

ORDINANCE NO. 1005

ARTICLE 1. CITY OF BELLEVILLE CODE AS RELATING TO GENERAL ANIMALS

Section 1. Definitions

The following words, terms and phrase, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning;

Animal shelter means any premises designated by the city for the purpose of sheltering and caring for animals found running at large within the city.

At large means off the property of the person in possession and not under restraint.

Competent person means a person that is capable of controlling and governing the animal in question and to whose command the animal is obedient.

Dangerous animal means any animal which does any act which might endanger the safety of persons or property of others in a given situation. If any animal shall chase or attack any person, that fact shall be conclusive evidence of the viciousness of such animal.

Exposed to rabies means an animal which has been bitten by or been exposed to any animal known to have been infected with rabies.

Impound means to place in an animal shelter.

Possess means to own, keep, harbor, have control of, or otherwise be in charge of an animal, either temporarily or permanently.

Predatory animal means an animal preying naturally on other animals.

Restraint means controlled by a leash while accompanied by a competent person and under that person's control, or within a vehicle being driven or parked on the streets.

Spayed female means any female animal which has been operated upon to prevent conception.

Section 2. Interference with city shelter or with officers enforcing chapter.

It shall be unlawful for any person to break open, aid or assist, counsel, or advise the breaking open of any animal shelter maintained by the city, or to take or let out, or attempt to take or let out, any animal legally placed therein, or to take or attempt to take from any officer any animal taken up by the officer in compliance with this chapter or in any manner to interfere with or hinder such officer in the discharge of duties under this chapter.

Section 3. Injury to domestic animal.

Injury to a domestic animal constituting a misdemeanor is willfully and maliciously:

(a) Administering any poison to any domestic animal.

(b) Exposing any poisonous substance with the intent that the same shall be taken or swallowed by any domestic animal; except that this subsection shall not apply to the exposing of poison upon any premises by the possessor or occupant thereof for the purpose of destroying predatory animals.

(c) Killing, maiming, or wounding any domestic animal of another without the consent of the person in possession of the animal; except that any person may take any action reasonably necessary to protect themselves or any other person from injury by any animal or to protect any property from damage by any animal.

Section 4. Cruel or inhumane treatment.

It shall be unlawful to possess any animal in a cruel or inhumane manner.

Section 5. Cockfighting

It shall be unlawful for any person to conduct or be a spectator at any cockfight.

Section 6. Killing, injuring, or annoying squirrels or birds.

It shall be unlawful for any person to kill or in any manner maim, injure, attempt to injure or catch, throw missiles at or annoy in any way any squirrel or bird in a public park, street or alley.

Section 7. Disposition of animal carcasses.

(a) Whenever any animal shall die upon any of the occupied or unoccupied lots, blocks, or tracts of ground within this city, it shall be the duty of the possessor of any such animal, or the occupant of any such ground, to cause the carcass to be removed from the premises and beyond the city limits, or properly buried on private property, within 24 hours after the death of such animal, and it shall be unlawful not to do so.

(b) Whenever any dead animal shall be found upon the streets, avenues, lanes, park or alleys of the city, it shall be the duty of the police department to notify the possessor or former possessor of such animal, if such person known, to cause the carcass to be removed outside the city limits, or properly buried on private property, and the possessor or former possessor of such animal shall remove the same within one hour after such notice, and it shall be unlawful not to do so.

Section 8. Investigation and impoundment.

The animal control officer or a law enforcement officer may enter onto public or private property to investigate an matter concerning any animal that is or may be kept in a cruel or inhumane manner; that is or may have an adverse impact on the properties in the are

or constitute a blight to adjoining property, the neighborhood, or the city, such as to constitute a nuisance; or that is or may be a vicious dangerous, or potentially dangerous animal as defined in this chapter. The animal control officer may impound any animal that is the subject of any such investigation. In the event that proceedings pursuant to this chapter are brought concerning any such animal, the animal may be impounded until such times as the proceedings are resolved.

Section 9. Animal control officer to maintain records.

- (a) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into custody.
- (b) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of all animal bite cases reported and the investigation of such cases.

Section 10. Licensing

- (a) No person shall own, keep or harbor any dog within the city limits after it has reached the age of twelve (12) weeks unless such dog is licensed as provided in this section. Written application for such license shall be made to the city clerk and shall state the name and address of the owner and the name, breed, age, color and sex of the dog. The license fee then due, if any, shall be paid at the time of making application, a numbered receipt given to the applicant, and a numbered tag shall be issued to the owner.
- (b) No dog license shall be issued by the city until the license applicant exhibits to the city clerk a certificate or writing signed by a veterinarian clearly demonstrating that the dog for which the license is being sought has been vaccinated against rabies by such veterinarian and the date when such dog must be revaccinated. No license shall be issued unless the certificate or writing shall clearly demonstrate that the dog is effectively vaccinated against rabies.
- (c) It shall be unlawful for any person to use or attempt to use any false information or altered certificate of spaying or vaccination to obtain a dog license under this division, or to exhibit to the city clerk for the purpose of obtaining a license a certificate of the spaying or vaccination of a dog other than the dog for which the license is sought.
- (d) All dog licenses shall be issued for one year beginning January 1.
- (e) If a license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of \$5.
- (f) No person shall use for any dog a license receipt or license tag issued for another dog.

- (g) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this division, except where such duties are expressly stated.
- (h) The licensing requirements of this division shall not apply to any dog belonging to a nonresident of the city and kept within the city for no longer than 30 days, provided that all such dogs shall at all times while in the city be kept within a building, enclosure or vehicle, or be under restraint by the owner
- (i) There shall be issued to the owner of every licensed dog a numbered tag, stamped with the number and the year for which it is issued.
- (j) Every owner is required to see that the tag is securely fastened to the dog's chain, collar, or harness, which must be worn by the dog at all times when the dog is in the city limits.

Section 11. Removal of animal feces.

It shall be unlawful for any person possessing charge of any animal to fail to promptly remove and dispose of all feces left by the animal on any public property or on any private property not owned or lawfully occupied by such person.

Section 12. General requirements concerning animals.

- (a) The governing body of the City of Belleville Kansas, hereby finds that to protect and preserve the public health, safety and welfare it is necessary to prohibit the ownership of certain animals within the city.
- (b) It shall be unlawful for any persons to own, keep, or harbor, within the city limits, any animal except as allowed in subsection (c).
- (c) Animals allowed:
 - (1) Domestic dogs.
 - (2) Domestic cats, except those hybridized with wild felines.
 - (3) Domesticated rodents.
 - (4) Domesticated European ferrets.
 - (5) Rabbits.
 - (6) Birds that are kept indoors as pets, except for species protected by state or federal law.
 - (7) Female chickens and other domesticated fowl.
 - (8) Potbellied pigs, also called Vietnamese potbellied pigs, miniature potbellied pigs, or Chinese potbellied pigs.

- (9) Nonvenomous snakes less than eight feet in length, except that such snakes shall be kept on the owner's premises or property.
- (10) Nonvenomous lizards.
- (11) Turtles, except for species protected by state or federal law.
- (12) Amphibians
- (13) Fish.
- (14) Invertebrates.
- (15) Any animal kept temporarily in the possession of a veterinary clinic operated by a licensed veterinarian.
- (16) Any animal in the possession of a person temporarily transporting such animal through the city.
- (17) Any animal in the possession of a person temporarily transporting such animal through the city.
- (18) Any animal kept temporarily at a livestock sales facility.
- (19) Any animal in the possession of a publicly funded and publicly accredited post-secondary educational institution for use in connection with educational programs.
- (20) Domesticated Marsupials
- (21) Any animal or animal operation protected by K.S.A. 2-3201 et seq.

Section 13. Conflicting Ordinances.

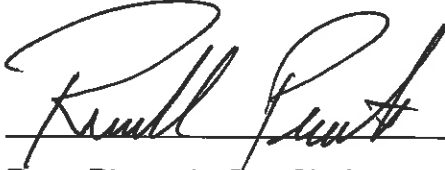
All other ordinances of the City of Belleville that conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 14. This Ordinance shall be effective from and after its passage and publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this 13th day of May, 2019.



Kim Lapo, Mayor



Russ Piroutek, City Clerk