

CITY OF LIEBENTHAL

ORDINANCE NO. 121

AN ORDINANCE PERTAINING TO THE KEEPING OF CERTAIN DANGEROUS ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF LIEBENTHAL, KANSAS AND REPEALING AND REPLACING ORDINANCE #119:

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

SECTION 1. ANIMALS. KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own, or in anyway possess within the corporate limits of the City of Liebenthal, Kansas:

- (1) Any warm-blooded carnivorous or wild or exotic animal (including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats, but excluding ferrets and small rodents used for laboratory purposes).
- (2) Any animal having poisonous bites.
- (3) Any pit bull dog, doberman pinscher dog or rottwieler dog provided that pit bull dogs, doberman pinscher dog or rottweiler dogs registered with the City on the date of publication of this ordinance may remain within the City subject to the standards and requirements set forth in Section 2 of this ordinance. Pit bull dog is defined to mean:
 - (a) The Stafford shire bull terrier breed of dog.
 - (b) The American Pit Bull Terrier breed of dog.
 - (c) The American Stafford shire Terrier breed of dog.
 - (d) Any dog which has the appearance and characteristics of being predominantly of the breeds of Stafford shire bull terrier, American Pit Bull Terrier, American Stafford shire Terrier or a combination of any of these breeds.

SECTION 2. KEEPING OF THE ANIMALS LISTED IN SECTION 1 (3).

The provisions of Section 1 of this ordinance are not applicable to owners, keepers or harborers of the animals listed in Section 1 (3) registered with the City of Liebenthal, Kansas, as of January 1, 2005. The keeping of such dogs, however, shall be subject to the following standards and requirements:

- (1) **LEASH AND MUZZLE.** No person shall permit any of the animals listed in Section 1 (3) to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than 4 feet in length. No person shall permit these animals 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 inanimate objects such as trees, posts, buildings, etc. In addition, these animals on a leash outside the animals kennel must be muzzled by a muzzling device sufficient to prevent such dogs from biting persons or other animals.
- (2) **CONFINEMENT.** All dogs listed in Section 1(3) 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 these animals 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 feet. All structures erected to house these animals must comply with all zoning and building regulations of the City: All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (3) **CONFINEMENT INDOORS.** None of these animals 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. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
- (4) **SIGNS.** All owners, keepers or harborers of these dogs within the City shall within ten days of the effective date of this ordinance display in a prominent place

on their premises, a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

- (5) **INSURANCE.** All owners, keepers and harborers of these animals must within ten day of the effective date of this ordinance provided proof to the Liebenthal City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is first given to the Liebenthal City Clerk.
- (6) **IDENTIFICATION PHOTOGRAPHS.** All owners, keepers, or harborers of these animals must within 10 days of the effective date of this ordinance provide to the City Clerk two-color photographs of the registered animal clearly showing the color and approximate size of the animals.
- (7) **REPORTING REQUIREMENTS.** All owners, keepers, or harborers of these animals must within 10 days of the incident report the following information in writing to the Liebenthal City Clerk as required hereinafter:
 - (a) The removal from the City or death of one of these animals,
 - (b) The birth of offspring of these animals,
 - (c) The new address of an owner should the owner move within the corporate City limits,
 - (d) Any injury to any person or other animal caused by said animal.
- (8) **SALE OR TRANSFER OF OWNERSHIP PROHIBITED.** No person shall sell, barter, or in any other way dispose of any of these animals registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal, provide that the registered owner may sell or otherwise dispose of these animals or the offspring of such animal to persons who do not reside within the City.
- (9) **ANIMALS BORN OR REGISTERED PARENTS.** All offspring born of these animals registered within the City must be removed from the City within six weeks of the birth of such animals.
- (10) **IRREBUTTABLE PRESUMPTIONS.** There shall be an irrebuttable presumption that any animal registered with the City as one of these breeds prohibited by Section 1 of this ordinance is in fact a dog subject to the requirements of this ordinance.
- (11) **FAILURE TO COMPLY.** It shall be unlawful for the owner, keeper, or harborer of any of these animals registered with the City of Liebenthal, Kansas, to fail to comply with the requirements and conditions set forth in this ordinance. Any animal found to be the subject of a violation of this ordinance 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.
- (12) The City Council shall by a majority vote be authorized to appoint the Mayor, any or all City Council members or any other person as the enforcement officer for the City of Liebenthal, Kansas.
- (13) Any reasonable costs incurred by the City in seizing, impounding, confining or disposing of any animal prohibited by this ordinance shall be charged against the owner of such animal and shall be subject to collection by any lawful means.

(14) VIOLATIONS AND PENALTIES. Any person violating or permitting the violation of any provision of this ordinance shall be subject to a fine or up to \$1,000.00. The enforcement of this act may be by criminal or civil means, nothing herein shall be construed to deny the authority of the City to abate any nuisance.

(15) SEVERABILITY. If any section, sentence, clause or phrase of this ordinance 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 ordinance.

SECTION 3. This ordinance shall take effect and be in full force 10 days after its publication in the official City newspaper.

Passed and approved by the Governing Body of the City of Liebenthal, Kansas, this 3rd day of October, 2005.

Norman R F Matal
Norman Matal, Mayor

ATTEST:

Sharon K. Boese
Sharon Boese, City Clerk

