

ORDINANCE NO. 1893

AN ORDINANCE DEFINING DANGEROUS DOGS; PROHIBITING DANGEROUS DOGS WITHIN THE CITY OF AUGUSTA, KANSAS; EXCEPTING EXISTING DANGEROUS DOGS AND REQUIRING AND DEFINING CONFINEMENT FOR SUCH DOGS; REQUIRING SUCH DOGS BE ON A LEASH; REQUIRING SUCH DOGS TO BE SPAYED AND NEUTERED; PROHIBITING TETHERING; REQUIRING INSURANCE; REQUIRING REGISTRATION OF SUCH DOGS; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND REPEALING ORDINANCE NO. 1884.

WHEREAS, the Governing Body of the City of Augusta, Kansas has determined to restrict and control such animals within the City for the protection of its citizens.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS, AS FOLLOWS:

Section 1. Definition: As used in this ordinance, "dangerous dog" shall mean and include:

(a) any dog which is known to its keeper or harborer, or reasonably should be known to its keeper or harborer, to have a propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals. It is hereby declared to be the policy of this City that keepers and harborers of dogs that are of a size and breed that allow the animal to be capable of inflicting life threatening injuries upon human beings are held to a very high standard of care regarding their knowledge of such propensity, tendency or disposition as to their animal and to confine and restrict movement of such animals. In determining whether or not a keeper or harborer of such an animal should know reasonably about such propensities, tendencies or dispositions the Municipal Court shall apply a very high standard. The following breeds shall be presumed to be dangerous animals and all provisions shall apply to their care and confinement:

- 1) The Staffordshire Bull Terrier breed of dogs;
- 2) The American Staffordshire Terrier breed of dogs;
- 3) The American Pit Bull Terrier breed of dogs;
- 4) The Rottweiler breed of dogs;
- 5) The Wolf Hybrid or Tundra Shepherd breed of dogs;
- 6) Any dog that has the appearance and characteristics of being predominantly of the breeds of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier, Rottweiler, Wolf Hybrid or Tundra Shepherd.

(b) Any dog kept or harbored primarily, or in part, for the purpose of fighting, or any dog trained for dog fighting; or

(c) Any dog not owned by a governmental or law enforcement unit used primarily to guard public or private property.

Section 2. Dangerous Dogs Prohibited: It shall be unlawful for any person or legal entity to keep, harbor or in any way possess a dangerous dog as defined by this ordinance within the limits of the City of Augusta, Kansas.

Section 3. Existing Dogs; Exception: Any dogs described and defined as dangerous by this ordinance which reside within the City of Augusta, Kansas, at the time of the effective date of this ordinance and shall have registered with the City prior to the effective date, shall be allowed to remain in the City, subject to the provisions of this ordinance. Any dangerous dog which fails to register by the effective date of this ordinance shall be removed from the City. If any dangerous dog which remains in the City under this exception is found to be at large more than once, it shall be removed from the City or destroyed.

Section 4. Confinement: Any person who keeps or harbors a dangerous dog under the exception to this ordinance shall keep such dog confined as required in this Section. Any such dogs commonly known as "pit bulls" shall be confined indoors by secure methods or in a securely enclosed and locked pen or dog run made of at least nine-gauge chain link with no more than 2" spacing. Such pen or dog run area must have sides at least six feet high and be secured over the top with the same material provided for the sides of the pen. Such pen or dog run shall have a bottom incapable of being penetrated by the dog and secure to the sides of the pen which must be imbedded into the ground no less than one foot. Such pen and dog run shall be locked with a key or combination lock whenever such dog or dogs are within the pen or dog run. Allowing a pit bull to run free in an enclosed back yard is strictly prohibited. All other dangerous dogs must be confined indoors or within a secure fence at least 6' in height and constructed so that the dog cannot dig under the fence nor climb over the fence. Any gate to the fence must be locked with a key or combination lock at all times the dangerous dog is allowed to run free within the fence. All dangerous dogs which are allowed to run free within the fence must be muzzled and such muzzle shall allow the dog to drink but not bite.

Section 5. Leash and Muzzle: Any person keeping or harboring a dangerous dog shall at any time the dog is not confined, have such dog securely restrained by a leash with a minimum tensile strength of 300 pounds and not exceeding three feet in length. Any person walking a dangerous dog or restraining such a dog on a leash shall be an adult and be of sufficient strength to control said dog. No person shall attempt to walk or restrain more than one (1) dangerous dog at a time. All dogs defined by this ordinance as dangerous shall be muzzled when outside of confinement by a device sufficient to prevent the dog from biting people or other animals.

Section 6. Spay and Neuter: Any dangerous dog confined and harbored within the confines of the City of Augusta and which dog is more than six months of age must be spayed or neutered within 30 days of the effective date of this ordinance or becoming six months of age.

Section 7. Tether Prohibited: Any person who harbors, owns, or keeps a dangerous dog is prohibited from placing such dog on a tether, rope, or chain which is attached to a tree or any other immovable object.

Section 8. Registration: Within 30 days of the effective date of this ordinance, each owner, keeper, harbinger, or possessor of a dangerous dog shall register such dog with the City Clerk. For each dangerous dog harbored and kept at a residence there shall be an initial registration fee of \$50.00 per dog for the first year and an annual renewal fee of \$25.00 per dog. At the time of registration the owner, keeper, or harbinger of such dog must present two color photographs of such dog, clearly showing the color and approximate size of the animal giving a side and front view. The registration of such dog shall include the address, name, if any, of the animal, and its breed. At such time as the animal is removed from the City, relocated within the City, or such dog dies, this information must be given to the City Clerk within 10 days of the occurrence to correct the rolls of registration. Failure to register a dangerous dog after written notice from the Animal Control Officer shall be sufficient grounds for impoundment of such dog until registration is completed. If no registration occurs within 10 days of impoundment said animal shall be subject to immediate destruction.

Section 9. Insurance: All owners, keepers, or harborers of dangerous dogs within the City must, within 30 days of the effective date of this ordinance, provide proof to the City Clerk of public liability insurance in a single incident amount of \$100,000 for bodily injury to or death of any person or persons and for damage to property owned by such persons which may result from the ownership, keeping or maintenance of such animal. At the time of initial registration of such animals the owner, keeper or harbinger must present proof to the City Clerk of the required insurance or at any other time thereafter when demanded by the City Clerk. Such liability insurance shall provide that there shall be no cancellation of the policy without first giving ten (10) days written notice of the cancellation to the City Clerk.

Section 10. Penalties: Any person or legal entity found to be in violation of the provisions of this ordinance, upon conviction, may be fined no less than \$100 nor more than \$500 for the first conviction and not less than \$100 nor more than \$1,000 for each subsequent conviction and/or confined for a period of up to six months. In addition to the above penalties the court may prescribe for the violation of this section, if the court finds, after notice to the keeper and harborer and an opportunity for hearing, that such dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals; the Court may order such animal destroyed. Each day a violation of any provision of this ordinance occurs is considered a separate offense.

Section 11. Ordinance No. 1884 of the City of Augusta, shall be repealed in total.

Section 12. This ordinance shall take effect from and after its publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Augusta, Kansas, this 7th day of September, 2004.

Ross Rountree, Mayor

ATTEST:

Deborah L. Cossel, City Clerk

ORDINANCE NO. 1896

AN ORDINANCE AMENDING SECTION 8 OF ORDINANCE NO. 1893 OF THE CITY OF AUGUSTA, KANSAS RELATING TO DANGEROUS DOGS AND ADDING SECTION 11 TO SAID ORDINANCE PROVIDING FOR IMPOUNDMENT OF SUCH DOGS AND THEIR RELEASE.

WHEREAS, the Governing Body of the City of Augusta, Kansas has adopted an ordinance to prohibit, restrict and control dangerous dogs within the City for the protection of its citizens; and

WHEREAS, it has been determined that certain matters within the ordinance should be amended and supplemented.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS, AS FOLLOWS:

SECTION 1. Section 8 of Ordinance No. 1893 of the City of Augusta, Kansas, shall be amended to read as follows:

Section 8. Registration: Within 30 days of the effective date of this ordinance, each owner, keeper, harbored or possessor of a dangerous dog shall register such dog with the City Clerk. For each dangerous dog harbored and kept at a residence there shall be an initial registration fee of \$50.00 per dog for the first year and an annual renewal fee of \$25.00 per dog. At the time of registration the owner, keeper or harbored of such dog must present two color photographs of such dog, clearly showing the color and approximate size of the animal giving a side and front view. The registration of such dog shall include the address, name, if any, of the animal, and its breed. At such time as the animal is removed from the City, relocated within the City, or such dog dies, this information must be given to the City Clerk within 10 days of the occurrence to correct the rolls of registration.

SECTION 2. Ordinance No. 1893 of the City of Augusta, Kansas shall be amended by adding the following Section to said Ordinance:

Section 11. Miscellaneous: (a) Any violation of this ordinance shall make the dangerous dog involved in the violation subject to impoundment by the Department of Safety. Any dog that is impounded, after a hearing before the Municipal Judge, may be euthanized by order of the Court.

(b) Any dog impounded under this ordinance which is eligible to be returned to the owner shall be returned to the owner only after payment of boarding fees and other incidental charges incurred during the impoundment of the animal. Failure to pay fees and charges and obtain the release within 48 hours shall make the animal subject to destruction.

(c) If a dog is impounded under this ordinance as a dog prohibited within the City, the owner shall have 48 hours to remove the dog from the City permanently. Failure to remove the dog shall make the animal subject to destruction.

SECTION 3. This ordinance shall take effect from and after its publication in the official City newspaper.

APPROVED AND ADOPTED by the Governing Body of the City of Augusta, Kansas, this 1st day of November, 2004.

Ross Rountree, Mayor

ATTEST:

Deborah L. Cossel, City Clerk