

**AN ORDINANCE RELATING TO DOGS AS PETS, AS ANIMALS AT LARGE, AS VICIOUS DOGS, DOG FIGHTING, AND KENNEL LICENSE REQUIREMENTS.**

**THIS ORDINANCE REPEALS AND REPLACES ORDINANCES NO. 254, 304, 327, AND 385, AND ANY OTHER ORDINANCES THAT ARE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE IN WHOLE OR IN PART.**

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

SECTION 1. DOGS CONFINED TO OWNER'S PROPERTY, PENALTIES FOR NON-COMPLIANCE, AND IMPOUNDING. It shall be unlawful for any owner or harbinger of any dog to permit such dog to run at large or otherwise leave an owner or harbinger's property unless controlled by a leash or other suitable means of physical restraint. Any dog not confined to the owner's premises by such suitable means or physical restraint and running at large shall be deemed a stray dog regardless of compliance with license and registration provisions of this ordinance and shall be subject to impounding and disposal or redemption all as provided for herein, and said impounded dog shall be destroyed or otherwise disposed of if not claimed or redeemed within three (3) business days of the time of impounding.

- a) Impounding fees shall be fifty dollars (\$50.00) for initial impounding, and every 24-hour increment of time in impound shall accrue a ten-dollar (\$10.00) boarding fee. Redemption of said impounded dog shall be subject to all impound fees paid in total, and registration and licensing fees paid in total, and a tag issued for said impounded dog. Impounding and boarding fees shall double with each violation and impounding of the same dog(s) which occur within a twelve (12) month period.
- b) Any dog or dogs that are visualized running at large by City of Johnson City personnel, or Stanton County Sheriff's Office personnel or officers and are deemed at large by said personnel or officers, are subject to detainment and impounding, and the owner(s) of such dog or dogs is subject to fines and fees set forth by this ordinance and the judge of the Municipal Court. Citations and notices to appear shall be written and signed by City of Johnson personnel, or Stanton County Sheriff Deputies and given to the person(s) in violation of this ordinance.
- c) Fees/Fines for violation, upon conviction in Municipal Court, shall be not less than seventy-five dollars (\$75.00) and/or imprisonment up to 30 days for each violation, and may be assessed for each violation in unlimited number. Court costs and fees will be assessed concurrently with the fine for violation and are the burden of the convicted.
- d) It shall be unlawful for any person or group of persons to break, enter, open, aid or assist, counsel or advise the breaking of the City Pound or to take or release any dog(s) placed in the City Pound. Such breaking, entering, opening, aiding or assisting unauthorized entry to the City Pound shall receive citation and notice to appear in municipal court and be fined up to one thousand (\$1000.00) and/or up to ninety (90) days imprisonment, plus be subject to criminal charges filed in the Stanton County District Court.

SECTION 2. ANNUAL REGISTRATION AND LICENSING, AND PENALTIES FOR NON-COMPLIANCE. No person shall own, keep or harbor any dog or dogs six (6) months of age or older within the City of Johnson City without registering said dog(s) with the City and paying licensing fees, and receiving a tag for the dog(s) to be displayed on said dog(s). Registration and tags must be current with each year for each dog, expiring on the 31<sup>st</sup> day of December each year and renewable the 1<sup>st</sup> day of January of each year.

- a) Annual fees for registration and tag shall be five (\$5.00) for each dog, regardless of sex or spay or neuter status.
- b) Proof of rabies vaccination by a licensed veterinarian shall be required for each dog being registered, and such proof in the form of certificate shall be filed at City Hall.
- c) Owner(s) registering any dog or dogs with the City shall be issued a tag bearing identification numbers and a receipt of fees paid, bearing the same identification numbers and description of said dog.
- d) Tags issued shall be displayed on each dog registered. Should a tag require replacement, a fee of one (\$1.00) shall be assessed and a new receipt and tag issued to the owner to be displayed on the dog.

- e) Tags issued by the City of Johnson shall only be displayed on the dog(s) that have been identified by the registration receipt. It shall be unlawful to affix a tag to a dog that has not been registered with the City, or affix a tag registered to a different dog. Tags are non-transferrable and are only valid for the registered dog.
- f) Penalties for non-compliance with registration and licensing requirements in part or whole with the City of Johnson shall be punishable by citation and notice to appear in municipal court and/or impounding of dog(s), and fines and fees as set forth in Section 1 of this Ordinance.
- g) Redemption of any dog(s) from impound shall require rabies vaccination certificate and purchase of license and registration with the City, due at time of impound fees and fines being satisfied.

SECTION 3. KENNEL LICENSE. Every person owning, keeping or harboring more than three (3) dogs the age of six (6) months or older within the City of Johnson City shall apply to City Council for a kennel license, after having paid the amount of fifty (\$50.00) dollars and providing proof of rabies vaccination, registration, and licensing for each dog to be owned, kept, or harbored, and providing proof of approval/licensing with the State of Kansas, and providing proof that the proposed kennel complies and conforms to the minimum State of Kansas requirements as stated in Chapter 47, Article 17, Section 23:

- 1) ARTICLE 17. - PET ANIMAL ACT KSA 47-1723. Boarding or training kennel operator license.
  - a. It shall be unlawful for any person, except a licensed veterinarian, to act as or be a boarding or training kennel operator unless such person has obtained from the commissioner a boarding or training kennel operator license for each premises operated by such person. Application for such a license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on September 30 following the issuance date.
  - b. This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto. History: L. 1991, ch. 152, § 21; L. 1996, ch. 151, § 22; L. 2012, ch. 125, § 32; L. 2018, ch. 55, § 9; April 26.
- 2) All kennel licenses must be renewed in January of each year and shall not be granted without current City registration and licensing for each dog to be kept in said kennel, and proof of renewal of licensing with the State of Kansas.
- 3) Harboring and keeping of more than three (3) dogs without a City kennel license shall be subject to citation and notice to appear in municipal court and/or a fine of not less than two hundred (\$200.00) and/or up to 30 days imprisonment, and report by the City to proper authorities with the State of Kansas.

SECTION 4. PROVIDING FOR THE CITY POUND. The City Pound is established for the purpose of carrying out the provisions of this ordinance and it shall be the duty of the City to construct and keep the same in good repair and compliance with regulations set forth by the State of Kansas.

SECTION 5. NOISY DOGS. Owning, keeping, or harboring within City limits any dog(s) which bark, howl, or otherwise disturb peace to other person(s) shall be unlawful and subject to citation and notice to appear in municipal court and/or impounding of such animals deemed as noisy by City personnel or law enforcement. Fines for noisy dogs shall be set at thirty (\$30.00) for each dog, assessed concurrently with municipal court fines/fees/costs and the burden of said fines and fees shall be upon the person convicted by the court.

SECTION 6. DOG BITES AND PROCEDURES. Whenever any dog has bitten a person, it shall be the duty of the owner or harborer of such dog(s) or any police officer of the City, or any other person having knowledge of such incident to report the same to a local medical provider who may order that the dog be quarantined on the owner's premises or impounded at the owner's expense for a period of not less than ten (10) days and until such time as a qualified veterinarian finds that such dog shows no evidence of rabies infection. A quarantined dog that shows no symptoms of infection shall be released from quarantine. In the event of evident rabies infection, such dog shall be destroyed at the owner's expense. All quarantine procedures are subject to change to comply with State of Kansas statutes at any time.

- 1) Any person who owns, harbors, or keeps a dog that has bitten a person shall be subject to citation/notice to appear in municipal court, the impounding of said dog, payment of a fine not less than two hundred fifty (\$250.00) dollars and/or order of payment for restitution and medical expenses incurred from the bite.

SECTION 7. VICIOUS DOGS. Any person owning, keeping, or harboring any dog deemed vicious by the Municipal Court shall be kept on record with City personnel. A vicious dog is a dog that has proven to bite, attack or otherwise harm any person shall be deemed vicious by the Court and shall at no time run at large, and shall not be kept without sufficient muzzle and/or physical restraint and enclosure to keep said dog from harming persons or animals.

- 1) Failure to comply with the provisions of Section seven (7) of this ordinance shall be subject to citation/notice to appear in municipal court, the impounding of said vicious dog, payment of a fine of not less than five hundred (\$500.00) dollars and/or up to sixty (60) days imprisonment assessed along with municipal court costs and fees.
- 2) Any person(s) in immediate and imminent danger of being attacked or bitten by a vicious dog at large is within his/her rights to dispose of such dog to protect themselves if the owner or keeper of such dog does not immediately remove and restrain the dog to prevent attack or biting.
- 3) Any vicious dog(s) already deemed vicious by the Court that then either: runs at large, attacks, bites, or otherwise harms a person or person(s) shall be immediately impounded. No redemption from impound shall be available for any vicious dog impounded for this reason, as that dog shall be destroyed after quarantine and bite procedure compliance completion as set forth by Kansas law.

SECTION 8. ANIMAL CRUELTY. Any person or persons accused of animal cruelty in any form or fashion pursuant to KSA 21-6412, shall be referred to Stanton County Sheriff as any charges will be filed in the District Court.

SECTION 9. DOG FIGHTING. It shall be unlawful for any person, by words, signs or otherwise, to cause any dog(s) to fight, attack, or bite any other dog(s) or to aid, abet, or encourage any dog fight; or be the owner, harbinger, or keeper of any such dog. It shall be unlawful to permit any such dog to fight without endeavoring to prevent the same by words, signs, or otherwise, or to set on or encourage any dog(s) to attack, chase, or bite any animal or human not engaged in malicious or criminal acts. All actions of dog fighting shall be referred to Stanton County Sheriff and the Stanton County Attorney to be handled accordingly pursuant to KSA 21-6414.

SECTION 9. COMPENSATION TO AUTHORIZED PERSONNEL AND MAINTENANCE OF FACILITIES AND EQUIPMENT. The governing body of the City of Johnson City shall be authorized to utilize funds collected under the provisions of this ordinance for purposes of compensating authorized personnel for enforcement and for purchasing and maintaining equipment and facilities to aid in enforcement of this ordinance.

SECTION 10. FURTHER AMENDMENT OF FEES AND CHARGEABLE ITEMS FOR LICENSING, REGISTRATION, IMPOUNDING, AND REDEMPTION. All fees chargeable hereunder shall be subject to change at the discretion of the governing body of the City of Johnson City and such changes of said fees for licensing, registration, impounding, and redemption, any and all shall be effectuated by publication of said changes in accordance with law one time in the official current publication media of the City of Johnson City at the time of the change, without necessity of the re-publication of this ordinance in its entirety.

SECTION 11. CONFLICTING ORDINANCES. All ordinances in part or whole in conflict with this ordinance are hereby repealed and considered replaced by this ordinance.

This ordinance shall take effect and be enforceable and enforced from the date of first publication one time in The Johnson Pioneer, and publication on the City of Johnson City website one time.

**PASSED AND APPROVED** by the City Council on this 10<sup>th</sup> day of July, 2024 and signed by the Mayor on this 10<sup>th</sup> day of July, 2024.

Ordinance No 408

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Bryan Ellis, Mayor

Attest:

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Kenna M Rohrenback, City Clerk