

ARTICLE 3. DOGS

2-301. AN ORDINANCE pertaining to dog tags, amending Section 2-301 of the Code of the City of Meriden and repealing the original section.

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

Section 1. That Section 2-301 of the Code of the City of Meriden, be, and the same is hereby amended to read as follows:

All dogs owned, kept or harbored within the City of Meriden shall display a valid dog tag at all times. Dog tags shall be issued annually and will be valid from January 1 through December 31 of each year. Failure to display a valid dog tag as required shall be punishable by a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00)

Section 2. That original Section 2-301 of the Code of the City of Meriden is hereby specifically repealed.

Section 3. That this ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the City Council this 7<sup>th</sup> day of June, 1989.

2-302. AN ORDINANCE pertaining to the purchase of dog tags, amending Section 2-302 of the Code of the City of Meriden and repealing the original section.

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

Section 1. That Section 2-302 of the Code of the City of Meriden, be, and the same is hereby amended to read as follows:

Dog tags shall be purchased from the city clerk of agent thereof. Prior to the issuance of each dog tag, the purchaser shall: (1) furnish proof of a rabies shot which is dated so as to provide effective immunization against rabies; and (2) pay a fee of three dollars (\$3.00) on each male and each spayed female dog and a fee of ten dollars (\$10.00) on each unsprayed female dog.

Section 2. That original Section 2-302 of the Code of the City of Meriden is hereby specifically repealed.

Section 3. That this ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the City Council this 7<sup>th</sup> day of June, 1989.

2-303. AN ORDINANCE pertaining to dogs running at large, amending Section 2-303 of the Code of the City of Meriden and repealing the original section.

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

Section 1. That Section 2-303 of the Code of the City of Meriden, be, and the same is hereby amended to read as follows:

It shall be unlawful for any dog to run at large at any time within the City of Meriden; Provided, that any dog kept securely tied on private premises, or led by a chain or leash by a responsible person in charge of such dog, shall not be deemed running at large within the provisions of this section; Provided further, that any dog which is not mean or vicious, and which responds to the command of some responsible adult handler who is present and exercising direct supervision and control over the dog, may be permitted to exercise or otherwise run at large on the private premises of its owner or handler, unfettered by chain or leash. Any person convicted of a violation of this ordinance shall be fined in an amount not exceeding twenty-five dollars (\$25.00), or be imprisoned for a period not to exceed five (5) days, or both.

Section 2. That original Section 2-303 of the Code of the City of Meriden is hereby specifically repealed.

Section 3. That this ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the City Council this 7<sup>th</sup> day of June, 1989.

2-304. VICIOUS DOGS. Any person who shall permit any notoriously dangerous or cross dog to run at large shall be deemed guilty of a misdemeanor and shall be fined not exceeding one hundred dollars (\$100) or be imprisoned for a period not to exceed thirty (30) days, or be both so fined and imprisoned for each offense plus costs.

2-305. EXEMPTION. Any dog which has no owner or keeper residing in this city and which dog shall be temporarily in the city accompanied by a member of the family of its owner or keeper, shall be exempt from the provisions of the article concerning running at large without a tax having been paid thereon and the owner or keeper of such dog shall be exempt from the payment of any tax thereon for a period not to exceed thirty (30) days.

2-306. MAYOR'S PROCLAMATION. The mayor is hereby authorized, upon sufficient apprehension of danger from mad dogs, to issue a proclamation forbidding dogs of every description from running at large in this city, and ordering the marshal to kill the same if found going at large within the city after such proclamation has been published, if any dog shall be found at large within the city without being securely muzzled, the same may be slain by any person.

2-307. STRAY DOGS, Any dog running loose in the City of Meriden, which has no known owner or harbinger shall be apprehended by the city marshal and impounded, the stray dog may be disposed of after five (5) days. A twenty-five dollar (\$25) fine shall be levied to secure the release of an impounded dog.

2-308. DOG TRAPS. It shall be unlawful for any person to tamper with city dog traps for any reason, including releasing trapped dogs. Persons found guilty of this offense shall be fined a minimum of twenty-five dollars (\$25) and a maximum of seventy-five dollars (\$75).

2-309. AN ORDINANCE pertaining to the appointment of animal control officer for the City of Meriden, Kansas.

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

Section 1. The mayor may appoint, with the approval of the City Council, a person who may assume any duties in connection with animal control for the City of Meriden. The duties which the animal control officer may assume include, but are not limited to, the issuance of citations for the violation of animal control ordinances of the City of Meriden.

Section 2. That this ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the City Council this 7<sup>th</sup> day of June, 1989.

2-310. AN ORDINANCE pertaining to noisy and fighting dogs in the City of Meriden, Kansas.

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

Section 1. No person shall keep or harbor any animal which by loud and frequent barking, howling, yelping or fighting shall annoy or disturb the public peace.

Section 2. That this ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the City Council this 6<sup>th</sup> day of June, 1990.

2-311. AN ORDINANCE pertaining to the confinement of animals in the City of Meriden, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERIDEN, KANSAS

Section 1. Any owner or harbinger of an animal, which person has been notified in writing of property damage or personal injury caused by such animal, shall immediately confine the animal or keep it leashed while off the person's premises.

Section 2. Compliance with this ordinance shall not be construed to relieve any person of liability for the actions of the animal.

Section 3. That this ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the City Council this 6<sup>th</sup> day of June, 1990.

2-312. AN ORDINANCE pertaining to cruelty to animals within the City of Meriden, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERIDEN, KANSAS

Section 1. "Cruelty to animals" is defined as subjecting an animal to mistreatment or neglect, which causes or is likely to cause the animal pain, health problems or to behave viciously.

Section 2. No person shall commit acts of cruelty to animals.

Section 3. That this ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the City Council this 6<sup>th</sup> day of June, 1990.

2-313. AN ORDINANCE prescribing fines for the violation of animal control ordinances within the City of Meriden, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERIDEN, KANSAS

Section 1. Meriden Municipal Ordinance No. 2-313 is hereby repealed and amended to read as set forth below.

Section 2. Unless otherwise specifically provided, any person violating the provisions of Chapter Two (2) shall be fined not more than one-hundred dollars. (\$100.00).

Section 3. That this ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the City Council this 1<sup>st</sup> day of November, 1995.

2-315. AN ORDINANCE prohibiting the ownership of certain vicious dogs; imposing certain insurance requirements; providing penalties; and authorizing the disposition of certain vicious dogs.

WHEREAS, local governmental bodies possess broad powers to regulate the ownership and possession of dogs within the community; and;

WHEREAS, the Kansas Supreme Court has determined that pit bull dogs:

- (a) Represent a unique public health hazard not presented by other breeds or mixes of dogs;
- (b) Possess both the capacity for extraordinarily savage behavior and physical capabilities in excess of those possessed by many other breeds or mixes of dogs; and
- (c) have an unpredictable nature; and

Whereas, the governing body finds that pit bull dogs are uniquely dangerous dogs and desires to enhance the public health, safety and welfare by prohibiting their ownership and possession within the city limits of Meriden, Kansas, with certain exceptions.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERIDEN, KANSAS

Section 1. Definitions. (a) "Vicious dog," as used in this ordinance, shall mean and include any dog which by virtue of its breeding, training, characteristics, behavior or other factors the owner or custodian thereof knows or has reason to know has a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings. Vicious dogs include, but are not limited to, dogs that exhibit the following behavior:

- i. attempts to attack, bite, or otherwise do bodily harm to a human being; or
- ii. attacks, bites, or otherwise does bodily harm to a human being.

This section shall not apply to either (1) dogs kept by law enforcement agencies or (2) dogs used to guard or protect public or private property or persons thereon and which have acted in the manner described in this section on the property of the owner or custodian of such dog.

(b) Rebuttable Presumption. There shall be a rebuttable presumption that a pit bull dog is a vicious dog. "Pit bull dog" shall mean:

- (1) The bull terrier breed of dog;
- (2) The Staffordshire bull terrier breed of dog;
- (3) The American pit bull terrier breed of dog;
- (4) The American Staffordshire terrier breed of dog; or
- (5) Dogs of mixed breed or of other breeds other than the above listed, which breed or mixed breed is commonly known as pit bulls, pit pull dogs or pit bull terriers.

Section 2. Insurance. The owner or custodian of any vicious dog shall maintain a policy of liability insurance in an amount not less than fifty thousand dollars (\$50,000) per incident insuring said person against any claim, loss, damage or injury to any human being resulting from the acts of such dog. Such person shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. This section shall not apply to dogs kept by law enforcement agencies.

Section 3. Ownership of Vicious Dogs Prohibited. It shall be unlawful to keep, harbor, own or in any way possess any vicious dog or dogs with a rebuttable presumption of viciousness. However, any dog with a rebuttable presumption of viciousness, as opposed to one exhibiting vicious behavior, which dog was possessed

within the city limits of Meriden at the effective date of this ordinance, shall be permitted to remain within the city limits so long as the dog does not exhibit vicious behavior.

Section 4. Penalty. A person who has been convicted of violating this ordinance may be sentenced as follows:

- (a) To a term of confinement not to exceed six (6) months.
- (b) In addition to or instead of confinement, any such person may be sentenced by the court to pay a fine not exceeding \$1,000.00.
- (c) Ordered by the court: to make full or partial restitution to any individual who has suffered bodily injury or property damage as the result of such person's vicious dog.
- (d) Ordered to remove or dispose of such dogs as the court directs in the interests of public health, safety and welfare.
- (e) Assessed all expenses for the care, treatment, boarding or other expenses necessitated by the seizure of any dog for the protection of the public, including all expenses for the humane destruction of such dog by order of the court.

Section 5. Disposition of Certain Vicious Dogs. (a) Any public health officer, law enforcement officer, or licensed veterinarian, or any officer or agent of a duly incorporated humane society, may take into custody any dog exhibiting vicious behavior or in compliance with the order of the court. When a law enforcement agency takes custody of such dog, the agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian and boarding, treatment, or such other are deemed necessary.

(b) Any vicious dog may be ordered by the court destroyed in a humane manner when, in the court's judgment, such vicious dog represents a continuing threat of harm to human beings. If the court does not order destruction of the dog, the court shall allow the owner or custodian thereof no more than 48 hours to remove the dog from the city limits of Meriden, Kansas. Failure to remove such dog within the time allowed by the court shall constitute a separate violation of his ordinance.

(c) Any person convicted of a violation of this ordinance shall be assessed as costs all expenses for the care, treatment, boarding or other expenses necessitated by the seizure of any dog for the protection of the public, including all expenses for the humane destruction of such dog by order of the court.

Section 6. Repealer. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective after one (1) publication in the official newspaper of the city of Meriden, Kansas.

PASSED AND APPROVED by the City Council of Meriden, Kansas, on the 15<sup>th</sup> day of February, 2006.

(Eff. Feb, 2006)