

Ordinance No. 6511

AN ORDINANCE OF THE CITY OF PARSONS, KANSAS AMENDING CERTAIN SECTIONS OF CHAPTER 205 CONCERNING ANIMALS. § 205.5(D) IS AMENDED TO REQUIRE THE VET FEES ASSOCIATED WITH RABIES OBSERVATION IMPOUNDMENT BE PAID WITHIN 3 DAYS; § 205-5(G) IS CREATED TO ALLOW IMPOUNDMENT PENDING VICIOUS ANIMAL DETERMINATION; § 205-25 IS AMENDED MODIFYING THE PROCEDURE TO DECLARE AN ANIMAL VICIOUS AND CLARIFIES WHAT WOULD BE CONSIDERED VICIOUS; § 205-27 IS AMENDED INCREASING THE FINES AND BETTER DEFINING WHAT HARBORING A VICIOUS ANIMAL IS.

Be it ordained by the City Commission of Parsons, Kansas:

Section 1. § 205-5(D) is hereby amended to read as follows:

D. Any animal that has bitten a person shall be removed from the property of its owner by the Animal Control Officer or any police officer and confined until an identification microchip has been implanted in the animal (if feasible) at the cost of the owner. This microchip requirement shall also apply to any animal that was running at large at the time of the bite. Said animal shall continue to be impounded for the applicable observation period if such animal's owner is unable to provide proof of vaccination. Said animal shall only be returned to the owner upon the payment of all vet fees. Upon the completion of the observation period and approval by the City of the release of the animal, the owner shall have three business days from the end of the observation period to pay all vet fees. Failure to pay all vet fees and recover the animal by its owner within the three business days shall allow the animal to become the property of the City and it may be adopted, transferred to a duly incorporated humane society, or humanly euthanized. All impoundment costs shall be the responsibility of the dog owner and may be assessed as restitution in any criminal case involving said dog or collected by a civil lawsuit.

Section 2. § 205-5(G) is hereby created and added to the code to read as follows:

G. Any animal that the Animal Control Officer, a police officer, or City Attorney files a complaint against to declare it vicious may be impounded by the Animal Control Officer or any police officer and confined until the first hearing on said complaint as described in 205-25(c). Said animal shall continue to be impounded until released by the Court or agreed to by the City. The owner of said animal shall be responsible for all vet fees unless the Court orders otherwise. Said animal shall only be returned to the owner upon the payment of all vet fees. When eligible for release, the owner shall have three business days from when notified to pay all vet fees. Failure to pay all vet fees and recover the animal by its owner within the three business days shall allow the animal to become the property of the City and it may be adopted, transferred to a duly incorporated humane society, or humanly euthanized. All impoundment costs shall be the responsibility of the

dog owner and may be assessed as restitution in any criminal case involving said dog or collected by a civil lawsuit.

Section 3. § 205-25 is hereby amended to read as follows:

§ 205-25. Vicious Animals

A. Complaints. A written and signed complaint must be made to the Municipal Court that identifies the possible vicious animal and the animal's owner. Said Complaint may be made by the Animal Control Officer or a Parsons Police Officer or the City Attorney.

B. Notice. The owner of the complained of animal shall be served a notice of such complaint. The person shall be advised at least five days in advance by the City of the time and place of the first hearing on the complaint. The notice shall be delivered either by certified mail, postage prepaid, return receipt requested, or personally served by a public officer or a law enforcement officer.

C. Hearing. On the day and time of the first hearing, the Court shall explain the motion and the consequences of the dog being declared vicious. The owner may stipulate to the animal being vicious or request an evidentiary hearing be held by the Municipal Court. At any evidentiary hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Municipal Judge. In the event the animal owner fails to appear at either the first hearing or the evidentiary hearing, if the Court determines proper notice was given, the Court may declare the owner in default and declare the dog vicious with any other applicable findings.

D. Evidence. For purposes of this section, an animal that bites any person or has a history of attacking or wounding of persons or other domestic animals shall be prima facie evidence that the animal is vicious or dangerous.

E. Authority of Court. At the hearing, the Municipal Court shall have the authority to declare an animal vicious by making the finding as to the inherently dangerous nature of the animal as to persons or other domestic animals, its history of attacking or wounding of persons or other domestic animals, the seriousness of these attacks or wounds against a person or other domestic animal, and its potential to inflict wounds in the future or otherwise meets the definition contained in § 205-01 defining a vicious animal.

F. Penalties. Declaration of an animal as vicious shall be grounds for the impoundment and humane euthanizing of the animal, removal from the City within the time prescribed by the court or the animal may remain within the City if approved by the Court with any conditions the Court may require, which at a minimum must include an inspection of the premises the animal will be residing at to determine if said residence is secure enough to keep the animal from running at large. All dogs that have been declared vicious and are allowed to remain within the City limits shall be securely confined indoors or in a

securely enclosed and locked pen or kennel, except when leashed with their owner or other person. Such pen, kennel or structure must have secure sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure.

G. Any animal impounded pending a hearing to determine if said animal is vicious and is not ordered euthanized shall be required to be microchipped for identification purposes at the expense of the owner with the cost of said microchip being paid by the owner. All impoundment costs shall be the responsibility of the dog owner and may be assessed as restitution in any criminal case involving said dog or collected by a civil lawsuit.

Section 4. § 205-27 is hereby amended to read as follows:

§ 205-27. Harboring vicious animal.

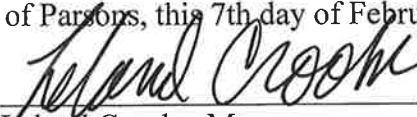
It shall be unlawful for any person to allow an animal to run at large as defined by § 205-24, keep, own, harbor or possess in any way within the corporate limits of the City any animal that has been declared to be vicious under § 205-25 or fits the definition of "vicious animal" under § 205-1 unless said animal is lawfully allowed within the corporate limits of the City pursuant to § 205-25 and is compliant with any orders issued by the Court therein. Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not less than \$500 and not more than \$1,000. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. The Animal Control Officer shall immediately impound any animal that has previously been declared vicious under § 205-25 and is not lawfully allowed within the City or is running at large, to be held until a hearing can be held in Parsons Municipal Court. All costs and expenses associated with said impoundment shall be the responsibility of the person violating this section. It shall be grounds for euthanization if an animal has previously been declared vicious under § 205-25 and is subsequently found illegally within the City limits.

Section 5. § 205-34(C) is hereby deleted and removed from the City Code.

Section 6. Ordinance No. 6510 is hereby repealed.

Section 7. This Ordinance shall take effect and be in full force after its publication in the official city newspaper.

PASSED by the Governing Body of the City of Parsons, this 7th day of February, 2022.


Leland Crooks, Mayor

ATTEST:


Robyn Baker, City Clerk