

CHAPTER II: ANIMAL CONTROL AND REGULATION

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§ 2-101 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall mean the following.

ABANDON. The leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

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ANIMALS. All vertebrate and invertebrate animals such as, but not limited to, bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

ANIMAL SHELTER. The facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

AT-LARGE. To be outside of a fence or other enclosure which restrains the animals to a particular premises or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be **AT-LARGE**.

BITE. Any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

CAT. Any member of the species felis catus, regardless of sex.

DANGEROUS OR VICIOUS ANIMAL. Any animal deemed to be dangerous or vicious per § 2-116.

DOG. Any member of the species canis familiaris, regardless of sex.

FOWL. All animals that are included in the zoological class Aves, which shall include, but not be limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

HARBOR. Any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure, place of business or any other premises where he or she resides or controls.

HUMANE LIVE ANIMAL TRAP. Any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

HUMANELY EUTHANIZE. The proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

IMMEDIATE CONTROL. The regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

KENNEL. Any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding or otherwise harboring in an enclosure in one location only, more than three dogs of six months of age or more or more than three cats of six months of age or more.

LIVESTOCK. Includes, but is not limited to, cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

NEUTERED. Any male or female cat or dog that has been permanently rendered sterile.

OWN. Includes own, keep, harbor, shelter, manage, possess or have a part interest in any animal. If a minor owns any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to **OWN** such animal for the purposes of this chapter.

OWNER. The one who owns, or his or her employee, agent or other competent person into whose charge an animal has been placed by the actual owner as described herein.

VACCINATION. An injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

VETERINARIAN. A doctor of veterinary medicine licensed by the State of Kansas.
(Ord. 1283, passed 10-7-1998; Ord. 1439, passed 1-15-2008)

§ 2-102 DUTY TO IMPOUND; CITATION ALTERNATIVE.

(a) Any law enforcement officer of the city or his or her agent shall have such powers and authority as allowed by law in the enforcement of this chapter.

(b) Except as provided in division (c) below, it shall be the duty of the law enforcement officer or his or her agent to take up and impound all animals found in the city in violation of the provisions of this chapter.

(c) As an alternative to the provisions of division (b) above, any law enforcement officer may issue a citation to the owner, harbinger or keeper of any animal in violation of this chapter, and the person receiving the citation shall, within ten days, appear in the Municipal Court of the city to answer the charged violation of this chapter.
(Ord. 1283, passed 10-7-1998)

§ 2-103 SAME; CAPTURE/DESTRUCTION.

When deemed necessary by law enforcement officers for the health, safety and welfare of the residents of the city, such officers and/or their agents may:

(a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this chapter as creating a nuisance in the city;

(b) Use any tranquilizer guns, humane traps or other suitable devices to subdue and capture any animal that is deemed by the law enforcement officer, in his or her discretion, to be of a danger to itself or to the public health and safety; and/or

(c) Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in § 2-116, or any animal creating a nuisance as defined in § 2-111, where such animal is impossible or impractical to catch, capture or tranquilize.

(Ord. 1283, passed 10-7-1998)

§ 2-104 SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE.

(a) The law enforcement officer shall have the right of entry upon any private lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter.

(b) It shall be unlawful for any person to interfere with the law enforcement officer in the exercise of his or her duties.

(Ord. 1283, passed 10-7-1998)

§ 2-105 MUNICIPAL POUND ESTABLISHED.

(a) A municipal pound shall be established to carry out the provisions of this chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor.

(b) When so contracted, the pound shall have the following services and facilities as a minimum:

(1) Adequate pick-up and impounding of all stray and ownerless dogs, cats and animals otherwise in violation of the provisions of this chapter;

(2) Group-holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this last chapter;

(3) Individual isolation facilities for sick, biting, rabid and suspected rabid animals; and

(4) Facilities for the humane destruction of animals.

(Ord. 1283, passed 10-7-1998)

§ 2-106 BREAKING POUND.

(a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound, to take or let out any animal placed therein, or take or attempt to take from an authorized officer of the city any animal taken up by him or her under the provisions of this chapter, or in any manner interfere with or hinder any authorized officer or employee of this in catching, taking up or impounding any animal.

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed or interfere in any way with the care of impounded animals.

(Ord. 1283, passed 10-7-1998)

§ 2-107 CRUELTY TO ANIMALS.

It shall be unlawful for any person to:

(a) Willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; mutilate, poison, burn or scald with any substance; or otherwise cruelly set upon any animals,

except that reasonable force may be employed to drive off vicious animals;

(b) Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;

(c) Have, keep or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition, except as provided in § 2-108 of this article;

(d) Sell or offer for sale, barter, give away or use as an advertising device or promotional display living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than 12; or to sell, offer for sale, barter, give away or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color. This section shall not be construed to prohibit the sale of animals or fowls as specified in this division (d), in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;

(e) Promote, stage, hold, manage or in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal;

(f) Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter or protection from the elements as necessary for the health and well-being of such kind of animal;

(g) Abandon or leave any animal in any place without making provisions for its proper care; or

(h) These provisions shall not apply to the exceptions sanctioned under § 2-108 of this article.
(Ord. 1283, passed 10-7-1998)

§ 2-108 SAME; EXCEPTIONS.

The provisions of § 2-107 of this article shall not apply to:

(a) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;

(b) Bona fide experiments carried on by commonly recognized research facilities;

(c) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Ch. 32 or Ch. 47;

(d) Rodeo practices accepted by the Rodeo Cowboy's Association;

(e) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or by an authorized agent such as a licensed veterinarian, at the request of the owner;

(f) The humane killing of an animal by a public Health Officer or a law enforcement officer in

the performance of his or her official duty; and

(g) The humane killing of an unclaimed animal after three full business days following the receipt of such animal at a municipal pound or an incorporated humane society shelter by the owner, operator or authorized agents of such establishments.

(Ord. 1283, passed 10-7-1998)

§ 2-109 KEEPING ANIMALS.

(a) It shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the city to possess and maintain any animal or fowl within the city or permit to be maintained thereon any stable, shed, pen or other place where horses, mules, cattle, sheep, goats or swine or undomesticated animals are kept.

(b) This provision shall not apply to:

(1) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(2) Normal or accepted veterinary hospitals or treatment of animals under active veterinary care;

(3) The maintaining of dogs which are regulated by Art. 2 of this chapter;

(4) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with § 2-113 of this chapter; or

(5) The transporting of animals through the city by ordinary and customary means.
(Ord. 1283, passed 10-7-1998)

§ 2-110 ANIMAL TRAPS.

It shall be unlawful for any person to use, place, set out or deploy any animal trap above ground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap, except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals.

(Ord. 1283, passed 10-7-1998)

§ 2-111 NUISANCE; ANIMAL ACTIVITIES PROHIBITED.

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a nuisance.

(b) For the purpose of this section, *NUISANCE* is defined as any animal which:

(1) Molests or interferes with persons in the public right-of-way;

(2) Attacks or injures persons, or other domestic animals or has been determined to be a vicious animal as defined in § 2-116 of this chapter;

(3) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement;

(4) Scatters refuse that is bagged or otherwise confined; and

(5) Causes any condition which threatens or endangers the health or well-being of persons or other animals.

(c) If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

(Ord. 1283, passed 10-7-1998)

§ 2-112 NOISY ANIMALS.

The keeping or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewing, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition and, if he or she fails to do so, the city may abate it by taking up, impounding and/or disposing of the animal at the expense of the owner.

(Ord. 1283, passed 10-7-1998)

§ 2-113 ANIMAL CONFINES; SHELTERS.

(a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry, sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) Excrement shall be removed at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present.

(d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire

fence or electrically-charged fence is protected by an exterior fence.

(f) All premises on which animals are kept shall be subject to inspection by a duly authorized law enforcement officer or public health official. If the officer or official determines from such inspection that the premises is not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

(Ord. 1283, passed 10-7-1998)

§ 2-114 SAME; STOCKYARDS; COMMERCIAL HOLDING PENS.

Animal shelters owned or operated as a stockyard or commercial holding pen shall be adequately maintained and cleaned as often as is necessary, as determined by the Health Officer, to control fly breeding or to control other conditions adversely affecting the public health including the following:

(a) Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill, fertilizer processing plant, or by proper dispersal on land used for agricultural purposes;

(b) Grain or protein feed shall be stored in tightly-covered, rodent-proof metal containers or rodent-proof bins;

(c) Premises subject to the terms of this section shall be maintained free of rodent harborage;

(d) Wherever reasonable, use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies;

(e) Wherever reasonable, use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grasses around structures and buildings.

(f) Enclosures, including fences where animals such as horses, cows, sheep and goats are maintained, shall be constructed in a manner using dimension lumber materials or other effective means to prevent such animals from breaking out or causing hazard to persons or property;

(g) The solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a residential classification permit as herein provided shall be stored in metal containers with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week;

(h) Holding lots, pens and floors of sheds and buildings where animals are held and which are maintained by persons subject to a commercial, industrial or agricultural classification permit according to the terms of this chapter shall be surfaced with concrete or asphaltic materials and the drainage system of such surfaced areas shall include proper retaining walls and traps to control waste from draining into watercourses and such drainage system shall be subject to the approval of the Health Officer. The Health Officer shall waive this standard for domestic animal-holding operations where such animal holding is longer than 24 hours for any domestic animal involved or where dirt lots are

more appropriate to the proper care of cattle, horses or sheep; and

(i) Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial or agricultural permit according to the terms of this chapter shall be stored on concrete slabs or other facilities such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the Health Officer; provided that, all solid waste shall be properly disposed of at least once each week or as may be approved by the Health Officer. (Ord. 1283, passed 10-7-1998)

§ 2-115 DEATH OF ANIMALS.

All dead animals shall be disposed of by the owner or keepers within 24 hours of the animal's death by burial, incineration in a facility approved by the State Board of Health, rendering or by other lawful means. No dead animal shall be dumped on any public or private property. (Ord. 1283, passed 10-7-1998)

§ 2-116 VICIOUS ANIMALS.

(a) *Prohibited.* It shall be unlawful for any person to keep, possess, or harbor a vicious animal within the city. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the law enforcement officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the law enforcement officer or his or her agent to impound such animal.

(b) *Defined.* For purposes of this chapter, a **VICIOUS ANIMAL** shall include:

(1) Any animal with a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

(2) Any animal which attacks a human being or domestic animal without provocation;

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting;

(4) Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack any law enforcement officer while such officer is engaged in the performance of official duty;

(5) Any animal which has been found to be a vicious animal by any court of competent jurisdiction under this article or any other similar ordinance or law in any other jurisdiction; and/or

(6) These provisions shall not apply to a police canine unit in the presence of the police canine handler.

(c) *Complaint.*

(1) Whenever a complaint is filed in the Municipal Court against the owner of an animal alleging that such animal is vicious and in violation of this section, the Municipal Judge shall hold a

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hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week prior to the hearing. In making a determination, the Municipal Judge shall consider the following:

- (A) The seriousness of the attack or bite;
- (B) The past history of attacks or bites;
- (C) The likelihood of attacks or bites in the future;
- (D) The condition and circumstances under which the animal is kept or confined; and
- (E) Other factors which may reasonably relate to the determination of whether or not the animal is vicious.

(2) The Municipal Judge shall order the impoundment, the muzzling in accordance with division (d) below, and/or the confinement of the animal accused of being in violation of this section in a manner and location that will ensure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling or otherwise safe confinement is not possible or if prior Court orders to restrain such animal have gone unheeded, the Municipal Judge may order the animal destroyed.

(d) *Vicious dogs to be muzzled.* It shall be the duty of every owner, keeper or harbinger of any dog in the city, which dog is vicious or has been known to bite, chase or run after any person or animal in the streets, alleys or any public place in the city, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the Court as to whether the dog is vicious or not. It shall be unlawful for any person to keep or harbor any vicious or dangerous dog, determined as such, within the city. Any person owning, keeping or harboring any dog within the city limits contrary to this section shall be guilty of a violation of this code.

(e) *Immediate destruction.* Nothing in this chapter shall be construed to prevent any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(f) *Release of.* If a complaint has been filed in the Municipal Court against the owner of an impounded animal for a charge under this section, the animal shall not be released, except on the order of the Municipal Judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. The Municipal Judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the law enforcement officer does not relieve or render the owner immune from the decision of the Court, nor to the fees and fines which may result from violation of this section.

(Ord. 1283, passed 10-7-1998)

§ 2-117 RUNNING AT LARGE.

It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the city. Any animal or fowl found at large shall be impounded as provided in §§ 2-118 or 2-207 of this chapter. This provision shall not apply to a police canine unit in the presence of the police canine handler.

(Ord. 1283, passed 10-7-1998)

§ 2-118 IMPOUNDMENT; FEE; NOTICE; RECORD.

(a) The law enforcement officer shall impound any animal or fowl found at large in the city or constituting a nuisance or otherwise in violation of this chapter in a suitable pound or enclosure provided or contracted for by the city. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.

(b) In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, the animal will be disposed of as provided in this code.

(Ord. 1283, passed 10-7-1998)

§ 2-119 REDEMPTION OF IMPOUNDED ANIMALS.

At any time before the sale or destruction of any animal impounded under the provisions of this article, except for animals impounded under §§ 2-116 (vicious) and 2-120 (rabid) of this article, the owner thereof may redeem the animal by paying the person in charge the impounding fee and all costs incurred as a result of such impoundment.

(Ord. 1283, passed 10-7-1998)

§ 2-120 IMPOUNDMENT OF RABIES SUSPECTS.

(a) Any law enforcement officer or local Health Officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than ten days during which time a licensed veterinarian shall determine whether or not such animal is suffering from a disease and, if not, the veterinarian shall authorize the release of the animal upon payment by the owner of the testing and impoundment fee thereof. The veterinarian may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. If in the opinion of the licensed veterinarian symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by a qualified diagnostic laboratory approved by the State Board of Health.

(b) In lieu of the provisions of division (a) above, the owner of any such animal may, at his or her

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own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his or her findings in writing to the local Health Officer. If, in the opinion of such veterinarian, a microscopic examination is justified, the animal shall be turned over to the law enforcement officer to be killed and examination made by a qualified diagnostic laboratory approved by the State Board of Health.

(c) Any animal desired for observation by a law enforcement officer or the local Health Officer under this section shall be delivered to any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the Municipal Judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

(d) All costs for impoundment, boarding, testing and immunization shall be paid by the owner before the animal shall be released.

(Ord. 1283, passed 10-7-1998)

§ 2-121 ANIMALS BITTEN BY RABID ANIMALS.

(a) Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local Health Officer and/or the Police Department.

(b) (1) It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

(A) The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination;

(B) The bitten animal has a current vaccination; it shall be confined for 45 days;

(C) The bitten animal shall be released from confinement only upon written order from the local Health Officer or licensed veterinarian, who declares the animal to be free of rabies;

(D) The animal is found to have contracted rabies during confinement; it shall be properly disposed of; and

(E) The animal is owned, wanted by that owner, and not immunized against rabies; the bitten animal shall be quarantined for six months, immunized against rabies one month before release from quarantine and released from confinement only upon written order from the local Health Officer or licensed veterinarian, who declares the animal to be free of rabies.

(2) Stray, unclaimed or unwanted animals shall be sacrificed immediately.

(3) All costs for impoundment, boarding, testing and immunization shall be paid by the owner before the animal shall be released.

(Ord. 1283, passed 10-7-1998)

§ 2-122 VEHICULAR ACCIDENTS INVOLVING ANIMALS.

Any person who, as the operator of a motor vehicle, strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained and located, the operator shall at once report the accident to any law enforcement officer.

(Ord. 1283, passed 10-7-1998)

§ 2-123 EMERGENCY; PROCLAMATION.

The Mayor is hereby authorized, whenever, in his or her opinion, the danger to the public safety from rabid animals is made imminent, to issue a proclamation ordering all persons owning any animals in the city to confine them in a good and sufficient enclosure from which they cannot escape, or fasten such by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of wherever found by any police officer of the city. The owner of such animal shall be prosecuted for such violation thereof.

(Ord. 1283, passed 10-7-1998)

§ 2-124 KENNEL LICENSES.

(a) No person or household shall own or harbor more than three dogs of six months of age or older or more than one litter of pups, or more than three cats of more than six months of age or more than one litter of kittens, or more than a total of six dogs and cats more than six months of age in any combination, or engage in the commercial business of breeding, buying, selling, trading, training or boarding cats or dogs or both cats and dogs, without having obtained a kennel license from the City Clerk.

(b) Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued certifying approval of the kennel and compliance with the applicable laws of the city and the state, and a certificate by the Zoning Code Enforcement Officer has been issued certifying that the applicant for the kennel license is not violating zoning laws of the city. If the City Clerk has not received any protest against the kennel, the City Clerk may issue a renewal of an existing kennel license at the same location without any report from the Zoning Code Enforcement Officer. If the Zoning Code Enforcement Officer finds that the holder of any kennel license is violating any zoning law, or any other law of the state, or of the city, or is maintaining the facility in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the City Clerk, and the license shall not be renewed, except after a public hearing before the governing body.

(c) The Zoning Enforcement Officer, or any law enforcement officer, shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall constitute consent to such entry and inspection.

(d) The governing body may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

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(1) The kennel is maintained in violation of any applicable law of the state or of the city;

(2) The kennel is maintained so as to be a public nuisance;

(3) The kennel is maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee shall be \$150. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this chapter.

(f) This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital.

(Ord. 1283, passed 10-7-1998)

§ 2-125 VIOLATIONS.

Each day a violation of this article shall continue, after a person is charged with the same, shall be a new and independent violation of this article chargeable to the violator.

(Ord. 1283, passed 10-7-1998)

§ 2-126 PENALTY.

Any person, firm or corporation convicted of the violation of this article shall be fined in any sum not exceeding \$1,000, unless otherwise provided herein.

(Ord. 1283, passed 10-7-1998)

ARTICLE 2: DOGS AND CATS

Section

- 2-201 Registration and vaccination required; fee
- 2-202 Tags
- 2-203 Same; counterfeit tag
- 2-204 Evidence of vaccination
- 2-205 Visiting dogs and cats
- 2-206 Running at large; fine
- 2-207 Impoundment; record; notice; redemption; minimum fee
- 2-208 Disposition of unclaimed dogs or cats
- 2-209 Confinement of dogs in heat
- 2-210 Muzzling
- 2-211 Violations
- 2-212 Penalty

§ 2-201 REGISTRATION AND VACCINATION REQUIRED; FEE.

(a) Every owner of any dog or cat over six months of age shall annually register with the City Clerk his or her name and address with the name, sex and description of each dog or cat owned and kept within the city. It shall be unlawful for the owner of any newly-acquired dog or cat or any dog or cat brought into the city to fail to register such animal within 30 days from acquisition or bringing the dog or cat into the city. It shall be unlawful for the owner of any previously-registered dog or cat to fail to maintain current registration of such dog or cat.

(b) Upon registration, the owner shall present a certificate of immunization against rabies showing the description of the animal, the type of vaccine used, the date of vaccination and the date the next immunization is due. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog or cat over six months of age to fail to maintain effective rabies immunization of such dog or cat.

(c) The owner or harbinger of any dog or cat shall, at the time of registering such dog or cat, present to the City Clerk a certificate from an accredited veterinarian showing that a male dog or cat has been neutered or a female dog or cat has been spayed, if the dog or cat has been neutered or spayed.

(d) The City Clerk shall collect an annual registration fee of \$5 for each neutered male dog or cat and for each spayed female dog or cat and \$10 for each unneutered male dog or cat and for each unspayed female dog or cat.

(e) The registration year shall be from January 1 through December 31. The fee shall be payable before January 15 of each year without penalty. Registration fees as enumerated above may be prorated

for newly-acquired dogs or cats or for dogs or cats owned by a person or persons moving to and establishing a home in the city during a calendar year. Every owner or harbinger of dog(s) or cat(s) who shall fail to register the same prior to the fifteen day of January of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$0.50 per dog or cat per month the fee is late.

(Ord. 1283, passed 10-7-1998)

§ 2-202 TAGS.

It shall be the duty of the City Clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep in a book suitable for the registration of dogs and cats, the time of registration, the name of the owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or keeper of the dog or cat a certificate in writing, stating that the person has registered the dog or cat and the number by which the dog or cat is registered, and shall also deliver to the owner or keeper of the dog or cat a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the dog or cat so registered. When any tag has become lost during a registration period, the owner of the dog or cat may request a duplicate tag for the remainder of the registration period. When so requested, the City Clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of a \$1 fee. It shall be unlawful for any person to take off or remove the city registration tag from any dog belonging to another or remove the strap or collar on which the same is fastened.

(Ord. 1283, passed 10-7-1998)

§ 2-203 SAME; COUNTERFEIT TAG.

It shall be unlawful for any person to place on any dog or cat a tag issued for any other dog or cat or to make or use any false, forged or counterfeited tag or imitation thereof.

(Ord. 1283, passed 10-7-1998)

§ 2-204 EVIDENCE OF VACCINATION.

It shall be unlawful for the owner of any dog or cat kept within the city to fail to display a current certificate of immunization against rabies as set forth in § 2-201(b) issued by an accredited veterinarian evidencing the vaccination of such dog or cat, when requested by any law enforcement officer.

(Ord. 1283, passed 10-7-1998)

§ 2-205 VISITING DOGS AND CATS.

The provisions of this article with respect to registration shall not apply to any dog or cat owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs or cats shall be kept under restraint by the owner thereof at all times.

(Ord. 1283, passed 10-7-1998)

§ 2-206 RUNNING AT LARGE; FINE.

(a) It shall be unlawful for the owner or harbinger of any dog or cat to permit such dog or cat to run at large within the city at any time.

(b) Any dog or cat running at large within the city shall be impounded as set out in § 2-207 of this article.

(c) The owner or harbinger of any dog or cat impounded for running at large shall pay a release fee of \$25, to be collected by the impounding agent and remitted monthly to the city, plus the board bill.

(d) For citations issued to the owner or harbinger of a dog or cat running at large within the city, the Municipal Court Judge of the city shall impose upon the owner or harbinger a fine of \$35 for the first offense, \$50 for the second offense, and \$70 for the third offense occurring within any one-year period, and a fine not to exceed \$250 for any subsequent offenses unless waived or suspended by the Municipal Court.

(Ord. 1283, passed 10-7-1998)

§ 2-207 IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.

(a) Any dog or cat found in violation of the provisions of this article shall be subject to impoundment by the city.

(b) A record of all dogs or cats impounded shall be kept by the city or its designated agent containing the following information: color; sex; weight; height; identifying marks; registration number (if any); and the date of impoundment.

(c) If the dog or cat impounded has a current registration tag attached to its collar or if the impounding officer knows the identity of the dog or cat's owner, the owner of such dog or cat, as shown by the records of the City Clerk or his or her agent shall be notified in writing as soon as possible or at least 24 hours before such dog is disposed of by destruction or sale. If, at the end of three full business days, the City Clerk or his or her agent has been unable to locate the owner, or the owner upon having been located refuses to claim or redeem said dog or cat, then the dog or cat may be sold, euthanized or otherwise disposed of.

(d) If the dog or cat impounded has no current registration tag and the identity of the animal's owner is unknown to the impounding law enforcement officer, then such impounding officer shall, upon taking any such animal into custody and impounding the same, make a record thereof with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this code. If, within three full business days, the owner does not appear to claim the dog or cat, then the dog or cat may be sold, euthanized or otherwise disposed of.

(e) If at any time before the sale or destruction of any dog or cat impounded under the provisions of this article, the owner of an impounded dog or cat does appear and redeem the dog or cat, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, and upon compliance with the registration provisions of this article. This division (e) shall not apply to any dog or cat alleged as being vicious under § 2-116 of this code or suspected of rabies under § 2-120 of this code.

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(f) The minimum impoundment fee shall be the rate established from time to time by the animal shelter.

(g) Any dog or cat impounded may not be released without a current rabies vaccination and registration.

(h) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof, nor shall impoundment be a defense in any prosecution commenced hereunder.

(i) The redemption of any dog or cat impounded for a violation of any provision of this chapter shall be prima facie evidence of the violation of such provision by the person redeeming the dog or cat. (Ord. 1283, passed 10-7-1998)

§ 2-208 DISPOSITION OF UNCLAIMED DOGS OR CATS.

If any dog or cat is not redeemed by its owner or harborer within the time allowed for redemption as specified in § 2-207 of this article, said owner or harborer shall be deemed to have forfeited his or her ownership of said animal, and any authorized law enforcement officer, any authorized veterinarian or any duly authorized pound personnel may destroy such dog or cat, or sell the same for the costs of impoundment, keeping, registration and immunization fees; arrangements shall be made for any unclaimed dog or cat sold to be neutered or spayed prior to being released.

(Ord. 1283, passed 10-7-1998)

§ 2-209 CONFINEMENT OF DOGS IN HEAT.

Any unsprayed female dog or cat in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other dog(s) or cat(s) may gain voluntary access to the confined animal, except for purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisance, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals removed to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement.

(Ord. 1283, passed 10-7-1998)

§ 2-210 MUZZLING.

Whenever the governing body shall deem it necessary for the protection and welfare of the inhabitants of the city, the governing body shall issue an order requiring all dogs or cats kept within the city to be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall be published in the official newspaper of the city for such period of time as the governing body may deem necessary.

(Ord. 1283, passed 10-7-1998)

§ 2-211 VIOLATIONS.

Each day a violation of this article shall continue, after a person is charged with the same, shall be

a new and independent violation of this article chargeable to the violator.
(Ord. 1283, passed 10-7-1998)

§ 2-212 PENALTY.

Any person, firm or corporation convicted of the violation of this article shall be fined in any sum not exceeding \$1,000, unless otherwise provided herein.
(Ord. 1283, passed 10-7-1998)

ARTICLE 3: OTHER ANIMALS

Section

- 2-301 Exotic animals
- 2-302 Violations
- 2-303 Penalty

§ 2-301 EXOTIC ANIMALS.

(a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes;
- (2) Apes: chimpanzees, gibbons, gorillas, orangutans and saimangs;
- (3) Baboons;
- (4) Badgers;
- (5) Bears;
- (6) Bison;
- (7) Bobcats;
- (8) Cheetahs;
- (9) Crocodilians, 30 inches in length or more;
- (10) Constrictor snakes, six feet in length or more;

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(11) Coyotes;

(12) Deer (Includes all members of the deer family. For example, white-tailed deer, elk, antelope and moose);

(13) Elephants;

(14) Gamecocks and other fighting birds;

(15) Hippopotami;

(16) Hyenas;

(17) Jaguars;

(18) Leopards;

(19) Lions;

(20) Lynxes;

(21) Monkeys;

(22) Ostriches;

(23) Pumas, also known as cougars, mountain lions and panthers;

(24) Raccoons;

(25) Rhinoceroses;

(26) Skunks;

(27) Tigers;

(28) Wolves; and

(29) Wolf hybrids.

(c) The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions or medical institutions, if:

(1) Their location conforms to the provisions of the Zoning Ordinance of the city;

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;

(3) Animals are maintained in quarters so constructed as to prevent their escape.

(d) The Municipal Judge shall have the authority to order any animal deemed vicious confined, destroyed, or removed from the city.
(Ord. 1283, passed 10-7-1998)

§ 2-302 VIOLATIONS.

Each day a violation of this article shall continue, after a person is charged with the same, shall be a new and independent violation of this article chargeable to the violator.
(Ord. 1283, passed 10-7-1998)

§ 2-303 PENALTY.

Any person, firm or corporation convicted of the violation of this article shall be fined in any sum not exceeding \$1,000 unless otherwise provided herein.
(Ord. 1283, passed 10-7-1998)

ARTICLE 4: ANIMAL MAINTENANCE PERMIT/KENNEL LICENSE

Section

- 2-401 Definitions
- 2-402 Maximum number of dogs and cats
- 2-403 Domestic animal structures and enclosures
- 2-404 Health standards; minimum listed
- 2-405 Pet shop, stables, kennel, commercial animal facilities and animal “day care” regulations
- 2-406 Zoning
- 2-407 Authority

§ 2-401 DEFINITIONS.

KENNEL means any establishment, commercial or otherwise, maintained for breeding, rearing, boarding or otherwise harboring in an enclosure in one location only, more than three dogs of six months of age or more than three cats of six months of age or more or any combination thereof, not exceeding three animals.

(Ord. 1544, passed 8-19-2014)

§ 2-402 MAXIMUM NUMBER OF DOGS AND CATS.

(a) No person shall own, keep or harbor upon any premises or property, or in any dwelling of any type within the city the following, unless such person has a current animal maintenance permit/kennel license or variance issued by the city or designee authorizing the maintenance of such animals. The provisions of this section shall not apply to common carriers transporting domestic animals to or through the city. Permits shall not be required for indoor non-commercial maintenance of fish, nonpoisonous amphibians and reptiles, birds and small rodents, as provided in § 2-109 of this chapter. Any individual who fails to comply with the requirements of this section shall be deemed guilty of a Class C misdemeanor:

- (1) More than three dogs;
- (2) More than three cats; or
- (3) More than two rabbits.

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(b) No person shall keep, own or harbor upon any premises or property or in any dwelling of any type within the city, more than three different kinds of domestic animals unless such person has a current animal maintenance permit/kennel license or variance issued by the city or designee authorizing the maintenance of such animals. Any individual who fails to comply with the requirements of this section shall be deemed guilty of a misdemeanor.

(1) Any person, rescue organization or foster care home, who desires to own, keep or harbor more than three dogs or more than cats or more than two rabbits, shall apply to the city for an animal maintenance permit/kennel license that shall permit the applicant to own, keep or harbor the animals specifically allowed in that permit.

(2) (A) Any person, rescue organization or foster care home, who desires to own, keep or harbor more than three different kinds of domestic animals shall apply with the city for an animal maintenance permit that shall permit the applicant to own, keep or harbor more than three different kinds of domestic animals.

<i>Table 1</i>			
<i>Kind of Animal</i>	<i>Minimum Required for Permit</i>	<i>Maximum Allowed with Permit</i>	<i>Permit Fee</i>
Cats	4	19	\$150
Dogs, excluding pit bulls	4	19	\$150
Rabbits	3	12	\$150
Other	3	25 fur-bearing animals	\$150

(B) Owning more than three kinds of animals, regardless of number of animals, requires the owner to obtain an animal maintenance permit. Any combination of permit fees will not exceed \$150 per application. If a permit application is denied, \$50 of the proposed permit fee will be retained for the administrative costs incurred.

(3) It is unlawful for any person to own, harbor or maintain more animals or different types of animals than is allowed by the animal maintenance permit issued to such person by the city or designee.

(4) (A) The city or designee is empowered to establish administrative requirements for obtaining an animal maintenance permit/kennel license. Application forms and administrative requirements can be obtained at the main office for the city.

(B) The application shall contain the following information:

1. The name, date of birth and address of the applicant;
2. The name, breed, color, sex and age of all animals owned by the applicant;
3. Documentation that all animals are properly vaccinated and licensed;
4. Name and address of the licensed veterinarian who is responsible for the care

and treatment of these animals;

5. A signed statement by the applicant that the information is true and correct;
6. The permanent ID or microchip number of all animals owned, if available;
7. A statement as to whether the animals are spayed or neutered and whether there is a fenced yard or fenced run available for the confinement of the animals;
8. The size of the premises in which the animals may be maintained;
9. A diagram of the location of any and all domestic animal structures in which animals will be maintained;
10. A signed statement on behalf of the applicant that maintenance of the animals will be in compliance with the animal control and sanitary waste requirements of the city;
11. A statement by the applicant that the zoning requirements of the municipal code of the city and the county will be complied with;
12. A statement as to whether the applicant has ever had a license suspended or revoked which was issued by the state pursuant to the Kansas Pet Animal Act. Such statement shall contain the date of any such suspension or revocation.
13. A copy of any current license issued to the applicant by the state pursuant to the Kansas Pet Animal Act.

(5) Approval of an animal maintenance permit/kennel license shall be contingent upon the applicant's compliance with all administrative requirements set forth by the city, or designee, the provisions of this article and the rules and regulations of the city and the state. Such applicant must show:

(A) The keeping of additional animals will not create a nuisance in the surrounding neighborhood, that humane care will be provided and that the premises where the animals are kept is suitable for the keeping of multiple animals and is in conformity with all city zoning requirements. The criteria to be evaluated include, without being limited to, the following.

1. The animals will be kept or maintained at all times in a safe and sanitary manner.
2. The quarters in which such animals are kept or confined will be adequately lighted and ventilated and are so constructed and maintained that they can be kept in a clean and sanitary condition.
3. The health and well-being of the animals will not in any way be endangered by the manner of keeping or confinement.
4. The keeping of such animals will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.

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5. The keeping of such animals will not cause fouling of the air by offensive odors and thereby create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animals are kept or harbored.

6. The animals will not unreasonably annoy humans, endanger the life, health or safety of other animals or persons or substantially interfere with the rights of citizens to the enjoyment of life or property.

7. The animals will not make disturbing noises, including, but not limited to, continued and repeated or untimely howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors and others in close proximity to the premises where the animals are kept or harbored, or otherwise be offensive or dangerous to the public health, safety or welfare, by virtue of their behavior, number, type or manner of keeping.

8. The applicant, or any person who will share in the care, custody and control of the animals, is not currently in violation of, or has not previously violated any applicable city, state or federal laws, codes, rules or regulations, including, but not limited to, those pertaining to the care and control of animals and the maintenance of their property, which would reflect adversely on their ability to fully comply with the conditions of the subject permit.

(B) The city or designee may deny any application where any one or more of the following conditions exist:

1. The applicant fails to show proof of the aforementioned requirements or an examination of the documentation submitted by the applicant;

2. An investigation by city or designee reveals that the applicant has failed to meet the requirements of this section;

3. The applicant made a false statement as to any material matter in the application for a license or a license renewal, or in a hearing concerning the license;

4. Violation by the licensee or applicant of a provision of this article, the Kansas Pet Animal Act or any state or federal law relating to the care and treatment of animals;

5. If the applicant has had a breeder's license or animal maintenance permit or kennel license revoked within 18 months prior to the application;

6. If the applicant has had a license issued by the State Department of Animal Health suspended or revoked within 18 months prior to the application;

7. Maintenance of the animals would be in violation of the municipal code of the city;

8. No animal maintenance permit/kennel license shall be issued to own, keep or harbor a pit bull dog; and/or

9. The applicant has a history of allowing animals to run loose or escape, has

otherwise been found to be neglectful, has had an animal identified as a nuisance, or has previously been determined to have violated the provisions of this article.

(C) 1. The city or designee shall state, in writing, the factual basis for his or her recommendation to grant or deny any application. The city or designee shall consider past violations, the size, condition and location of the area where the animals will be kept, the size of the animals to be kept, past complaints concerning the applicant, the burden of proof and the criteria set forth in this section or any other factors relative to the issue of keeping additional animals.

2. The permit shall be issued for the period not to exceed 12 months.

(D) 1. The fee for such animal maintenance permit/kennel license shall be paid in accordance with Table 1 of division (b)(2) above. All fees shall be non-refundable and nontransferable. The animal maintenance permit/kennel license shall be issued for the individual animals listed on the application and shall not be transferable to other animals. The fact an individual has previously been issued an animal maintenance permit/kennel license may be considered, but shall not be controlling to the city or designee's decision to issue an animal maintenance permit/kennel license for a different animal.

2. The denial of any animal maintenance permit/kennel license shall be subject to the appeal procedure set forth in § 2-402(b)(6)(C) of this article.

(E) Any applicant who had more than three cats or more than three dogs prior to annexation of their property by the city, shall be permitted to keep, but not replace said animals until their number equals the number of animals permitted by § 2-402(a) of this article. Any such applicant shall be required to apply for an animal maintenance permit/kennel license and be required to pay a yearly renewal fee; provided that, nothing in this section shall exempt or except any applicant or any other person from the registration, vaccination or any other requirement of this chapter.

(F) Any individual who had a current animal maintenance permit/kennel license or variance at the time of passage of this article shall be permitted to keep but not replace said animals until their number equals the number of animals permitted by § 2-402(a) of this article. Any such applicant shall be required to apply for an animal maintenance permit/kennel license and be required to pay a yearly renewal fee; provided that, nothing in this section shall exempt or except any applicant or any other person from the registration, vaccination or any other requirement of this chapter.

(G) For the purposes of this section:

1. **NUISANCE**, for the purposes of this section, shall be defined as any act which is unreasonably annoying or vexatious to another or substantially interferes with the rights of others and shall include, but not be limited to, obnoxious odors, excessive noise and creation of an environment attractive to other animals or insects. More than three substantiated violations of this title within a 12-month period will automatically constitute a nuisance.

2. **HUMAN STANDARDS OF CARE** shall be defined to include, but not be limited to, accessibility of the animal to food and water, proper medical attention, proper shelter from the elements and cleanliness in animal waste areas with regular waste removal.

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(H) The holder of an animal maintenance permit/kennel license will provide, upon request of the city or designee proof of licensure where applicable, and vaccination of any animals subject to the animal maintenance permit/kennel license.

(I) The premises designated in the animal maintenance permit/kennel license shall be available for inspection by the city to ensure compliance with the provisions of this code and the laws of the state.

(J) The holder of an animal maintenance permit/kennel license will notify the city if any of the animals subject to the animal maintenance permit/kennel license are no longer owned by the individual. Any individual who fails to comply with the requirements of this section shall be deemed guilty of a Class C misdemeanor.

(6) Any application for a variance to own, keep, or harbor more than three dogs or three cats or any combination thereof in excess of three or for a variance to the requirements of this chapter based on physical or geographical features of the site may be granted by the city or designee if he or she determines that the variance will not adversely affect public health and safety or the environment, pose a threat to the environment or constitute a nuisance to neighbors.

(A) The applicant shall complete an application form and pay all applicable fees for an animal maintenance/kennel license variance. Such application shall include the information set forth in the application for an animal maintenance permit/kennel license. In addition to the fees set forth in division (b)(2) above, the applicant shall pay an initial inspection fee of \$50 to the city. No inspection fee shall be assessed for subsequent renewals of any variance.

(B) In making the determination as to whether the variance request should be granted, the city or designee shall rely on the criteria set forth in division (b)(4) above.

(C) The city or designee shall notify the applicant for the variance of his or her determination of the request in writing stating the basis for any denial and any conditions placed on any granted variance request. Individuals aggrieved by any decision of the city or designee relative to waivers may appeal, in writing, to the City Council within ten days of the notice of such decision.

(Ord. 1544, passed 8-19-2014)

§ 2-403 DOMESTIC ANIMAL STRUCTURES AND ENCLOSURES.

(a) The city or designee will evaluate properties and may issue waivers of distance and setback requirements for domestic animal structures where such waivers do not adversely affect public health and safety, pose a threat to the environment or constitute a nuisance to neighbors. Criteria for review for such variance will include, in addition to site-specific requirements, the following requirements:

(1) The animals will be kept or maintained at all times in a safe and sanitary manner;

(2) The quarters in which such animals are kept or confined will be adequately lighted and ventilated and are so constructed and maintained that they can be kept in a clean and sanitary condition;

(3) The health and well-being of the animals will not in any way be endangered by the manner of keeping or confinement. This includes, but is not limited to:

(A) The animals must receive sufficient exercise each day according to age;

(B) Outdoor facilities for animals must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand and lie in a normal manner, and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for animals must contain a roof, four sides and a floor, and must:

1. Provide the animals with adequate protection and shelter from the cold and heat;
2. Provide the animals with protection from the direct rays of the sun and the direct effect of wind, rain or snow;
3. Be provided with a wind break and rain break at the entrance; and
4. Contain clean, dry bedding material if the ambient temperature is below 50°F. Additional clean, dry bedding is required when the temperature is 35°F or lower.

(C) The animals must be fed at a minimum of once a day and more often if required by age, or as directed by the animal's veterinarian. The diet must be appropriate for the individual animal's age and condition;

(D) The food must be uncontaminated, wholesome, palatable and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal;

(E) Kitchens or any area surface where food is kept or prepared must be disinfected daily;

(F) Feeding pans/bowls must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If food receptacles are disposable, they must be discarded after one use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, no more than enough feed for one day should exist in a feeder. Measures must be taken to ensure that there is no molding, deterioration and caking of feed. If the food receptacles are not disposable, feeding pans/bowls should be disinfected and cleaned regularly as well.

1. Food bowls must be removed after the animal(s) are finished eating and any leftovers need to be thrown away, at least daily, with the exception of enough feed for one day being placed in a bottom feeder.

2. Feeding pans/bowls that are not disposable are to be soaked in bleach for a minimum of ten minutes, then washed and air dried. As an alternative, the feeding pans/bowls may be washed with dish soap and then washed in a dishwasher.

(G) If potable water is not continually available to the animals, it must be offered to the animals as often as necessary to ensure their health and well-being, but not less than twice daily for at least one hour each time, unless restricted by the attending veterinarian. Water receptacles must be kept clean and sanitized in accordance herewith weekly and before being used to water a different animal or

social grouping of animals.

(H) Enclosures are to be sanitized and disinfected weekly.

1. Any disinfectant that is used must be non-harmful to animals and used within the manufacturer's guidelines.

2. When steam or water is used to clean the primary enclosure, whether by hosing, flushing or other methods, animals must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning.

3. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned and sanitized as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects and odors.

(I) 1. The following categories of animals must not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

i. Dogs or cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

ii. Breeds of dogs or cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort; and

iii. Sick, infirm, aged or young animals.

2. When their acclimation status is unknown, animals must not be kept in outdoor facilities when the ambient temperature is less than 50°F.

(J) Excreta waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

(4) The animals will not unreasonably annoy humans, endanger the life, health or safety of other animals or persons or substantially interfere with the rights of citizens to the enjoyment of life or property;

(5) The keeping of such animals will not harm the surrounding neighborhood or unreasonably disturb the peace and quiet of the surrounding neighborhood;

(6) The keeping of such animals will not cause fouling of the air by offensive odors and thereby create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animals are kept or harbored;

(7) The animals will not run or be found at large, will not damage property or deposit

excretory matter upon the property of anyone other than their owner;

(8) The animals will not make disturbing noises (i.e., continued and repeated or untimely howling, barking, whining or other similar utterances causing unreasonable annoyance, disturbance or discomfort to neighbors where the animals are kept or harbored, or otherwise be unreasonably offensive or dangerous to the public health, safety or welfare, by virtue of their behavior, number, type of manner of keeping);

(9) That the applicant or any person who will share in the care, custody and control of the animals, is not currently in violation of, or has not previously violated any applicable city, state or federal laws, codes rules or regulations, including, but not limited to, those pertaining to the care and control of animals and maintenance of their property, which would reflect adversely on their ability to fully comply with the conditions of the subject permit.

(b) In considering waivers for domestic animal structures, the city or designee will consider:

(1) Specific location of the animal structure or enclosure on the property in question;

(2) The size of the lot and distance of the structure or enclosure to adjacent property lines and dwellings;

(3) Structures located on or uses made of the adjacent property and the likelihood that a waiver would adversely affect the use of the adjacent property;

(4) Type and number of animals to be maintained and the potential for creation of a nuisance;

(5) Any history of complaints and violations concerning the permit/license holder's compliance with code or violations of local, state or federal law;

(6) Any comments of neighbors; and

(7) Any other available information concerning the potential for creation of a nuisance.

(c) The city, or designee, shall notify the applicant for the variance of his or her determination of the request in writing stating the basis for any denial and any conditions placed on any granted variance request. Individuals aggrieved by any decision of the city, or designee, relative to waivers may appeal, in writing, to the City Council within ten days' of notice of such decision.

(Ord. 1544, passed 8-19-2014)

§ 2-404 HEALTH STANDARDS; MINIMUM LISTED.

(a) That the following minimum environmental health standards shall be observed and followed by persons subject to the terms of this article.

(1) All domestic animal structures shall be cleaned at least once each week, or as often as necessary, to prevent or control odors, to control fly breeding and rodent infestation or to control other conditions adversely affecting the public health.

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(2) Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill or transfer station, fertilizer processing plant, by proper dispersal on land used for agricultural purposes or other method approved by the city or designee.

(3) Premises subject to the terms of this code shall be maintained free of rodent harborage.

(4) An effective program, such as the use of effective chemical or other approved means, for the control of insects, external parasites affecting animals, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests and rodents in animal areas.

(5) Use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.

(6) All domestic animal structures and fences shall be maintained in good repair. Any repairs that need to be done to structures and/or kennels shall be done as soon as possible.

(7) Enclosures shall be constructed of suitable materials so that they are structurally sound and in a manner to prevent domestic animals from breaking out or causing hazard to persons or property.

(8) Enclosures must be constructed and maintained so that they:

(A) Have no sharp points or edges that could injure the animals;

(B) Protect the animals from injury;

(C) Contain the animals securely;

(D) Keep other animals from entering the enclosure;

(E) Enable the animals to remain dry and clean;

(F) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the animals;

(G) Provide sufficient shade to shelter all the animals housed in the primary enclosure at one time;

(H) Provide all the animals with easy and convenient access to clean food and water;

(I) Enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized;

(J) Have floors that are constructed in a manner that protects the animals' feet and legs from injury and that, if of mesh or slatted construction, do not allow the animals' feet to pass through any openings in the floor;

(K) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit and lie in a comfortable, normal position and walk in a normal manner;

(L) All animals housed in the same primary enclosure must be compatible, as determined by observation, with the following restrictions:

1. Females in heat (estrus) may not be housed in the same primary enclosure with males, except for breeding purposes;

2. Any animal exhibiting a vicious or overly aggressive disposition must be housed separately;

3. Animals four months of age or less may not be housed in the same primary enclosure with adult animals other than their dams or foster dams, except when permanently maintained in breeding colonies;

4. Animals may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and

5. Animals that have or are suspected of having a contagious disease must be isolated from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of animals is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment and control.

(9) Hard surfaces of primary enclosures and food and water receptacles that are required to be sanitized as provided in this article must be sanitized using one of the following methods:

(A) Live steam under pressure;

(B) Washing with hot water (at least 180°F) and soap or detergent, as with a mechanical cage washer; or

(C) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean water rinse.

(D) Pens, runs and outdoor housing areas using material that cannot be sanitized using the methods provided herein, such as gravel, sand, grass, earth or absorbent bedding, must be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects and vermin infestation.

(10) Refuse shall be stored in a manner approved by the city or designee and disposed of at least once each week or as frequently as may be required by the city or designee.

(11) Wastes accumulated from the cleaning of domestic animal structures shall be stored in suitable containers, with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

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(12) Holding lots, pens and floors of sheds and buildings where animals are held shall be surfaced with concrete or asphaltic materials and the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into water courses. Such drainage systems shall be subject to the approval of the city or designee.

(13) Wastes accumulated from the cleaning of domestic animal structures in commercial or industrial operations shall be stored on concrete slabs or on an area with an impermeable barrier as approved by the city or designee. All solid wastes shall be properly disposed of at least once each week or as often as necessary to prevent any associated nuisances, or as approved by the city or designee.

(b) Any individual who fails to comply with the requirements of this section shall be deemed guilty of a misdemeanor.

(Ord. 1544, passed 8-19-2014)

§ 2-405 PET SHOP, STABLES, KENNEL, COMMERCIAL ANIMAL FACILITIES AND ANIMAL “DAY CARE” REGULATIONS.

(a) It shall be unlawful for any pet shop, rescue organization, animal foster care organization, commercial animal facility, groomer, breeder, kennel, stable or animal “day care” business to fail to:

(1) Maintain and retain records for a two-year period on all animals maintained in such facility. Such records shall show breed, color markings, sex and age; date received and source, including name and address of owner or previous owner; date and disposition of animal, including name and address of new owner if applicable; disease prevention and/or treatment and by whom. Such records shall be made available to the city or designee upon request for inspection;

(2) Provide cages and pens constructed of nontoxic, easily cleanable, water-impervious materials if used for confining animals and shall keep such cages and pens clean and sanitary at all times;

(3) Provide adequate space and ventilation to prevent overcrowding, odors and minimize contagion;

(4) Provide general environmental conditions including endoparasite and ectoparasite control, clean wholesome food and water, weather protection and clean and sanitary facilities so as to enhance the health and well-being of such animals;

(5) Maintain a building temperature at a comfortable level, between 50°F through 85°F. Maintain adequate ventilation by means of windows, doors, vents and fans;

(6) Provide each animal with sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure. If additional space is not provided, either indoor or outdoor, then this enclosure must provide an adequate exercise area;

(7) All enclosures shall be kept clean and dry;

(8) Provide food which is free from contamination, and of sufficient quantity and nutritive

value to meet the normal daily requirements for the condition and size of the animal;

(9) Provide all animals with fresh water available at all times, except as part of a veterinary treatment regimen;

(10) Provide veterinary care to maintain good health and general welfare;

(11) Maintain the premises of such business, and any domestic animal structures on such premiss, in a clean and sanitary condition in compliance with the health standards set forth in this chapter; and

(12) Comply with all provisions of the municipal code.

(b) Any individual who fails to comply with the requirements of this section shall be deemed guilty of a Class C misdemeanor.
(Ord. 1544, passed 8-19-2014)

§ 2-406 ZONING.

A kennel shall not be located in any area zoned by the city as residential. A kennel may be located in an area zoned by the city as C-1 and/or C-2 only if the facility is enclosed and all services are contained within the confines of the building.
(Ord. 1544, passed 8-19-2014)

§ 2-407 AUTHORITY.

This article is adopted by authority of and under the provisions of Art. 12, § 5, of the Kansas Constitution.
(Ord. 1544, passed 8-19-2014)

ARTICLE 5: PROHIBITIONS OF ANIMALS BY AREA

Section

- 2-501 Prohibitions of animals by area
- 2-502 Penalty

§ 2-501 PROHIBITIONS OF ANIMALS BY AREA.

The governing body may, by resolution, prohibit dogs, cats or other animals from areas of the city-owned or controlled by the governing body. The city shall place and maintain conspicuous signs designating those areas in which dogs, cats or other animals are prohibited.
(Ord. 1575, passed 9-6-2016)

§ 2-502 PENALTY.

Any person convicted of violating § 2-501 of this article shall be fined in any sum not exceeding \$1,000.
(Ord. 1575, passed 9-6-2016)