

ORDINANCE NO. 1042

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2 OF THE CODE OF THE CITY OF OSWEGO, RELATING TO VICIOUS DOGS.

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

SECTION 1. Chapter 2, Article 2 of the City Code is hereby amended to read:

DEFINITIONS. (a) Vicious dog as the term is used in this article, means:


- (2) Any Rottweiler or any pit bull terrier which is defined as any Staffordshire bull terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier or American Staffordshire terrier by a qualified veterinarian duly licensed as such by the State of Kansas.

SECTION 2. All current owners of Rottweilers shall notify the City of Oswego of such ownership within 30 days of the date of passage and comply with all requirements as set out in Chapter 2, Article 2, Sub-articles 202-205 of the Code of the City of Oswego, as adopted by Ordinance 979.

SECTION 3. Those portions of Ordinance 979 of the City Code of Oswego, Kansas, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

Passed by the Governing Body and approved by the Mayor of the City of Oswego, Kansas, this 8<sup>th</sup> day of September, 1997.

  
James D. Stephens, Mayor

Attest:

  
Cheri R. Peine, City Clerk

(e) If the alleged offender fails to pay the requisite fine or fails to appear in court on the date set by the summons, then a warrant shall be issued for the arrest of the alleged offender.

(f) If the alleged offender shall have previously twice settled out of court and/or been convicted of such offense, he or she shall not be permitted to settle the current alleged offense out of court, but shall be required to stand trial in municipal court.

(Ord. 834, Sec. 41, Ord. 906, Secs. 1:2)

## ARTICLE 2. VICIOUS DOGS

2-201.

DEFINITIONS. (a) Vicious dog as the term is used in this article, means:

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

(2) Any pit bull terrier which is defined as any Staffordshire bull terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier or American Staffordshire terrier by a qualified veterinarian duly licensed as such by the State of Kansas;

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

(b) 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 2-202(a) hereof. Such pen or structure must have secure sides and a secure bottom to attach to the sides. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two feet. The entrance or gage of the structure must be securely latched. The structure must be adequately lighted, ventilated and kept in a clean and sanitary condition.

(Ord. 875, Sec. 2)

2-202.

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 beyond the premises of such person unless such dog is securely muzzled and restrained by a leash no longer than four feet in length which is in the physical control of a person of suitable age and discretion and may be transported if it is securely confined within a motor vehicle.

(c) In addition to complying with all other requirements of this article, the owner of a vicious dog shall:

(1) Register such dog within 10 days of the effective date of this article by reporting the following information in writing to the 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 limiting to the following language: Warning, Vicious Dog. Such signs shall be posted in a conspicuous place visible from the public sidewalk or road.

(3) Within 10 days of the effective date of this article provide the city clerk two color photographs of the dog showing its color and approximate size.

(4) Allow the chief of 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 10 days of the effective date of this article provide proof to the city clerk of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or persons or for damage to property owned by any person 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 city clerk.

(6) Report to the city clerk within 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 address of such dog if it is moved within the city limits.

(D) The new acquisition of such dog.

(d) If an animal meets criteria of a vicious dog or is at any time considered a vicious dog; the owner must have an identifying tattoo placed on the animal and it must be registered with the city clerk.

(Ord. 875, Sec. 3; Code 1994))

2-203. **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 article, the officer may petition the municipal court to order the seizure and impoundment of the animal pending trial. (Ord. 875, Sec. 4)

2-204. **VIOLATIONS AND PENALTIES.** Any person violating any provision of this article shall upon conviction be fined not more than \$1,000 or imprisoned not more than 60 days, or both. 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 article shall pay all expenses, including shelter, food or boarding and veterinary expenses necessitated by 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. (Ord. 875, Sec. 5)

2-205. **APPLICABILITY.** This article is in conjunction with Article 1 of Chapter 2 and shall not be deemed to supersede any of the provisions of that article. (Ord. 875, Sec. 6)

### **ARTICLE 3. OTHER ANIMALS**

2-301. **EXOTIC ANIMALS.** (a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any