

ORDINANCE #208

AN ORDINANCE REGULATING THE KEEPING OF WILD OR DANGEROUS ANIMALS WITHIN THE CITY OF WALTON, KANSAS.

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

SECTION 1: DEFINITIONS. For purposes of this ordinance, the following words shall be defined as follows:

(a) Dangerous animal. Any animal:

(1) That has attacked a human or a domestic animal without provocation, including snapping or biting at a human or domestic animal, and whether or not such attack was completed or any injury inflicted; or

(2) That has such a vicious propensity that it is determined by the animal control officer that it creates an unreasonable hazard or danger to the general public in the event of its release or escape from confinement.

(b) Provocation. The willful and intentional teasing, harassment, injuring or abuse of an animal; or the entry into a fenced or enclosed area or building in which an animal is lawfully kept or harbored, other than areas open to the general public during the hours of such public access; or any threatening actions or conduct taken against, or battery of, a person, without legal cause or justification, and done in the presence of an animal which is owned, kept or harbored by such person or by a member of such person's immediate family or household.

SECTION 2: It shall be unlawful for any person, firm, or corporation to keep, maintain, or have in his/her possession or under his/her control, within the City, any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

SECTION 3: It shall be unlawful for any person to keep, maintain or have in his/her possession or under his/her control within the City any of the following animals:

1. All poisonous animals including rear-fang snakes;
2. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, raccoons, skunks, foxes and wild or exotic cats);

3. Any pit bull dog. "Pit bull dog" is defined to mean:
- a. The Staffordshire Bull Terrier breed of dogs;
 - b. The American Pit Bull Terrier breed of dogs;
 - c. The American Staffordshire Terrier breed of dogs;
 - d. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known pit bulls, pit bull dogs, or pit bull terriers;
 - e. 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; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

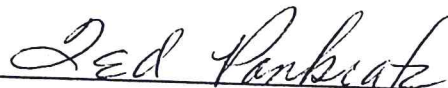
SECTION 4: If any provision, clause, paragraph, subsection or section of this ordinance is declared invalid or unconstitutional, or the application thereof to any person or circumstance is held invalid or unconstitutional, the validity and constitutionality of the remainder of the ordinance, and the applicability thereof to other persons and circumstances, shall not be affected thereby.

SECTION 4: Section 1 and 2 of this ordinance shall not apply to bonafide zoos, circuses, carnivals, educational institutions, or medical institutions, if:

1. Their location conforms to the provisions of the zoning ordinance of the City;
2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
3. Animals are maintained in quarters so constructed as to prevent their escape.

SECTION 5: Any person, firm, or corporation violating the terms of this ordinance shall be fined in any sum not to exceed \$300.00 or imprisoned for any period not to exceed six (6) months, or shall be both so fined and imprisoned. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PASSED AND ADOPTED this 3rd day of November, 1986.



Mayor

ATTEST:



City Clerk