

ORDINANCE NO. 698

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 1, SECTION 2-101 and 2-107 OF THE ROSE HILL CODE REGARDING ANIMAL CONTROL AND REGULATION

WHEREAS, the Governing Body of Rose Hill finds that the safe tethering of animals is essential to create clear boundaries and expectations of pet owners to prevent cruelty to animals in the City of Rose; and

WHEREAS, the Governing Body of Rose Hill deems that certain tethering of animals can cause physical injury, placing the dog at risk from extreme weather conditions and an inability to access food, water and basic shelter.

WHEREAS, tethering dogs can cause aggressive behavior and uncontrolled barking which can be a public nuisance and danger to the public.

WHEREAS, the Governing Body of Rose Hill desires to revise Chapter II, Article 1 Section 2-107 of the Rose Hill City Code to prohibit certain forms of tethering as cruelty to animals.

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

Section 1. Section 2-101 of the code of the City of Rose Hill is hereby amended to read as follows:

2-101. Definitions.

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

(a) Abandon includes 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.

(b) Animals means 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.

(c) Animal Shelter means 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.

(d) At-large means to be outside of a fence or other enclosure which restrains the animals to a particular premise 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."

(e) Bite means 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.

(f) Cat means any member of the species felis catus, regardless of sex.

(g) Dangerous or Vicious Animal means any animal deemed to be dangerous or vicious per section 2-115.

(h) Dog means any member of the species canis familiaris, regardless of sex.

(i) Fowl means all animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

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

(k) Humane Live Animal Trap means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

(l) Humanely Euthanize means 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.

(m) Immediate Control means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(n) Kennel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, five or more dogs.

(o) Livestock includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

(p) Neutered means any male or female cat or dog that has been permanently rendered sterile.

(q) Own means and 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.

(r) Owner means 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 in subsection (q) above.

(s) Shelter means a place giving an animal shade or temporary protection from wind, storms, heat, or other adverse conditions.

(t) Tether or Tethering means to restrain a dog by tying the dog to any object or structure, including, but not limited to a house, tree, fence, post, garage, or shed, by any means, including, but not limited to a chain, rope, cord, leash or running line. This shall not include using a leash for walking purposes or tethering a dog within the sight and sound of an owner.

(u) Vaccination means 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.

(v) Veterinarian means a doctor of veterinary medicine licensed by the State of Kansas.

Section 2. Section 2-107 of the code of the City of Rose Hill is hereby amended to read as follows:

2-107. Animal Neglect.

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 section 2-108.

(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 subsection, 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 and protection from the elements as necessary for 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;

(h) Tether a dog, except under the following circumstances:

1. The dog is being transported in a vehicle.
2. The tether is connected to the dog by a buckle-type collar, or a body harness made of nylon or leather, and the tether terminates at both ends with a swivel. Choke, chain, training collars, slip, cable, rope, leash, or prong type collars shall not be used on an animal when such animal is tethered.
3. The tether is at least 10 feet in length and the weight of the tether shall not unreasonably inhibit the free movement of the dog within the area allowed by the length of the tether.
4. The weight of the tether shall not unreasonably inhibit the free movement of the dog within the area allowed by the length of the tether. Thick chains and other heavy lines are prohibited.
5. The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
6. The dog is not tethered outdoors when a weather advisory, warning or watch is issued by a local, state or federal authority.
7. The dog has continuous access to water, shelter, and dry ground.
8. The dog is at least one (1) year of age. Puppies shall not be tethered.
9. The dog is not sick or injured.
10. Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.
11. If there are multiple dogs, each dog is tethered separately.
12. No animal shall be tethered on vacant or abandoned property.

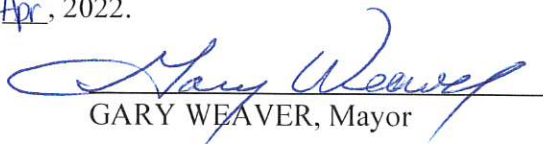
(i) These provisions shall not apply to the exceptions sanctioned under section 2-108.

In addition to the penalties provided in section 1-116 of this code, the municipal court judge may order a person convicted of violation under this section to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible.

Section 3. Section 2-101 and 2-107 of the code of the City of Rose Hill are hereby repealed.

Section 4. This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

PASSED AND APPROVED this 4th day of Apr, 2022.


GARY WEAVER, Mayor

ATTEST:


KELLY MENDOZA, City Clerk

[SEAL]

