit bull dogs, Rottweiler dogs or wolf-hybrids must within ten days of the effective date of this ordinance provide proof to the Basehor City Clerk of and thereafter continuously provide public liability insurance in a single incident amount of \$200,000 per incident insuring the person against any claim, loss, damage or injury to any human being, any property, domestic pet, or livestock resulting from the acts of such dog. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days written notice is given to the Basehor City Clerk.

(6) All owners, keepers or harborers of registered pit bull dogs, Rottweiler dogs or wolf-hybrids must within ten days of the incident, report in writing to the Basehor City Clerk the removal from the city or death of a registered pit bull dog, Rottweiler dog or wolf-hybrid, the birth of offspring of a registered pit bull dog, Rottweiler dog or wolf-hybrid, and the new address of a registered pit bull dog, Rottweiler dog or wolf-hybrid owner should the owner move within the corporate limits of the city of Basehor, Kansas.

(7) No person shall sell, barter, or in any other way, dispose of a pit bull dog, Rottweiler dog or wolf-hybrid registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; provided that the registered owner of a pit bull dog, Rottweiler dog or wolf-hybrid may sell or otherwise dispose of a registered animal or the offspring of such animal to a person who does not reside within the city.

(8) All offspring born of pit bulls, Rottweiler dogs or wolf-hybrids registered within the city must be removed from the city within six weeks of the birth of such animal.

(9) It shall be unlawful for the owner, keeper or harborer of a pit bull dog, Rottweiler dog or wolf-hybrid registered with the city of Basehor, Kansas to fail to comply with the requirements and conditions set forth herein. Any animal found to be the subject of a violation of this Article shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

(10) Any person violating any of the provisions of this ordinance shall upon conviction in the municipal court of the city of Basehor, Kansas be found guilty of a misdemeanor and fined a sum not less than \$1,000 nor more than \$10,000 and/or sentenced to imprisonment in the Leavenworth County Jail for a period not to exceed six months. In addition to the foregoing penalties, any person convicted of a violation herein may also

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be ordered to pay all expenses, including shelter, food, handling and veterinary care necessitated by enforcement. Any person convicted of violating this ordinance also may be ordered by the court to make full or partial restitution to any individual or another animal who has suffered bodily injury as the result of an attack by such person's vicious dog.

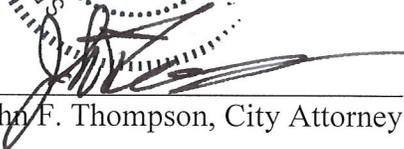
For the purpose of this Article, "Person" includes any natural person, association, partnership, organization or corporation.

Section 2. This ordinance shall be in full force and effective from and after its passage, and publication in the official city newspaper.

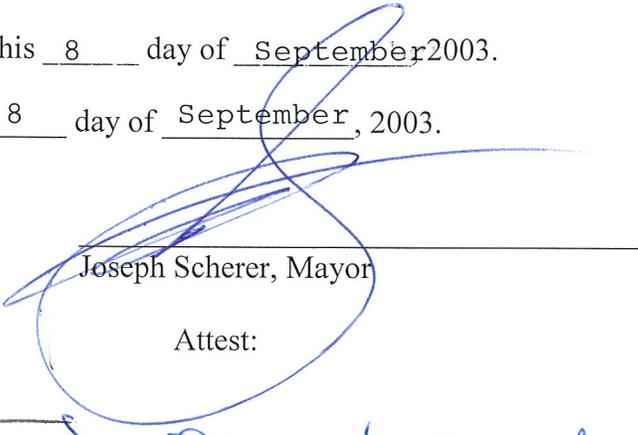
Approved by the City council this 8 day of September 2003.

Approved by the Mayor this 8 day of September, 2003.





John F. Thompson, City Attorney



Joseph Scherer, Mayor

Attest:



Mary Ann Mogle, City Clerk