

ORDINANCE NO. 99-13

UNLAWFUL NOISE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GRANDVIEW PLAZA, KANSAS:

A. *Noises Prohibited*

1. *General prohibition.* No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following subdivisions.
2. *Horns, audible signaling devices, etc.* No person shall sound any audible signaling device on any vehicle except as a warning of danger in the conformance with the traffic laws of the City of Grandview Plaza, Kansas.
3. *Exhaust.* No person shall discharge the exhaust or permit the discharge of the exhaust of any internal combustion engine except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable City or State laws and regulations
4. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.
 - a. *Sound Amplification System* means any radio, tape player, compact disc player, loud speaker or other electronic device used for amplification of sound.
 - b. *Plainly audible* means any sound produced by a sound amplification system from a vehicle which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernable and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway on either public or private property.
 - c. It is an affirmative defense to a charge under this Section that the operator was not otherwise prohibited by law from operating the sound amplification system and that any of the following apply.
 1. The system was being operated to request medical or vehicular assistance or to warn of a hazard road condition.
 2. The vehicle was an emergency public safety vehicle.
 3. The system or vehicle was used in an authorized public activity such as a parade, fireworks, sporting events, musical production or other activities which have the approval of the Governing Body or a Department of the City authorized to grant such approval.
1. No person shall operate or permit operation of a personal or residential sound amplification system so that the sound is plainly audible at a distance of fifty (50) or more feet its' source.
 - A. Sound amplification system means any radio, tape player, compact disc player, loud speaker or other electronic device used for amplification of sound.
 - B. Plainly audible means any sound produced by a sound amplification system which clearly can be heard at a distance of fifty (50) feet or more from its' source. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernable and bass reverberations are included.
 - C. It is affirmative defense to a charge under this section that the system was used in an authorized public activity which has the approval of the Governing Body of the City of Grandview Plaza, Kansas.

A. *Penalty.* Any person, individual, partnership, corporation or association who violates any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as follows.

1. *Punishable as follows:* A fine of not less than fifteen dollars (\$15.00) nor more than five hundred dollars (\$500.00).
2. Each separate offense in violation hereof which is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

ADOPTED AND APPROVED by the City council this 21st day of December 1999.

GERALD BIELEFELD

MAYOR

ATTEST:

SHIRLEY BOWERS

CITY CLERK

ORDINANCE NO. 00-01

BURNING PROHIBITED

No person, firm, or corporation, shall burn, or cause to be burned, any trash, rubbish, leaves, wood, straw, or other combustible material within the City limits of Grandview Plaza, Kansas, except in incinerators approved by the State Board of Health; in fireplaces located within homes when said fireplaces have been constructed according to building codes then applicable; in stoves, furnaces, or lights whose construction and installation meet all legal requirements; in charcoal and gas fired out door cooking appliances when the purpose of said burning is food preparation; in controlled burning conducted by or under permit from the Grandview Plaza Fire Department where said burning is for fire prevention or retarding purposes; in personal sized lighters when used to light other burners allowed herein or cigarettes, cigars, or pipe tobacco which may be burned hereunder; and in internal combustion engines.

PENALTY

Any person, partnership, firm, or corporation violating any of the provisions of this Article shall, upon conviction thereof, be deemed guilty of a misdemeanor and be fined no less than one hundred dollars (\$100.00) or more than one thousand dollars (1,000.00) or imprisoned for a time not exceeding one (1) month, or both such fine and imprisonment.

GERALD BIELEFELD

MAYOR

ATTEST:

SHIRLEY BOWERS

CITY CLERK

ORDINANCE 09-01

AN ORDINANCE DEFINING CONDITIONS WHICH ARE NUISANCES, PROVIDING FOR THEIR ABATEMENT OR PROSECUTION; ESTABLISHING A DEPARTMENT OF HEALTH AND SANITATION AND ENFORCING OFFICER, REPEALING ORDINANCE 98-01.

SECTION I: NUISANCES-ENUMERATED

A. For the purposes of this Ordinance, the words “*public nuisance*” are hereby defined as any person, corporation, partnership or association doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which the act, omission, condition or thing either:

1. Injuries or endangers the welfare, health or safety of others; or
2. Offends decency; or
3. Is offensive, unsightly or hazardous; or
4. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, alley, stream, ditch, drainage or any public easement; or
5. In any way renders other persons insecure in life or the use and enjoyment of property; or
6. Essentially interferes with comfortable enjoyment of life or property, or tends to depreciate the value of the property of others.

B. *Illustrative Enumeration.* The maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public, or private property of any of the following items, conditions or actions, constitute a public nuisance; provided however, the following enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:

1. Filth, excrement, lumber, concrete blocks, siding, building materials, rocks, dirt, cans, paper, trash, metal, disabled automobiles and/or parts of any other offensive, disagreeable thing or substance thrown or left or deposited upon any street, avenue, easement, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;
2. All dead animals, not removed within twenty-four (24) hours after death;
3. Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors,
4. All stagnant ponds or pools of water;

5. All grass, bushes, shrubbery, weeds or other unsightly vegetation nor usually cultivated or grown for domestic use or to be marketed for ornamental purposes;
6. Domestically cultivated grass which is in excess of ten inches (10") in height, however, grasses commonly cultivated as ornamental plants, i.e., plume grass, pampas grass, fountain grass shall be exempted from this section;
7. Abandoned iceboxes, freezers, refrigerators or appliances kept outdoors on the premises under the control of any person not in actual use; if such appliance are in actual use, they must be kept locked by a locking device that is an integral part of the appliance or by a chain and padlock, except for the time the owner thereof is placing articles in or removing articles from said appliance; this Subsection does not apply to commercial ice machines or commercial ice storage appliances when in actual use;
8. All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood;
9. Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley, or public ground so as to obstruct the same, except as permitted by the laws of the City;
10. Any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of City ordinance; or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable;
 - a. Absence of current registration upon the vehicle;
 - b. Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
 - c. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.
11. The provisions of Subsection (10), shall not apply to:
 - a. Any motor vehicle which is enclosed in a garage or other building;
 - b. To the parking of a vehicle inoperable for a period of thirty (30) consecutive days or less, as long as Subsections 10 (a,b,c) do not apply;
 - c. To any person conducting a business enterprise in full compliance with existing zoning

regulations;

d. To any person who places such vehicle behind screening of sufficient size, strength and density, to screen such vehicles from the view of the public and to prohibit ready access to such vehicles by others as long as such screening is in compliance with existing ordinances and zoning regulations. However, nothing in this Subsection shall be construed to authorize the maintenance of a public nuisance.

12. Any condition which provides harborage for rat, mice, snakes and other vermins;

13. Any building or other structure which is in such condition that it is unfit for human habitation, as defined in Ordinance 78-5, that it is a menace the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;

14. Pollution of any public or private well, stream, lake, or other body of water by sewage, dead animals, industrial wastes or other substances;

15. Any building, structure or other place or location where any activity which is in violation of Local, State or Federal law, is frequently conducted, performed or maintained. Two (2) such violations within one (1) year period are deemed to be frequent;

16. Dense smoke, noxious fumes, gas, soot, or cinders, such as to be injurious to the public health.

17. Conditions relating to mobile homes:

- a. Missing skirting;
- b. Presence of rust which is detectable from the street curb or any adjacent property;
- c. Broken windows, torn window or door screens;
- d. Vacant mobile homes if uninhabitable due to deteriorated condition.

SECTION II. PROHIBITED

It shall be unlawful for any person, corporation, partnership to cause, permit, maintain or allow the creation or maintenance of a public nuisance within the corporate limits of the City of Grandview Plaza.

SECTION III. NOTICE

Any person, corporation, partnership, or association found by the designated Enforcing Officer to be in violation of this Article, shall be served a notice of such violation. The notice shall be sent regular mail, to the last known address of such person, corporation, partnership, or association. The Enforcing Officer will prepare and maintain a certificate of mailing indicating the date on which the letter was sent, the addressee and the address to which the notice was sent. The addressee will be presumed to have received the notice three (3) days after mailing. If such notice is returned to the City Enforcing Officer by the Postal Service as not deliverable, the City Enforcing Officer, after revivifying the proper address of the person, corporation, partnership, or association, shall serve the notice by restricted mail, return receipt requested. Alternatively, if the person, corporation, or association or agent thereof in charge of the property is a resident of Geary County, Kansas, the notice may be personally served by a Law Enforcement Officer or the Enforcing Officer.

SECTION III-A CONTENTS OF THE NOTICE

The notice shall state the condition (s) which is (are) in violation of this Ordinance. The notice shall also inform the person, corporation, partnership or association that:

1. He, she or they have three (3) days from the date of serving the notice to abate the condition (s) in violation of Section 1; or
2. He, she or they have three (3) days from the date of serving the notice to request hearing before the Board of Health and Sanitation on the matter claimed to be in violation of Section 1; or
3. Failure to abate the condition (s) or to request a hearing within the time allowed, may result in prosecution and/or abatement of the condition (s) by the City.
4. Only one notice will be given for a specified violation in a calendar year, such that should the Violation reoccur, enforcement action may commence without further notice.

SECTION IV. FAILURE TO COMPLY-PENALTY

Should the person, corporation, partnership or association fail to comply with the notice to either abate the public nuisance or request a hearing, the City Attorney may file a complaint in the Municipal Court of the City against such person, corporation, partnership or association and conviction of any violation of provisions of this Article, the person, corporation, partnership or association and conviction of any violation of provisions of this Article, the person, corporation, partnership or association may be fined an amount not to exceed one hundred dollars (\$100.00) or be imprisoned not to exceed thirty (30) days, or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served, shall constitute an addition or separate offense.

SECTION V. ABATEMENT

In addition to, or as an alternative to prosecution as provided in Section 4, the City may seek to remedy violations of this Ordinance in the following manner: If a person to whom a notice has been sent pursuant to Section 2, has neither alleviated the conditions causing the alleged violation nor requested a hearing within the time periods specified in Section 3, the City may authorize the abatement of the conditions causing the violation.

SECTION VI. HEARING

The Board of Health and Sanitation shall conduct all hearings pursuant to this Section. If a hearing is requested within the three (3) day period as provided in Section 3, such request shall be made in writing to the designated Enforcing Officer. Failure to make a timely request for a hearing, shall constitute a waiver of the person's right to contest the findings of the Enforcing Officer before the "Board". The hearing shall be held as soon as possible after the filing of the request therefore, and the person shall be advised by the Enforcing Officer of the time and place of the hearing at least three (3) days in advance thereof. At any such hearing, the person and the Enforcing Officer may introduce such witnesses and evidence as is deemed necessary and proper by the "Board". Upon the conclusion findings of the matter and shall take action as necessary to carry put the determinations and findings.

SECTION VII. COSTS ASSESSED

If the City abates the nuisance pursuant to Section 5, the City Clerk shall give notice to the person, corporation, partnership or association found to be in violation of the Ordinance, by mail of the costs of abatement of the nuisance, to include administrative costs. The notice shall state that payment of the costs is due and payable within thirty (30) days following receipt of the notice, such costs shall be charged against the lot or parcel of ground on which the nuisance was located. The City Clerk shall, at the time of certifying other taxes to the County Clerk, certify the costs as provided in this Section. The County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.

Non administrative costs shall be assessed on the basis of \$100.00 per hour or any portion thereof for any City employee participating in the abatement with a two (2) hour minimum charge, in addition to any actual expenses incurred by the City in the abatement process.

SECTION VIII.

There is hereby created within the City of Grandview Plaza a Department of Health and Sanitation. The department shall be overseen by and Enforcing Officer, who shall be appointed by the Mayor. The Enforcing Officer, who shall report to the City Council which is designated as the Board of Health and Sanitation.

SECTION IX.

Ordinance Number 98-01 is hereby repealed

SECTION X.

This Ordinance shall be effective upon its adoption and as of the date of its publication in the official City newspaper. Passed and adopted this 16th day of June, 2009.

KEN HALL
MAYOR

SHIRLEY BOWERS
CITY CLERK

**GRANDVIEW PLAZA ANIMAL CONTROL
ORDINANCE # 12-0001**

SECTION 1: DEFINITIONS

The following words when used in this Chapter shall have the meanings set out herein:

ANIMAL CONTROL OFFICER(S): The person(s) designated by the Chief of Police act for the City of Grandview Plaza, Kansas, in the impoundment of animals, controlling animals running at large and as otherwise required in this Chapter.

ANIMAL SHELTER: All pens, houses, or fenced enclosures where animals are confined, such as, but not limited to, hutches, cotes, lofts, kennels, warrens, feed lots, barns, stables, or other buildings or enclosures.

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

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 saline from the animal, directly or indirectly, regardless of the health or vaccination history of the animal causing such bite.

CATTERY: Any place where more than two (2) non-neutered cats over the age of six (6) months are trained, boarded, harbored, kept or sold.

CHIEF OF POLICE: The duly appointed, highest ranking officer in charge of the Grandview Plaza Police Department or his/her authorized representative.

CUSTODIAN: Any person charged with responsibilities of feeding, caring for, and keeping an animal which such person is not the owner.

DOMESTIC ANIMALS: Those which by their long association with man are tame and gentle, and are now reduced to such a state of subjection to his/her will that they no longer possess the disposition or inclination to escape.

EXOTIC ANIMAL: Any animal not indigenous to North America and animals of any species the majority of whose population are feral.

FOWL: All animals that are included in the zoological class "Aves", except those birds of the parrot family and the finch family to include parrots, cockatoos, cockatiels, parakeets, canaries and other similar domestic household birds.

HARBORING: Any person who shall allow any animal to habitually remain or lodge or to be fed within his/her home, store, yard, enclosure or place of business or any other premises in which he/she resides or controls shall be considered as keeping and harboring such animal within the meaning of this Chapter.

HEALTH OFFICER: The Director of the Junction City - Geary County Health Department or his/her authorized representative, veterinarians, or public health sanitarians in the employ of the Junction City - Geary County Health Department.

INHUMANE TREATMENT: Any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from weather or any treatment of any animal such as overloading, over working, tormenting, beating, mutilating or teasing or other abnormal treatment as may be determined by the Animal Control Officer.

KENNEL: Any place where more than two (2) non-neutered dogs over the age of six (6) months are

trained, boarded, harbored, kept or sold.

LICENSE COLLECTOR: The duly appointed Treasurer of the City of Grandview Plaza or his/her authorized representative.

OWNER: Any person who harbors an animal and/or has a license to keep the animal.

PERSON: Any individual, firm, association, joint stock company, syndicate, partnership or corporation.

PET SHOP: Any animal dealer or breeder, retail or wholesale, selling or offering for sale, either locally or shipped out of state, at least six (6) animals per year under the age of six (6) months. "Breeder" shall mean any individual raising more than two (2) litters of domesticated animals per year.

RUNNING AT LARGE: An animal shall be deemed to be running at large when not confined within a fenced enclosure or enclosed animal shelter or under the control of a person, either by lead, cord, rope, or chain, provided that an animal may be considered confined if it is on a leash, rope or chain which is securely fastened or picketed in a manner which is sufficient to keep the animal on the premises.

VETERINARIAN: A licensed doctor of veterinary medicine.

WILD ANIMALS: A living mammal or marsupial which is normally found in the wild state, but shall not include a farm animal

SECTION 2

It shall be a violation of this Chapter to deny the Police Department or the Animal Control Officers or their duly authorized representatives the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine living conditions, safety, well-being of household pets, and violations of this Chapter.

SECTION 3: CRUELTY TO ANIMALS

A. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; burn or scald with any substance; mutilate; over-drive or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off vicious or trespassing animals.

B. It is unlawful for any person to drive or work any animal cruelly.

C. It is unlawful for any person to fail, refuse, or neglect to provide any animal in his/her charge or custody, as owner or otherwise, with proper food, drink, shade, care, shelter, adequate exercise area and opportunity, or other care as is needed for the health or well-being of such animal, or to carry any animal in or upon any vehicle in a cruel or inhumane manner. Any animal kept outside shall be provided with a structurally sound, weather-proof enclosure, large enough to accommodate the animal.

D. It is unlawful for any person to abandon any animal within the corporate limits of the City of Grandview Plaza, Kansas.

E. It is unlawful for any person by any means to 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 a harmful or poisonous substance for the control of vermin of significance to the public health.

F. It is unlawful for any person to leave an animal confined in a motor vehicle under weather conditions that endangers its life; that is, whenever the outside temperature is eighty degrees Fahrenheit (80°F) or

higher. Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endangers its life, the Animal Control Officer may, with assistance from the Police, enter such vehicle and rescue such animal and impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this Section and impounded.

G. Neglect.

1. Whenever it comes to the attention of the Animal Control Officer, Law Enforcement Officer or the Health Officer, that any animal is or will be without proper care because of injury, illness, incarceration or other voluntary absence of the owner or person responsible for the care of such animal, or which clearly shows evidence of cruelty, said officer or representative may take such animal into custody upon either public or private land. Said officer, representative or a veterinarian may inspect, care for or treat such animal or place such animal in the care of a licensed veterinarian for treatment, boarding or other care or, if it appears as determined by a veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose, for humane killing.

2. Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to this Chapter, pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined herein, shall be assessed to the owner or custodian as a cost of the case if adjudicated guilty of such crime.

H. Every operator of a motor or other self-propelled vehicle upon the streets and ways of the City of Grandview Plaza shall immediately upon injuring, striking, maiming or running down any animal, give such aid as reasonably able to be rendered. In the absence of the owner, he/she shall immediately notify the Animal Control Officer, the Health Officer, or the Grandview Plaza Police Department, furnishing sufficient facts relative to such injury. It is the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of said person, such operator shall immediately identify himself/herself to the appropriate authorities. The authority that is notified under this Section shall promptly respond to the notification by immediately dispatching the appropriate aid to the place where the injured animal is located. Alternately, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the Animal Control Building. Emergency vehicles are excluded from this provision.

I. It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one (1) or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.

J. It is unlawful for any person to have, keep or harbor any animal which is infected with any dangerous, incurable, painful, or crippling condition except as hereinafter provided. The Municipal Court Judge may order a person convicted under this Section to turn the animal involved over to the Animal Control Officer. All such animals taken by the Animal Control Officer may be destroyed humanely as soon thereafter as is conveniently possible. This Section shall not be construed to include veterinary hospitals or animals under active veterinary care.

K. This Section shall not be deemed applicable to accepted veterinary practices or activities carried on for scientific research.

L. The provision of this Section shall not apply to:

- 1.** Normal or accepted veterinary practices;
- 2.** Bona fide experiments carried on by commonly recognized research facilities;
- 3.** Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the

provisions of Chapter 32 of Chapter 47 of the Kansas Statutes Annotated;

4. Rodeo practices accepted by the rodeo cowboys' association;

5. 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 the agent of such owner residing outside of a City or the owner thereof within a City if no animal shelter, pound or licensed veterinarian is within the City, or by a licensed veterinarian at the request of the owner thereof, or the operator of an animal shelter or pound, local or State Health Officer or licensed veterinarian three (3) business days following the receipt of any such animal at such shelter or pound;

6. With respect to farm animals, normal or accepted practices of animal husbandry;

7. The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property; or

8. An Animal Control Officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.

M. This Section shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

SECTION 4: CONTROL OR PROTECTION OF ANIMALS IN GENERAL

A. Any owner, harbinger or custodian of any animal found running at large within the corporate limits of the City shall be deemed guilty of a misdemeanor. Knowledge or intent on the part of the owner, harbinger or custodian shall not be elements of this offense.

B. It is unlawful for any person to:

1. Keep or harbor any fowl within the corporate limits of the City.

2. Break or train any horse or other animal on or within the reach of any street, sidewalk or other public place within the corporate limits of the City, except as authorized and/or under the direction of the City's Recreation Department.

3. Picket any horse, cow or other animal within reach of any street, sidewalk or other public place within the corporate limits of the City.

4. Kill any squirrel, skunk or any bird within the corporate limits of the City, provided that it shall be permissible for the Chief of Police or Animal Control Officer, through instruction from the Health

Officer, to kill squirrels, skunks or birds that have become so numerous as to cause destruction or nuisance to property or in the event of disease occurring among such squirrels, skunks or birds that may be considered contagious to human beings.

5. Interfere with or molest a dog used by the Police Department of the City in the performance of the functions or duties of such Department.

6. Keep or harbor any animal which by loud, frequent or habitual barking, howling, yelping or other noise or action tends reasonably to disturb any person or neighborhood within the corporate limits of

the City. Persons so affected directly may sign a complaint in the Municipal Court.

7. Keep or harbor a dangerous or vicious animal within the corporate limits of the City. An animal is considered vicious if so adjudged by the Municipal Court of Grandview Plaza. Any person, including, but not limited to, the Animal Control Officer, may petition the Municipal Court for a finding that an animal is "vicious" and if so adjudged, the court may order said animal destroyed or confined by the owner in a manner and location approved by the Municipal Court.

8. No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of dog fighting or for the purpose of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.

9. Allow unspayed female dogs to be away from confinement or premises of the owner, except on a lead and under control of an adult person when such dogs are in season.

10. Keep or harbor a dog or cat over five (5) months of age within the corporate limits of the City without such animal having a current vaccination against rabies performed by a veterinarian and securing an annual permit for a twelve (12) month period beginning at the date of the vaccination. Rabies vaccination is hereby considered current for twelve (12) months following date of vaccination; provided that vaccination may not be required if the owner of such animal will exhibit to the License Collector a statement from a veterinarian certifying that such vaccination would be injurious to such animal due to the condition of its health.

11. 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 (2) months of age, unless being sold by a business at a permanent location and there is a prominent sign at the point of sale indicating that chickens, ducks or other fowl may not be kept within the limits of the City of Junction City.

a. Sell or offer for sale or barter puppies or kittens unless being sold by a business at a permanent location or unless being sold or bartered from the home of the owner of the dam which had the litter from which came the puppies or kittens. Nothing in this Section shall be construed so as to prevent a City pound or animal shelter from selling puppies or kittens in accordance with such entities adopted policies.

12. Allow animal waste to accumulate to the extent that it becomes a health hazard to any animal, any person or the public. Any accumulation of animal waste, when not immediately removed or discarded in a sanitary manner, is considered to be a potential health hazard, i.e., feces accumulation in homes, confined yards, pens, hutches, etc. "*Immediate*" in this instance is defined as waste accumulation of not more than one (1) day's duration.

a. Allow dog waste deposited upon the streets or public areas of Grandview Plaza or the private property of persons not the owner of the dog to remain upon said street or property without being removed by the owner of the dog as soon as the owner becomes or is made aware of the waste.

13. Allow any odors to emanate from any animal kept or harbored on the premises or to allow any odors to emanate from any feces or urine on the premises, any of which odors reasonably tend to offend any person.

14. Except as authorized keep, harbor, breed or slaughter any hogs, pigs, donkeys, mules, goats, sheep, burros, cattle or horses within the corporate limits of the City; provided that nothing herein shall prevent the bringing of such animals to any stockyard, auction, community sale, stock pavilion, slaughterhouse or packing house for the purpose of sale, shipment, show or commercial slaughter or packing; provided further that such animals are kept, harbored or fed in accordance with the regulations promulgated by the Office of Livestock Commissioner of the State of Kansas as set forth in Chapter 47, Article 10 of Kansas Statutes Annotated and amendments thereto. Animals intended for slaughter outside the City limits may not be harbored in the City except as

authorized by this Subparagraph.

15. Keep or maintain, sell or offer for sale, barter or give away exotic animals within the corporate limits of the City; provided this Section shall not apply to: tropical or other fishes; birds; except those prohibited by Federal or State law: small rodents such as gerbils, rats, mice, hamsters, guinea pigs, chinchillas, mink, nutria and similar fur-bearing mammals; non-poisonous amphibians and reptiles, not including monitor lizards, alligators, caiman and crocodiles; provided further, that this Section does not apply to educational or zoological institutions. The provisions of this Subparagraph shall not apply to dogs and cats.

16. CERTAIN DANGEROUS ANIMALS

a. Keep, harbor, own or in any way possess within the City limits of the City of Grandview Plaza Kansas, any pit bull dog, provided that pit bulls registered with the Grandview Plaza Police Department as set forth by the Chief of Police on or before May 16, 1997, may be kept within the City subject to the requirements set forth in paragraphs (b—i) of this Subparagraph. "*Pit bull dog*" is defined to mean:

- (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 predominantly of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier or any combination of these breeds.

b. Registration of pit bull dogs of any age, as provided, shall be conducted at the Junction City Police Department under procedures as set forth by the Chief of Police on forms provided by the Police Department and shall include acceptable photographs provided by the keeper, harbinger or owner of said dogs for identification.

c. No household within the City limits of the City of Grandview Plaza , Kansas, shall keep or harbor or own any more than one (1) pit bull dog.

d. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to an inanimate object such as trees, posts, buildings, etc., in addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dogs from biting persons or other animals.

e. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bulls must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately ventilated and kept in a clean and sanitary condition.

f. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

g. It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City of Grandview Plaza , Kansas, to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal, resulting in the immediate removal of the animal from the City.

h. Any person violating or permitting the violation of any provision of this Subparagraph (16) with regard to any pit bull dog, shall, upon conviction in Municipal Court, be fined a sum of not less than three hundred dollars (\$300.00) and not more than one thousand dollars

(\$1,000.00). In addition to the fine imposed, the court may sentence the defendant to confinement for a period not to exceed thirty (30) days.

(1) In addition, the court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City, the Municipal Court Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense.

(2) In addition to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food handling, veterinary care and testimony, necessitated by the enforcement of this Section.

i. *Severability*. If any Section, sentence, clause or phrase of this Section 215.040: "Control or protection of animals in general" is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section.

17. Keep or harbor on a chain, rope or other type of leash any dog in such manner as to allow the animal to have access to any public sidewalk or public alley or utility right-of-way or any utility meter.

18. Keep or harbor on a chain, rope or other type of leash any dog in such a manner as to interfere with a person's access to the front door of a residence.

19. Keep, harbor, own or in any way possess within the City limits of the City of Grandview Plaza , Kansas, any coyote, wolverine or wolf or any breed of dog which is in any part a mixture of dog and coyote, or dog and wolverine, or dog and wolf.

SECTION 5: LICENSING

A. No person shall own, keep or harbor an animal over the age of five (5) months within the City limits unless the animal has been vaccinated by a licensed veterinarian with an anti-rabies vaccine and licensed by the City of Grandview Plaza .

B. The animal license tags shall be issued upon payment of the license fee and presentation of a certificate of vaccination current within three (3) months of the date of application. The license shall be valid for the current calendar year from January through December thirty-first (31st) and cannot be transferred.

C. Applications for animal licenses shall be made upon a printed application form provided by the City and shall state the name and address of the owner, harbinger or keeper of said animal, and the name, breed, color, age and sex of the animal.

D. Animal license tags shall be issued by the city clerk and/or licensed veterinarians.

E. The license fee for a dog or cat license shall be five dollars (\$5.00) for a neutered or spayed dog or cat, and ten dollars (\$10.00) for an intact male or female dog or cat. Said license fee shall be paid to the City Treasury. The veterinarian issuing said license shall receive a fee of two dollars (\$2.00) for each license issued.

F. Every person who owns, harbors, keeps or is in charge or in control of a dog or cat within the City limits shall provide and place on such animal a collar or harness which shall be worn by said animal at all times when off the premises of said person, and shall attach to the collar or harness the metal license tag obtained pursuant to this Chapter.

G. When it shall be made to appear to the satisfaction of the Animal Control Officer that any tag has become lost, the owner, upon presentation of the original license and payment of two dollars fifty cents (\$2.50), shall receive a replacement.

H. Upon the payment of such tax and fee, and exhibition of the certificate of vaccination, the City Clerk or his/her designated agent, shall register in a book kept for the purpose, a description of each dog or cat so registered, together with the name of the owner, keeper or harbinger thereof, and deliver to the person paying the license fee a metallic tag on which shall be cast or stamped the number of such tag and the expiration date and also deliver a certificate giving a description of such animal, which shall correspond with the register and number of tag.

I. A kennel, cattery or pet shop dealer shall be subject to inspection yearly by a representative of the Grandview Plaza- Geary County Health Department and upon passing said inspection shall be licensed at

a fee of fifty dollars (\$50.00) per year, in addition to the required licensing of each animal.

J. *Fines.* Upon conviction in the Municipal Court for a violation of **Section 5**, the following minimum fines shall be imposed:

1. First offense within one calendar year \$50.00
2. Second offense within one calendar year \$150.00
3. Third or subsequent offense within one calendar year \$250.00

SECTION 6: IMPOUNDMENT PROCEDURE

A. The Animal Control Officer, his/her designated agent, or any Law Enforcement Officer, shall take up and impound any animal found in violation of this Chapter.

B. If within five (5) days from the date any such animal is impounded, the owner of such animal shall appear and claim his/her animal, he/she shall pay to the Animal Control Shelter the sum of twenty dollars (\$20.00) to pay for the cost of impounding, and an additional sum per day for boarding fee at the rate of eight dollars (\$8.00) for each day such animal is impounded.

C. Upon the payment of such fees and compliance with the licensing provisions of this Chapter, the animal shall be returned to such owner. The Animal Control Officer and the Health Officer shall be authorized to attempt to recover all costs incurred in caring for any animal impounded or held under the provisions of this Chapter. The City Clerk, in consultation with the Animal Control Officer and Health Officer shall effectuate suitable procedures for the collection of fees and issuance of vouchers by the Animal Control Shelter, together with suitable procedures for disbursement of such fees as herein provided.

D. Any animal impounded under the provisions of this Chapter and not reclaimed by its owner within five (5) days of its impoundment, may be disposed of at the direction of the Animal Control Officer.

SECTION 7: PROCEDURE ON DISEASED OR SUSPECT ANIMALS

A. If it shall be determined that any animal confined under the provisions of this Chapter is diseased, and by reason of such disease being transmissible to human beings or; in the case of rabies or ringworm, other animals, the Animal Control Officer or owner shall, upon notice thereof from the Health Officer with veterinary medical consultation, cause such animal to be properly treated by a veterinarian or destroyed; provided, that in the case of rabies exposure of animals, such as a dog, cat or other animal being bitten by a rabid skunk, said dog, cat or other animal may by the Health Officer be caused to be destroyed or confined for a **period of not less than six (6) months** to the satisfaction of the Municipal Court.

B. Any animal which bites a person, shall immediately be quarantined at the owner's, keeper's, or harbinger's expense with a doctor of veterinary medicine of the owner's, keeper's, or harbinger's choosing, for a period of ten (10) days. The owner, keeper, or harbinger of such animal shall notify the Animal Control Officer of the date and place of confinement, and shall also give notice when such animal is released. Upon such release, the veterinarian shall mail a certificate showing the condition of the health of the animal to the Animal Control Officer. If the animal is not immediately quarantined, the Animal Control Officer, or his/her designated representative, is hereby authorized to remove such animal to a doctor of veterinary medicine for examination, and the animal shall be confined for a period of ten (10) days. In all such cases of quarantine, the confinement shall be at the Owner's, keeper's, or laborer's expense. Any owner, keeper, or harbinger of any animal which bites a person who fails to quarantine said animal in accordance with the provisions of this Section, shall, upon conviction thereof, be deemed guilty of a Class A misdemeanor.

C. Sick or injured animals found or picked up by the Animal Control Officer will be evaluated and/or treated by a licensed veterinarian, who shall be designated by the City of Grandview Plaza , Kansas. Further, the Animal

Control Officer will arrange for a veterinarian to provide responsive treatment for animals maintained at the Animal Control Shelter during the five (5) day holding period that become ill or show symptoms of injury. The Animal Control Officer is hereby authorized to pay for all services rendered by veterinarians under this Section.

D. Attending veterinarians shall have the authority to humanely destroy any animal evaluated and/or treated under this Section of the Code that has a contagious disease or injury where such humane disposition is in the attending veterinarian's opinion the appropriate veterinary medical action.

E. The owner of a sick or injured animal taken to a veterinarian by the Animal Control Office is responsible for the payment of charges for veterinarian services related thereto. The owner shall

reimburse the City of Grandview Plaza for all expenditures the City is required to pay for veterinary services rendered to the owner's animal under this Section

SECTION 8: ANIMAL CONTROL OFFICER

A. Any Grandview Plaza Police Officer shall be designated the “Animal Control Officer (s)” who shall perform all such duties as maybe prescribed by any ordinance of the City or order of the Governing Body of the City with respect to animals, and shall see that all ordinances, regulations and Statutes pertaining to animals are duly and properly observed and enforced.

B. It shall be the duty of the Animal Control Officer to keep or cause to be kept, accurate and detailed records of impoundment and disposition of all animals coming into his/her custody; all bite cases reported to him/her and investigation of the same; and records of all monies received under this Chapter, which shall be opened to inspection at reasonable times by persons responsible for similar records of the City.

C. It shall further be the duty of the Animal Control Officer, or anyone having the authority of Animal Control Officer, including but not limited to Law Enforcement Officers, or the Health Officer to enforce the terms and provisions of this Chapter. Said officers are authorized to issue citations to the owner or custodian of and/or impound any animal found in violation of the terms of this Chapter.

D. The Animal Control Officer shall work under the immediate supervision and direction of the Police

SECTION 9: INTERFERENCE WITH THE DUTY OF THE ANIMAL CONTROL OFFICER, HEALTH OFFICER, OR POLICE OFFICER

A. It shall be unlawful for any person to refuse to identify himself/herself by his/her correct name and address when asked to do so by the Animal Control Officer, Health Officer, or Police Officer, when such officer or representative has probable cause to believe that this person has violated a Section of this Chapter.

B. It shall be unlawful for any person to interfere with, molest, injure or prevent the Animal Control Officer, Health Officer, or Police Officer, in the lawful discharge of duties as herein prescribed.

SECTION 10: ENFORCEMENT AND PENALTIES

A. Any person who shall violate any of the provisions of this Chapter, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished as provided under the General Penalty Section of this Chapter unless a specific penalty is otherwise required by a specific Section.

B. This Chapter shall not apply to:

1. A public or privately owned zoo maintained or operated by a non-profit organization or government entity.
2. Hospitals, clinics and other premises operated by licensed veterinarians for the care and

SECTION 11: GENERAL PENALTY

Where no punishment or penalty is specifically provided for the commission of any of the offenses defined and set forth by any Section of this Chapter and any amendments or additions thereto, the punishment shall be by a fine of not to exceed two thousand five hundred dollars (\$2,500.00), or imprisonment not to exceed one (1) year, or by both such fine and imprisonment, in the discretion of the court.

This Ordinance shall be effective upon its adoption and as of the date of its publication in the official City newspaper

Passed and adopted 21st day of February 2012

Kenneth Hall, Mayor

Shirley Bowers, City Clerk