

ORDINANCE NO. 1014

AN ORDINANCE AMENDING SUBSECTION (c) OF SECTION 2-105 OF ARTICLE 1 OF CHAPTER II OF THE EDGERTON, KANSAS MUNICIPAL CODE TO CLARIFY THE CITY'S PERMIT REQUIREMENTS FOR DOG AND CAT BREEDERS, AND ALSO AMENDING ARTICLE 3 OF CHAPTER II OF SAID CODE TO INCLUDE ADDITIONAL REGULATIONS PERTAINING TO KEEPING ANIMALS WITHIN THE CITY OF EDGERTON

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

SECTION 1: Subsection (c) of Section 2-105 of Article 1 of Chapter II of the Edgerton, Kansas Municipal Code is hereby amended to reflect the following revisions:

(c) Residents wishing to breed dogs or cats on residential property must apply for an annual Residential Breeder's Permit, which will require an inspection of the property and a fee set forth in the City Fee Resolution. Said permit will only allow a total of 2 litters of animals per property, per year. Any breeding operation which results in more than 2 litters per year ("Commercial Breeder's Permit") will be subject to inspections (at least once annually), must be on land meeting certain zoning requirements for said operation, and the permit will be subject to fees set forth in the City Fee Resolution. Hobby breeders (defined as not producing more than 1 litter of animals per year) will not be required to secure a permit from, or pay any breeder permit fees to, the city.

SECTION 2: Article 3 of Chapter II of the Edgerton, Kansas Municipal Code is hereby amended to read as follows:

ARTICLE 3. ANIMAL PROHIBITIONS

2-301. NUISANCES PROHIBITED. Any person who maintains any animal or fowl in any building, pen or enclosure on his or her premises which is not maintained, kept in a state of repair, clean, sanitary and free from filth, debris, garbage and offensive odors at all times or, because of the animal or fowl, becomes unsightly or offensive to those residing in the vicinity shall be deemed to be in violation of this Chapter and maintaining a nuisance. Allowing any yard, pen, room, building, enclosure or other place where animals or game are dressed, or kept alive or dead, to be filthy, offensive, unwholesome or annoying, or to allow any decayed, putrid or offensive matter to accumulate thereon, shall also constitute a violation of this Chapter and a nuisance. Such nuisances shall be abated pursuant to the procedure

set forth in chapter 8 of this code and/or the person in violation will be subject to citation issued by the animal control officer. (Ord. 739, 2002; Ord. 556, 1986)

2-302. CERTAIN ANIMALS PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the city:

- (a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats).
- (b) Any animal having a venomous bite.
- (c) Any animal determined to be a dangerous animal.

2-303. CONTROL OR PROTECTION OF ANIMALS IN GENERAL.

- (a) Every owner of any animal shall exercise proper care and control of the animal to prevent it from becoming a public nuisance. It shall be unlawful, and it shall be a nuisance, for an animal to be at large, to molest or attack persons or other domestic animals, damage property, chase vehicles, deposit excretory matter on property other than the property of its owner, or to engage in excessive or untimely barking or other noisy behavior. The owner of every animal shall forthwith remove and sanitarily dispose of any excreta deposited by the animal on property other than the owner's property including, but not limited to, public sidewalks, streets, public recreation areas and private property.
- (b) It is unlawful for any person to permit an animal to run or be at large, except that dogs may be allowed off leash while within the designated boundaries of off-leash areas.
- (c) In addition to impoundment, any law enforcement or animal control officer may issue a citation to any owner as defined in this chapter whose animal is, or is kept, in violation of the provisions of this chapter. (Ord. 855, 2009; Ord. 739, 2002; Ord. 556, 1986).

2-304. CRUELTY TO ANIMALS PROHIBITED. Except for the exemptions provided in KSA. 21-4310(b), it shall be unlawful for any person to:

- (a) Intentionally kill, maim, injure, torture or mutilate any animal;
- (b) Abandon or leave any animal within the city limits without making provisions for its proper care; or
- (c) Have physical custody of any animal and fail to provide such food, potable water, protection from the elements, opportunity for exercise and other care as needed for the health or well-being of such kind of animal;
- (d) Make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with harmful or poisonous substances. It is not the intent of this subsection to prohibit the use of poisonous substance for the control of vermin of significance to the public health.

- (e) Permit any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans;
- (f) Give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter a place of amusement or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade. (Ord. 556, 1986)

2-305. ANIMAL FEEDING RESTRICTIONS. The placement of food or other items -- in an outside area within the city for the purpose of attracting or keeping animals (wild or domesticated, but not to include wild birds) that are not licensed and/or permitted through the city pursuant to this chapter (and by the person responsible for placement of the food or other item) -- is strictly prohibited. The leaving of outside food within the city, intended for an animal that is licensed or permitted by the person leaving the food, is prohibited if it is left in such a way or for a period of time that it results in creating a nuisance by attracting other animals or rodents.

SECTION 2: Repeal. Former Subsection (c) of Section 2-105 of Article 1 of Chapter II, and Article 3 of Chapter II, of the Edgerton Municipal Code are hereby repealed.

SECTION 3: Effective Date. This Ordinance shall be effective after its passage, approval and publication once in the City's official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 14th DAY OF APRIL, 2016.

 /s/ Donald Roberts
 Donald Roberts, Mayor

ATTEST:

 /s/ Janeice Rawles
 Janeice Rawles, City Clerk

APPROVED AS TO FORM:

 /s/ Patrick G. Reavey
 Patrick G. Reavey, City Attorney