

ORDINANCE NO. 680

AN ORDINANCE RELATING TO THE KEEPING OF VICIOUS DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF LYNDON, KANSAS.

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

SECTION 1. Title. This ordinance shall be known as the "Vicious Dog Ordinance".

SECTION 2. Definition.

A. A "vicious" dog as the term is used in this ordinance means:

1. Any dog with a propensity, tendency or disposition to attack, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or

2. Any dog which attacks a human being or domestic animal.

3. Dogs used to assist the vision impaired or law enforcement officers in their official duties shall not be termed as vicious dogs.

4. A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in Section 3(A) hereof. Such pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two (2) feet. The entrance or gate of the structure must be securely latched. The structure must be adequately lighted, ventilated and kept in a clean and sanitary condition.

SECTION 3. Requirements

A. No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

B. No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go unconfined or beyond the premises of such person unless such dog is securely muzzled and restrained by a leash no longer than four (4) feet in length which is in the physical control of a person of suitable age and discretion and such dog may be transported if it is securely confined within a motor vehicle.

C. In addition to complying with all other requirements of this ordinance, the owner of a vicious dog shall:

1. Register such dog within ten (10) days of the effective date of this ordinance by reporting the following information in writing to the Lyndon City Clerk: a. the age, sex, breed and weight of the dog; b. the owner's name and the address where the animal will be kept.

2. Post signs including but not limited to the following language: "Warning, Vicious Dog" or "Beware of Dog". Such signs shall be posted in a conspicuous place visible from the public sidewalk or road. In addition, a similar sign is required to be posted on the kennel or pen of such animal.

3. Within ten (10) days of the effective date of this ordinance, provide the Lyndon City Clerk two color photographs of the dog showing its color and approximate size.

4. Allow the city police onto the premises where the dog is kept for the purpose of inspecting the pen or enclosure in which the dog is confined.

5. Within ten (10) days of the effective date of this ordinance, provide proof to the Lyndon City Clerk of public liability insurance in a single incident amount of \$100,000.00 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 ten (10) days written notice is first given to the Lyndon City Clerk.

6. Report to the Lyndon City Clerk within ten (10) days of the incident, the following information in writing:

- a. The death or removal from the City of such dog;
- b. The birth of offspring of such dog;
- c. The new location of such dog if it is moved within the city limits;
- d. The new acquisition of such dog.

SECTION 4. Impounding. If a law enforcement officer has probable cause to believe that a vicious dog is being kept, harbored or cared for in violation of this ordinance, said officer may petition the Municipal Court to order the seizure and impoundment of said animal pending trial.

SECTION 5. Violations and Penalties. Any persons violating any provision of this ordinance shall upon conviction be fined not more than One Thousand Dollars (\$1,000.00). In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when in the Court's judgment such vicious dog represents a continuing threat of serious harm to human beings or domestic animals. In addition, any person found guilty of violating this ordinance shall pay all expenses, including shelter, food or boarding and veterinary expenses, necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

SECTION 6. Immediate Destruction. Nothing in this ordinance shall be construed to prevent the animal control officer, agent of the city or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

SECTION 7. Applicability. This ordinance is in conjunction with Ordinance Number 593 of the Lyndon City Code relating to keeping of dogs and shall not be deemed to supercede any provisions of said Ordinance Number 593 EXCEPT, should any provision of this ordinance be inconsistent with or converse to any provision of said Ordinance Number 593, then such provision of this ordinance shall take precedence over, supercede, or enhance such provision of said ordinance.

SECTION 8. 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 9. Effective Date. This ordinance shall take effect and be in force 14 days after its publication in the official City newspaper.

PASSED AND APPROVED this 18th day of June 2001.

Alden Christesen
ALDEN CHRISTESEN, Mayor

Attest:

Kay Jones
Kay Jones, City Clerk

STATE OF KANSAS, COUNTY OF OSAGE, SS:

I, the undersigned, hereby certify that I am the duly appointed and acting City Clerk of the City of Lyndon, Kansas; that the above Ordinance was passed by the council and approved by the Mayor on the 18th day of June 2001, and it was published on the 28th day of June 2001, and that the record of the final vote of passage is shown in the minutes of the proceedings of the Governing Body.

Kay Jones
Kay Jones, City Clerk

(SEAL)

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