

Article 1 - Domestic Animal Regulation

8-101. Definitions. When the terms set forth below are used in this Chapter, the following definitions shall apply, unless the context otherwise requires:

- A. "Animal" shall mean all living beings, differing from plants in capacity for spontaneous movements and rapid motor response to stimulation, but excluding human beings.
- B. "Animal Control Officer" means the City Administrator or any individual employed, contracted or appointed by the City or designated by the City Administrator for the purpose of aiding in the enforcement of this Chapter or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, and includes any municipal or state police officer, sheriff or other employee whose duties, in whole or in part, include assignments which involve the seizure and taking into custody of any Animal.
- C. "Cat" shall mean a cat of the specie FELIS CATUS.
- D. "City" shall mean the City of Mission Hills, Kansas.
- E. "City Administrator" shall mean the individual appointed to the position of City Administrator or his or her duly authorized representative.
- F. "City Clerk or Clerk" shall mean the individual appointed to the position of City Clerk or his or her duly authorized representative.
- G. "Dangerous Dog" means any Dog that:
 - 1. inflicts injury on a human being without provocation on public or private property; or
 - 2. inflicts injury to a domestic animal without provocation while the Dog is off the Owner's property; or
 - 3. has been previously found to be potentially dangerous, the Owner having received notice of such, and the dog again aggressively bites, attacks, or endangers the safety of other animals or humans. Notice under this Subsection G.3. shall include, but not be limited to, notice from members of the community to the Owner or acknowledgement by the aggressive Dog's Owner that their Dog was aggressive.
 - 4. Any Dog that is classified as a Pit Bull.
- H. "Dog" shall mean a dog of the specie CANIS FAMILIARIES.
- I. "Effective Control" shall mean the ability to prevent an Animal from attacking, attempting to attack or in any way causing harm to any person or other Animal.

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- J. "Electronic Fence" shall mean an electronic device buried in the ground which is used in conjunction with an electronic collar on a Dog or Cat to control the movement of the Dog or Cat by emitting an electric shock when the Dog or Cat approaches the buried device.
- K. "Location" shall mean the Principal Building and the entire Lot (as defined in the Zoning Regulations of the City) upon which such Principal Building is located and all other buildings and improvements located on said Lot.
- L. "Municipal Court" shall mean the Municipal Court of the City of Mission Hills, Kansas as further described in Chapter II of the Code of Ordinances.
- M. "Owner" shall mean any person or persons, firm, association, partnership or corporation owning, keeping, harboring or having charge, custody, or control of an Animal. A parent or legal guardian of children shall be deemed to be an Owner of an Animal owned or maintained by children at a Location.
- N. "Potentially Dangerous Dog" means:
1. any Dog that when unprovoked:
 - (a) inflicts minor bites not requiring medical or veterinary attention on a human or a domestic Animal either on public or private property, or
 - (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack;
 2. any Dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic Animals.
- O. "Pit Bull" means:
1. the Staffordshire bull terrier breed of Dog;
 2. the American pit bull terrier breed of Dog;
 3. the American Staffordshire terrier breed of Dog;
 4. any Dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire bull terrier, American pit bull terrier, or American Staffordshire terrier.

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8-102. Animals Permitted. No Animal of a type other than those types listed below shall be kept or harbored within the City. Subject to other applicable sections of this Chapter, it shall be lawful to keep and harbor Animals of the types listed below:

- A. Dogs.
- B. Cats.
- C. Noncarnivorous fish.
- D. Amphibians that grow no greater than one (1) foot in length.
- E. Nonpoisonous reptiles that grow no greater than three (3) feet in length.
- F. Birds and fowl customarily kept in the home as a pet, but not including chickens, turkeys, or pigeons.
- G. Animals weighing three (3) pounds or less of the order RODENTIA including, but not limited to, gerbils, hamsters, guinea pigs, mice, white rats, squirrels, or chipmunks.
- H. Hares.

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8-103. Limitation on Number of Animals.

- A. Except as provided in Subsection B of this Section 8-103, Animals in excess of the numbers shown below shall not be kept or harbored at any one Location within the City unless a Special Animal License has been obtained from the Clerk permitting the keeping and harboring of such Animals within the City:
 - 1. Dogs exceeding two (2).
 - 2. Cats exceeding two (2).
 - 3. Any number of fish.
 - 4. Any combination of amphibians exceeding four (4).
 - 5. Any combination of reptiles exceeding four (4).
 - 6. Any combination of permitted birds and fowl exceeding four (4).
 - 7. Any combination of Animals all of which are members of the order RODENTIA exceeding twelve (12).
 - 8. Any combination of hares exceeding four (4).

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- B. The Owner of any Animal within the numerical restrictions of this Section shall have sixteen (16) weeks from the date of birth of any offspring of such Animal in which to relocate such number of Animals as exceed the prescribed number by reason of such birth to a location where their presence will not constitute a violation of this Section.

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8-104. Regular License for Dogs and Cats.

- A. **In General.** It shall be the duty of every Owner of any Dog or Cat which has reached the age of sixteen (16) weeks, which is permitted in the City pursuant to Section 8-103 and which is kept or harbored within the City limits to obtain annually a Regular License for such Dog or Cat. Such license shall be for the calendar year and shall expire on the 31st day of December of each year.

For the issuance of such Regular License, such Owner shall pay to the Clerk the sum of Five Dollars (\$5.00) and said license fee shall be due and payable on the first day that the Clerk's office is open after the first day in January of each year, except that the Owner of any Dog or Cat reaching the age of sixteen (16) weeks, or brought into the City, during the calendar year shall obtain a license and pay the Five Dollar (\$5.00) license fee for such Animal within ten (10) days after such Animal has reached the age of sixteen (16) weeks or been brought in to the City. In each year, the Five Dollar (\$5.00) license fee shall be waived with respect to Dogs or Cats registered during the month of January. The Owner of any Dog or Cat shall be delinquent if such license is not obtained prior to the first (1st) day of April in each year or within ten (10) days after a Dog or Cat reaches sixteen (16) weeks of age or has been brought into the City and the fee for any such license obtained on or after such dates shall be increased to Ten Dollars (\$10.00).

No license shall be issued to any Owner of any Dog or Cat until such Owner shall first present to the Clerk a certificate showing that such Dog or Cat has been inoculated for rabies, or for such other diseases as the Board of Health may deem necessary to protect the public health.

- B. **License Tag.** At the time of the payment of such license fee, the Clerk shall deliver to the Owner of each Dog or Cat licensed a metal check or tag on which shall be distinctly marked the year for which said license fee is paid. It shall be the duty of the Owner of any Dog so licensed to keep such metal tag or check securely fastened upon the neck of such Dog in such a manner as to be readily seen by any person upon inspection. It shall be the duty of the Owner of any Cat so licensed, either to keep such metal tag or check securely fastened upon the neck of each Cat or to keep such metal tag or check at the residence of such Owner and to display the same upon the request of any police officer or other representative of the City.

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8-105. Special Animal License.

- A. The Clerk may issue a Special Animal License for the keeping or harboring of Animals in excess of the numbers provided in Section 8-103, for a period of one (1) year, and the Clerk may renew said license for subsequent one (1) year periods provided:
1. The Animal(s) at all times will be kept or maintained in a safe manner and that it (they) at all times will be confined securely so that keeping of such Animal(s) will not constitute a danger to human life or property.
 2. The health and well-being of the Animal(s) will not in any way be endangered by the manner of keeping or confinement.
 3. The keeping of such Animal(s) will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.
 4. The quarters in which such Animal(s) are kept or confined will be adequately lighted and ventilated and are so constructed that they can be kept in a clean and sanitary condition.
 5. The keeping of such Animal(s) will not create or cause offensive odors or in any way constitute a danger to the public health and safety.

No Special Animal License shall be issued by the Clerk for the keeping or harboring of such Animals if one or more of the Animals being kept or harbored has been declared a Dangerous Dog or Potentially Dangerous Dog by the City Administrator.

- B. Before issuing a Special Animal License which authorizes the keeping or harboring of Animals in excess of the numbers provided in Section 8-103, the Clerk shall collect a fee in the amount established by resolution in the City's Schedule of Fines and Charges, and shall obtain from the applicant an affidavit certifying that the conditions described in Subsection A of this Section 8-105 exist at the time of the application and will be maintained throughout the period for which the License applies. The Clerk shall have the authority to inspect the premises to which such License applies upon the receipt of any complaint regarding the maintenance of such premises or the Animals therein. If, as a result of such inspection or other evidence which the Clerk deems reliable, it is determined that any of the conditions specified in Subsection A of this Section 8-105 are being violated, the Clerk shall cause to be revoked the License relating to such premises, unless such violation is corrected within such period of time as the Clerk shall direct, not to exceed thirty (30) days. If the Clerk is refused permission to inspect the premises to which any such License applies, the Clerk may terminate such License.

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8-106. Miscellaneous Violations.

- A. **Restraint of Dogs by Proclamation of Mayor.** Before issuing a Special Animal License which authorizes the keeping or harboring of Animals in excess of the numbers provided in Section 8-103, the Clerk shall collect a fee in the amount established by resolution in the City's Schedule of Fines and Charges, and shall obtain from the applicant an affidavit certifying that the conditions described in Subsection A of this Section 8-105 exist at the time of the application and will be maintained throughout the period for which the License applies. The Clerk shall have the authority to inspect the premises to which such License applies upon the receipt of any complaint regarding the maintenance of such premises or the Animals therein. If, as a result of such inspection or other evidence which the Clerk deems reliable, it is determined that any of the conditions specified in Subsection A of this Section 8-105 are being violated, the Clerk shall cause to be revoked the License relating to such premises, unless such violation is corrected within such period of time as the Clerk shall direct, not to exceed thirty (30) days. If the Clerk is refused permission to inspect the premises to which any such License applies, the Clerk may terminate such License.
- B. **Immunization of Dogs.** It shall be the duty of every Owner of any Dog which is sixteen (16) weeks of age or more, within the City to have and keep the Dog immunized against rabies by a licensed veterinarian.
- C. **Immunization of Cats.** It shall be the duty of every Owner of any Cat which is sixteen (16) weeks of age or more, within the City to have and keep the Cat immunized against rabies by a licensed veterinarian.
- D. **Dogs Running at Large.** It shall be unlawful for the Owner of any Dog to permit the Dog to run at large within the City. A Dog shall be deemed to be running at large when:
1. Found upon public property or upon property other than that of the Owner thereof, unless the Dog shall be on a leash, no longer than eight feet (8') in length and under the Effective Control of a person;
 2. Found upon the Owner's property unless:
 - (a) the Dog is in the physical presence of an Owner and under the demonstrated direct and immediate voice control of its Owner;
 - (b) the Dog is confined to the Owner's property by a fence or wall constructed in accordance with Section 5-134 of the Code of the City of Mission Hills, Kansas; or
 - (c) the Dog is confined to the Owner's property by an Electronic Fence.

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- E. **Removal of Dog Feces.** The Owner of any Dog, when the Dog is off the Owner's property, shall be responsible for the removal of any feces deposited by the Dog on any sidewalk, parkland, or private or public property.
1. It shall be a violation of this provision for the Owner to fail to remove or provide for the removal of such feces before the Dog leaves the immediate area where the defecation occurred.
 2. It shall be unlawful for any person to dispose of removed feces by intentionally or recklessly depositing, or causing to be deposited, feces removed pursuant to this section into, upon or about:
 - (a) any public street, alley, road, right of way, park, catch basin or any other public place;
 - (b) any lake, stream, watercourse or other body of water; or
 - (c) any private property without the consent of the owner or occupant of the property.
 3. Notwithstanding the penalties provided for in Section 8-110 of this Chapter, any person who shall violate, neglect or refuse to comply with the disposal of removed feces provision in this Section shall, on conviction thereof, be guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and costs. Fines and costs imposed pursuant to this Section shall be due immediately upon conviction of the offense and shall be paid to the City Clerk.
- F. **Nuisance Cats.** It shall be unlawful for the Owner of a Cat to allow the Cat to become a Nuisance Cat within the City.
1. A Cat shall be deemed a Nuisance Cat when:
 - (a) A Cat causes injury to a person, property or an animal at a location other than at the Owner's property;
 - (b) A City resident twice complains to the City that a Cat has entered the resident's property and the City has notified the Cat's Owner of the first complaint; or
 - (c) A Cat whose Owner cannot be identified remains for more than twenty-four (24) hours on a City resident's property and the resident notifies the City that he or she objects to the presence of the Cat.
 2. For purposes of Section 8-106.F.1(b), each of the two (2) complaints by the resident that a Cat has entered the resident's property must identify a separate incident on a

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separate date. Once the Cat's Owner has been identified by the resident or the City, the City Administrator shall notify the Cat's Owner of the first complaint. The notice shall be in writing and shall set forth the date and nature of the complaint and advise the Owner that if the Owner's Cat enters the complaining resident's property again, the Cat will be deemed a Nuisance Cat. This notice may also advise the Owner of the Cat that if the Cat becomes a Nuisance Cat, the Owner may be fined and the Cat may be impounded, and subsequently redeemed or disposed of in accordance with this Chapter. The notice shall be sent by certified mail, return receipt requested, to the last known address of the Owner. Service of the notice shall be complete upon mailing.

G. **Dangerous Dogs and Potentially Dangerous Dogs.** No person shall keep or harbor within the City any Dangerous Dog or Potentially Dangerous Dog, unless:

1. (a) The Dog is confined within a building or in a yard which shall be entirely enclosed by a fence at least six feet (6') in height and which includes gates that open into the yard and are self-closing, self-latching, and lockable (except for motor courts with motorized gates, which shall be subject to the six foot (6') height requirement, but not the gate requirements, and the Owner shall be responsible for ensuring that the Dog is restrained in order to prevent escape when the motorized gate is open); or (b) the Dog is muzzled and on a leash no longer than four feet (4') in length when off the residential property of the Owner and under the Effective Control of a person who has reached the age of eighteen (18);
2. Within thirty (30) days following the declaration of Dangerous Dog or Potentially Dangerous Dog, the Dog and the Owner shall enroll in a behavior modification program administered by a licensed animal behaviorist, and the Owner shall provide verification of completion of the program to the City Clerk;
3. The City shall provide written notice of the Dangerous Dog or Potentially Dangerous Dog declaration to all occupants of any property located within five hundred feet (500') of the Owner's property;
4. The Owner shall post a Government Sign (defined in Section 5-1402) provided by the City at each entry point of the Owner's fence;
5. The Owner shall have a microchip implanted in the Dog for identification, and shall provide to the City Clerk the name of the microchip manufacturer and the identification number of the microchip;
6. Within thirty (30) days following the declaration of Dangerous Dog or Potentially Dangerous Dog, the Owner shall obtain a permit from the City Clerk and pay a permit fee in the amount of Two Hundred Dollars (\$200.00). The Owner must renew the permit annually on or before the date of issuance;

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7. Within thirty (30) days following the declaration of Dangerous Dog or Potentially Dangerous Dog, the Owner shall provide proof to the City Clerk of public liability insurance in a single incident amount of Five Hundred Thousand Dollars (\$500,000.00) for bodily injury to or death of any person(s) or for damage to property owned by any person(s) which may result from the ownership, keeping or maintenance of a Dangerous Dog or Potentially Dangerous Dog. This public liability insurance shall be in addition to any existing coverage the Owner maintained prior to the declaration of Dangerous Dog or Potentially Dangerous Dog and shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City Clerk; and
 8. The Owner shall provide a written statement, signed by the Owner, indemnifying the City and its agents and employees for any and all injuries that may result from the Dangerous Dog or Potentially Dangerous Dog.
- H. **Female Dog in Heat.** No person shall keep or harbor within the City a female Dog "in heat," unless the Dog is kept securely confined and enclosed within a building except when on a leash and under the Effective Control of a person.
- I. **Noisy Dogs.** No person shall keep or harbor within the City any Dog which by loud, frequent, or habitual barking, howling, yelping or fighting, annoys or disturbs the public peace.
- J. **Impounding of Dogs or Cats.** Whenever any Dog shall be found running at large or any Cat shall become a Nuisance Cat within the limits of the City, the Dog or Cat shall be captured by police officers of the City or by such other person or persons as may be designated by the City Administrator and shall be placed in such shelter house as may be designated for that purpose by the City Administrator. In addition to seizing the Dog or Cat, a law enforcement officer may charge the Owner of the Dog or Cat for being in violation of Subsection D or F of this Section, as applicable. If the Dog or Cat cannot be captured, it may be destroyed by said police officers or other persons designated by the City Administrator. The operator of the designated shelter house shall promptly, after the impounding of any Dog or Cat pursuant to this Section, notify the Owner of the Dog or Cat of its capture and impounding, if the Owner can be determined and located by reasonable investigation. However, no liability shall be attached to the City or to the operator of the shelter house for failure to give this notice. Any Dog or Cat so captured and impounded may be redeemed within five (5) days after capture and impounding by the payment of the boarding charges of the operator of the shelter. If any Dog or Cat so captured and impounded is not redeemed within five (5) days after their capture and impounding, the operator of the shelter house may place the Dog or Cat with some person who, in the opinion of the operator, will humanely care for the Dog or Cat. If the operator cannot so place the Dog or Cat, the Dog or Cat shall be disposed of in some humane manner by the operator. If the operator is able to so place the Dog or Cat, the operator shall first secure payment of the operator's board charges and shall determine that the Dog or Cat has been inoculated for rabies prior to delivering the Dog or Cat.

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K. **Potentially Dangerous and Dangerous Dogs - Declaration.**

1. The City Administrator shall find and declare a Dog potentially dangerous or dangerous if there is probable cause to believe that the Dog falls within the definition set forth in Section 8-101, Subsections G and N, respectively. The finding will be based on:
 - (a) The written complaint of a citizen who is willing to testify that the Dog has acted in a manner which causes it to fall within the definition of dangerous or potentially dangerous under Section 8-101, Subsections G or N;
 - (b) Dog bite reports filed with any Animal Control Officer or other law enforcement officer;
 - (c) Actions of the Dog witnessed by any Animal Control Officer or other law enforcement officer;
 - (d) Other substantial evidence which may include the previous history of the Dog; or
 - (e) Any combination of factors (a)-(d).
2. The declaration of Dangerous Dog or Potentially Dangerous Dog shall be in writing, and shall be served on the Owner by one of the following methods:
 - (a) Certified mail to the Owner's last known address;
 - (b) Personal service by the City Administrator, Animal Control Officer, or a law enforcement officer; or
 - (c) If the Owner cannot be located by one of the first two methods after reasonable attempts, by publication in the official City newspaper.
3. The declaration shall state at least the following information:
 - (a) A description of the Dangerous Dog or Potentially Dangerous Dog;
 - (b) The name and address of the Owner;
 - (c) The last known whereabouts of the Dangerous Dog or Potentially Dangerous Dog if it is not in the custody of the Owner;
 - (d) The facts upon which the declaration of Dangerous Dog or Potentially Dangerous Dog is based;

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- (e) The restrictions placed on the Dangerous Dog or Potentially Dangerous Dog as a result of the declaration; and
 - (f) The penalties for violation of the restrictions.
4. Any Owner of a Dog declared to be potentially dangerous or dangerous may appeal that determination to the Municipal Court within fifteen (15) days of service of the declaration. A notice of the appeal shall be filed with the City Clerk, with a copy submitted to the City Administrator. The record of the proceedings before the City Administrator shall be prepared for the Municipal Court and a hearing shall be conducted on the appeal. The appellant and the City Administrator may present additional relevant evidence at the hearing. The Municipal Court shall review the City Administrator's determination de novo, and may affirm, reverse or modify the City Administrator's determination. Within thirty (30) days following the conclusion of the hearing, the Municipal Court shall prepare written findings affirming, reversing or modifying the determination of the City Administrator. For good cause, the time for preparing the Municipal Court's findings may be extended. Copies of the findings shall be mailed to the appellant and the City Administrator. Either the appellant or the City may appeal the findings of the Municipal Court in accordance with the provisions of K.S.A. 22-3609, and amendments thereto.
5. Any Owner of a Potentially Dangerous Dog may appeal to the Municipal Court for removal of the declaration after two (2) years from the date of the declaration. The Owner must provide written approval of the Animal Control Officer that all requirements of Subsection G above have been met. If the Municipal Court removes the Potentially Dangerous Dog declaration, and there is another incident in which the City Administrator finds probable cause to believe that the Dog falls within the definitions set forth in Section 8-101, Subsections G or N, the Dog shall be declared a Dangerous Dog.

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8-107. Examination and Quarantine. It shall be the duty of the Owner of any Animal, when notified that such Animal has bitten any person or so injured any person as to cause an abrasion of the skin, to immediately place such Animal in a licensed veterinarian hospital for a period of not less than ten (10) days. Such Owner shall notify the Clerk of the name and location of said veterinarian and the date that said Animal was confined and such Owner shall not sell or give away such Animal or permit or allow such Animal to be taken beyond the limits of the City for a period of fifteen (15) days commencing with the date of such bite or injury except for the purpose of placing such Animal in a licensed veterinarian hospital.

In the event such Owner shall fail or refuse to place such Animal in a licensed veterinarian hospital as provided above, it shall be the duty of any police officer of the City to capture and deliver such Animal to such licensed veterinarian hospital as may be designated by the City

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Administrator for that purpose. In carrying out this duty, any police officer of the City may enter upon any private premises and take possession of such Animal. All expenses of such confinement shall be the obligation of the Owner of such Animal.

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8-108. Destruction of Animals. Any dangerous, fierce or vicious Animal may be destroyed by any police officer of the City. It shall be the duty of such police officer, or any other police officer, to deliver, or cause to be delivered, the carcass and brain of such Animal to such laboratory as may be designated by the City Administrator, where examination of the same may be made.

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8-109. Regulations Governing Electronic Fences.

- A. **Electronic Fence Permit.** From and after October 18, 1995, it shall be unlawful for any person or entity to install an Electronic Fence in the City unless an Electronic Fence Permit for such fence has been issued by the Clerk. The Clerk shall issue a permit at no charge to the applicant provided that permit is obtained prior to the installation of the Electronic Fence and the Clerk is satisfied that the Electronic Fence will be installed in accordance with the Electronic Fence setback requirements of this Chapter. The permit shall include the name of the applicant and the Location at which the Electronic Fence may be installed. If an Electronic Fence is installed without a permit or in violation of the Electronic Fence setback requirements, the City Administrator may issue a written Compliance Order. The Compliance Order shall set forth the grounds for its issuance, the corrective action required, and a reasonable time within which such corrective action shall be taken. A Compliance Order may be served upon the owner or occupant of the property that is the subject of the Order by mailing a copy thereof to the street address for such property that is on record with the City. Service of the Compliance Order shall be complete upon mailing. The issuance of the Compliance Order may be appealed to the Board of Zoning Appeals. The Clerk shall not issue a permit for an Electronic Fence that has been installed without a permit unless the applicant pays a permit fee in the amount of Fifty Dollars (\$50.00) and the Clerk determines that the Electronic Fence was installed in accordance with the Electronic Fence setback requirements.
- B. **Electronic Fence Not a Structure.** From and after October 18, 1995, an Electronic Fence shall not be considered a Structure under the City Zoning Regulations, and shall only be regulated under the provisions of this Chapter.
- C. **Electronic Fence Setback Requirements.** All Electronic Fences installed at any Location shall be set back at least fifteen feet (15') from any public street adjacent to the Location and any public sidewalk on the Location.

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- D. **Limitation for Dangerous Dogs and Potentially Dangerous Dogs.** An Electronic Fence shall not be sufficient to meet the requirements of Section 8-106.G.

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8-110. Penalty for Animal Offenses.

- A. **Penalty for Dogs Running at Large and Nuisance Cats.** During the period beginning January 1 and ending December 31 of each year, any Owner of a Dog who shall violate, neglect or refuse to comply with Section 8-106.D or any Owner of a Nuisance Cat as set forth in Section 8-106.F shall, on conviction thereof, be guilty of a public offense and shall be punished by a fine in an amount established by resolution adopted by the Governing Body. Any Owner of a Dog charged with violation of Section 8-106.D or any Owner of a Nuisance Cat charged with violation of Section 8-106.F who desires to plead guilty to such charges may satisfy such charges by (1) paying the fine prescribed above to the Clerk or the Clerk of the Municipal Court; and (2) authorizing the Clerk or Clerk of the Municipal Court to enter in Municipal Court, on behalf of such person, a plea of guilty to such charge.
- B. **Penalty for Potentially Dangerous and Dangerous Dog Violations.** Any Owner of a Potentially Dangerous Dog or Dangerous Dog, who shall violate, neglect or refuse to comply with Section 8-106.G shall, upon conviction thereof in Municipal Court, be guilty of a public offense and shall be punished by a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00). If upon the trial of any offense of Section 8-106.G, it is shown that there has been a previous conviction under this Section with respect to the same Dog, the Judge may order that such Dog be disposed of in a humane manner and for that purpose any police officer may enter upon any private premises and take possession of such Dog.
- C. **Penalties For All Other Offenses.** Any person who violates, neglects or refuses to comply with any provision, regulation or requirement of this Chapter other than Sections 8-106.D, 8-106.F and 8-106.G shall, on conviction thereof, be guilty of a public offense and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) and costs. Fines and costs shall be due immediately upon conviction of the offense and shall be paid to the City Clerk.

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8-111. Removal of Unauthorized Animals.

- A. All Animals not specifically permitted to be kept or harbored pursuant to Section 8-102, and for which a Special Animal License has not been obtained shall be removed to such animal shelter house as may be designated for that purpose by the City Administrator if the operator of the designated shelter house deems the facility capable of accommodating said Animals. If the designated shelter is not capable of accommodating said Animals,

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they may be placed at such other location as is deemed appropriate by the City Administrator.

- B. All Animals at any Location in excess of the number prescribed in Section 8-103 and for which a Special Animal License has not been obtained shall be removed to such animal shelter house as may be designated for that purpose by the City Administrator; except that the person keeping or harboring the Animals at such Location, if present at the time of removal, may designate which of the Animals of each type set forth in Section 8-102 in such numbers as are permitted by Section 8-103 shall be retained at such Location and the remainder shall be removed to the designated animal shelter.

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8-112. Redemption of Animals.

- A. Any Animal not permitted to be kept or harbored by Section 8-102 that was removed pursuant to Section 8-111.A to the designated animal shelter house may be redeemed within five (5) days after removal by the payment of the removal and board charges of the operator of the shelter house. Prior to payment of the removal and board charges, the person redeeming the Animal shall present to the City Clerk a sworn affidavit that the unauthorized Animal will be taken directly from the animal shelter house to a place outside the City limits and the affidavit shall stipulate the method of transporting the unauthorized Animal. Upon satisfying the Clerk that the method of transportation will adequately safeguard the public health, safety and welfare, the City Clerk shall sign an acceptance of the affidavit, and the affidavit and acceptance thereof by the City Clerk shall be presented to the shelter prior to redemption of the Animal.
- B. Any Animal removed pursuant to Section 8-111.B to the designated animal shelter may be redeemed within five (5) days after removal by the payment of the removal and board charges of the operator of the shelter house. Prior to payment of the removal and board charges, the person redeeming the Animal shall present to the City Clerk a sworn affidavit executed by the Owner that the Animal will not be taken to a Location that would result in a violation of Section 8-103. The City Clerk shall sign an acceptance of the affidavit, and the affidavit and acceptance thereof by the City Clerk shall be presented to the shelter prior to redemption of the Animal.

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8-113. Disposing of Unauthorized Animals Not Redeemed. If any Animal removed from a Location for violation of the restrictions set forth in Section 8-103 is not redeemed within five (5) days after such removal, the operator of the shelter house may place such Animal with some person who, in the opinion of said operator, will humanely care for such Animal. If the operator is able to so place such Animal, the operator shall first secure payment of the operator's board charges. If the operator cannot so place such Animal, or if the Animal is one not permitted to be kept or harbored by Section 8-102 and was removed pursuant to Section 8-111.A and not

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redeemed pursuant to Section 8-112.A, the Animal shall be destroyed or otherwise disposed of by said operator.

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8-114. Removal of Unauthorized Animals.

- A. All Animals not specifically permitted to be kept or harbored pursuant to Section 8-102, and for which a Special Animal License has not been obtained shall be removed to such animal shelter house as may be designated for that purpose by the City Administrator if the operator of the designated shelter house deems the facility capable of accommodating said Animals. If the designated shelter is not capable of accommodating said Animals, they may be placed at such other location as is deemed appropriate by the City Administrator.
- B. All Animals at any Location in excess of the number prescribed in Section 8-103 and for which a Special Animal License has not been obtained shall be removed to such animal shelter house as may be designated for that purpose by the City Administrator; except that the Owner, if present at the time of removal, may designate which of the Animals of each type set forth in Section 8-102 in such numbers as are permitted by Section 8-103 shall be retained at such Location and the remainder shall be removed to the designated animal shelter.

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8-115. Liability for Costs for Unauthorized Animals. Any Owner of any Animal in violation of Sections 8-102 or 8-103, or any person who owns, leases as lessee, or otherwise controls any Location at which Animals are kept or harbored in violation of Sections 8-102 or 8-103, shall be responsible for and shall pay the cost of removing, maintaining and disposing of such Animal as provided in Sections 8-111, 8-112 and 8-113. The cost of removing and maintaining and disposing of Animals as provided in Sections 8-111, 8-112 and 8-113, shall be determined by the City Administrator and certified by the Clerk.

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