ORDINANCE NO. 211

AN ORDINANCE REGULATING THE OWNERSHIP OF VICIOUS DOGS; IMPOSING CERTAIN INSURANCE REQUIREMENTS; PROVIDING PENALTIES AND AUTHORIZING THE DISPOSITION OF CERTAIN VICIOUS DOGS, AND REPEALING INCONSISTENT SECTIONS OF THE CODE OF THE CITY OF BASEHOR.

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

Section 1. Definitions. (a) Dog shall include both male and female dogs, three months of age or older.

(b) 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.

(c) 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.

(d) At large shall mean off the premises of the owner or keeper or not under the control or supervision of the owner or keeper.

(e) 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.

(f) "Vicious dog," as used in this resolution, 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.

Section 2. Insurance. The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than fifty thousand dollars ($50,000) per incident insuring said person against any claim, loss, damage or injury to any human being resulting from the acts of such dog. Such persons shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. This section shall not apply to dogs kept by law enforcement agencies.

Section 3. 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 leased with a leash no longer than four (4) 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 outside its kennel or pen unless a person is in physical control of the 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.

Section 4. Confinement. All vicious, ferocious or dangerous dogs 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 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 (1) 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.

Section 5. 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.

Section 6. Signs. All owners, keepers or harborers of vicious, ferocious or dangerous dogs within the City shall within ten (10) days of the effective 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.

Section 7. Registration of Vicious Dogs. All owners, keepers or harborers of vicious, ferocious or dangerous dogs within the City shall within ten (10) dyas of the effective date of this ordinance register said dogs with the City Clerk. Such registration shall include a photograph of each vicious dog owned, kept, or harbored.

Section 8. Ownership of Certain Vicious Dogs Prohibited. It shall be unlawful to keep, harbor, own or in any way possess any vicious dog which either:

(a) attempts to attack, bite or otherwise do bodily harm to a human being; or

(b) attacks, bites, or otherwise does bodily harm to a human being.

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

Section 9. Penalty. A person who has been convicted of violating this ordinance may be sentenced to a fixed term of confinement in the county jail not to exceed six (6) months. In addition to or instead of confinement, any such person may be sentenced by the court to pay a fine not exceeding $1,000. Any person convicted of violating section eight (8) also may be ordered by the court to make full or partial restitution to any individual who has suffered bodily injury as the result of an attack by such person's vicious dog.

Section 10. Disposition of Certain Vicious Dogs. (a) 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 section eight (8). 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 licensed veterinarian for boarding, treatment, or such other care deemed necessary.

(b) Any vicious dog kept in violation of section eight (8) 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. 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 section eight (8).

(c) Any person convicted of a violation of section eight (8) 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.

BE IT FURTHER ORDAINED that ordinance 11 section 8 of the City Code of the City of Basehor is hereby repealed.

Mayor Anna M. Landauer

Anna Mary Landauer, Mayor

ATTEST:

Mary Ann Mogle

Mary Ann Mogle, City Clerk

January 13, 1988

Publication