

## **CHAPTER 7**

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## **Article I. In General**

### **Sec. 7-101 Animals or fowl running at large.**

It shall be unlawful for the owner or keeper of any animal or fowl, to permit such animal or fowl to run at large in the city. An animal or fowl is running at large if it is not inside a residence structure, or secure fence or pen; inside a motor vehicle; or tethered or controlled in such a manner as to prevent it from getting onto public rights-of-way or another's property. (*Ord. 2008-01, Adop. 1/02/2008; Ord. 7465, Adop. 6/13/1995*)

### **Sec. 7-102 Exotic Animals.**

a. It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

1. All poisonous animals including rear-fang snakes;
2. Alligators;
3. Apes: Chimpanzees, gibbons, gorillas and orangutans;
4. Baboons;
5. Badgers;
6. Bears;
7. Bison;
8. Bobcats;
9. Cheetahs;
10. Coyotes;
11. Crocodiles;
12. Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;

13. Elephants;
14. Foxes;
15. Game cocks and other fighting birds;
16. Hippopotami;
17. Hyenas;
18. Jaguars;
19. Leopards;
20. Lions;
21. Lynxes;
22. Minks;
23. Monkeys;
24. Ostriches;
25. Pumas; also known as cougars, mountain lions and panthers;
26. Raccoons;
27. Rhinoceroses;
28. Skunks;
29. Tigers;
30. Wolves; and
31. The offspring born to any animal permitted to be kept in the City which is bred to any other animal of a different species. Offspring born to wild animals bred to domestic dogs or cats shall be considered to be exotic animals.

b. The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational 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 objectional odors; and
3. Animals are maintained in quarters so constructed as to prevent their escape.

c. It shall be unlawful for any person to maintain, keep or possess any snake of the family Boidae, including but not limited to pythons, boa constrictors or anacondas unless such snake is confined in a safe, secure and completely enclosed location at all times.

*(Ord. 2008-01, Adop. 1/02/2008; Ord. 7392, Adop. 5/25/1993)*

### **Sec. 7-103 Keeping pigs and hogs.**

It shall be unlawful for any person to maintain any pig pen, hog lot, or to keep or maintain any pigs, hogs or swine with in the city. *(Ord. 2008-01, Adop. 1/02/2008; Ord. 7366, Adop. 6/02/1992)*

**Sec. 7-104 Keeping animals, fowl or birds in offensive manner; "offensive" defined.**

It shall be unlawful for any person to keep, harbor or permit upon property under his control and within the city, any animal, fowl or bird in such a manner as to become offensive to any person residing in that vicinity or annoying to the public.

For the purposes of this section the word "offensive" shall include any condition which offends the sense of sight, smell or hearing as well as those which might be injurious to public health, safety or welfare.

*(Ord. 2008-01, Adop. 1/02/2008; Ord. 6058, Adop. 2/02/1971)*

**Sec. 7-105 Animal care requirements and prohibition of animal cruelty.**

a. No owner or keeper of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise. This requires that an owner must offer some freedom from continuous chaining, stabling and tethering.

b. A restraint placed on an animal must be such that it prevents the animal from being tangled or injured by the restraint.

1. The tether shall be attached to the dog by a non-choke collar or body harness;

2. The tether shall be of a sufficient size to prevent the dog from being within one foot of a perimeter fence, trees or other obstacles which could cause injury or entanglement;

3. Equipment used to tether dogs may not weigh more than one-eighth (1/8) of the animal's body weight;

4. The tether must be long enough to allow the dog to move around and have access to water, food and shelter;

5. A dog may not be tethered in an area where it has no escape from bare earth in the event of inclement weather;

6. The area where the animal is kept must be maintained in a sanitary condition.

7. The tether must be a minimum of ten feet in length.

c. Administrative regulations establishing standards of care for animals may be developed from time to time by the City and made available to animal owners.

d. Cruelty to animals is defined in the Uniform Public Offense Code, adopted by the Governing Body and incorporated by reference into this code.

e. Cockfighting is defined in the Uniform Public offense code, adopted by the Governing Body and incorporated by reference into this code. (Ord. 2008-01, Adop. 1/02/2008; Ord. 2007-29, Adop. 7/17/2007; Ord. 7077, Adop. 2/10/1987)

**Sec. 7-106 Hauling dead animals through streets.**

It shall be unlawful for any person to haul or permit to be hauled, over and along the streets, avenues or alleys within the city any dead animal or carcass of dead animal unless the same is covered by means of tarpaulin, wooden cover or other covering by which such dead animal or carcass is obstructed and hidden from public sight or gaze. (Ord. 2008-01, Adop. 1/02/2008; Ord. 2222, Adop. 10/13/1933)

**Sec. 7-107 Keeping animals or fowl in city twelve hours after death prohibited; duty to dispose of.**

It shall be unlawful for any person whether owner or having control of any animal or fowl, that shall hereafter die within the city to permit such animal or fowl to remain for more than twelve hours after death. It shall be the duty of any such person to have any such dead animal or fowl removed from the city or buried at his own expense. (Ord. 2008-01, Adop. 1/02/2008)

**Sec. 7-108 Rabies.**

a. Whenever the owner or person having custody or possession of any animal, observes or learns of rabies, or when such animal acts in a manner that indicates the symptoms of rabies, such owner or person having custody of such animal shall immediately notify the Hutchinson Animal Shelter, the animal control officer, or the Hutchinson Police department, and shall allow the animal control authority to make an inspection or examination of such animal, and to quarantine or isolate such animal until rabies or the absence thereof in such animal is determined. Any wild or exotic animal shall be euthanized for testing purposes.

b. Whenever it is shown that any animal has bitten any person, the owner or person having custody or possession thereof shall, upon order of the animal control officer, deliver such animal to the animal control officer for impounding and quarantine for a period of not less than ten days, and the animal control authority may make an examination of such animal at any time during such period; provided, that in the case the animal which has bitten any person is a dog which has been vaccinated under the provisions of Sec. 7-403 and proper evidence of such vaccination can be shown by the owner or person having custody or possession of such dog, then the provision herein for impounding and quarantine shall not apply. If it shall appear upon examination by the animal control officer that such animal is suffering from rabies it shall be destroyed forthwith.

c. Whenever any animal shall be bitten by another animal having rabies, the owner or person having custody or possession of such animal so bitten, shall upon being informed thereof, either destroy such animal or place such animal with the animal control officer in quarantine for a sufficient period of time for the purpose of determining whether such animal is infected with rabies. In the event such animal develops rabies, it shall be destroyed forthwith.

d. The cost and expense incurred by the Hutchinson Animal Shelter in connection with testing, examining and boarding any animal under the provisions of subsections "a", "b", or "c" above shall be paid by the owner or person having custody or possession of such animal before such animal shall be released by the Hutchinson Animal Shelter.

*(Ord. 2008-01, Adop. 1/02/2008; Ord. 7366, Adop. 6/02/1992; Ord. 5580, Adop. 7/25/1967)*

### **Sec. 7-109 Penalties.**

Violation of or failure to comply with any provision of this chapter shall constitute a misdemeanor and any person convicted of violating the provisions of this chapter and shall, unless another penalty is established in this chapter, be punished in accordance with the provisions of Sec. 1-106 of the City Code. *(Ord. 2008-01, Adop. 1/02/2008; Ord. 7366, Adop. 6/02/1992)*

### **Sec. 7-110 Definitions.**

a. "Adequate care" is normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal.

b. "Adequate food" is wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age and condition.

c. "Adequate health care" is the provision to each healthy animal of all immunizations and preventive care required to maintain good health; space adequate to allow the animal rest and exercise sufficient to maintain good health; and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

d. "Adequate shelter" is a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, conditions and age of the animal which provides access to shade from direct sunlight and regress from exposure to inclement weather condition.

e. "Adequate water" is a continual access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal in sufficient amounts to maintain good health in the animal.

f. "Animal breeder" means any person who operates an animal breeder premises.

g. "Animal breeder premises" means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.

h. "Breeder" means any person who operates a breeder premises.

i. "Breeder premises" means any premises where all or part of one or two litters of dogs or cats, or both, are produced, whether or not they are offered for sale or are offered to prospective owners at no charge.

j. "Dog" means all members of the *canis familiaris*, male or female, five (5) months of age or older.

k. "Excessive noise" means any noise which is so loud, continuous or untimely as to disturb the sleep or peace of a neighbor.

l. "Exotic Animal" means any animal which is predominately free-roaming as opposed to domesticated, and includes any rabies carrying species for which no anti-rabies vaccine has been approved by the Center for Disease Control, and those animals set forth in Sec. 7-102.

m. "Harboring" Any person who shall allow any animal to habitually remain or lodge or to be fed at his home, store, yard, enclosure or place of business or any other premises where he resides or which he controls.

n. "Hobby breeder" means any person who operates a hobby breeder premises.

o. "Hobby breeder premises" means any premises where all or part of 3, 4 or 5 litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.

p. "Inoculation, vaccination or vaccination for rabies" means the injection, by a veterinarian or his authorized agent, of a specified dose of anti-rabies vaccine into the body of a dog, such vaccine having the U.S. Government license number stamped on the label of the vaccine container.

q. The term "neighbor" means any person residing in a residence structure which is within 100 yards of the property on which the dog is kept.

r. "Nuisance" as the term relates to animals means:

1. any animal which molests or interferes with persons in the public right of-way;

2. attacks or injures persons, or other domestic animals;
3. damages public or private property by its activities or with its excrement;
4. scatters refuse that is bagged or otherwise contained; or
5. causes any condition which threatens or endangers the health or well-being of persons or other animals.

s. "Pup" means all members of the *canis familiaris*, male or female, less than five (5) months of age.

t. "Owner" means any person who feeds, cares for, shelters or professes to exhibit ownership of an animal or feeds or shelters any stray animal for seventy-two (72) or more consecutive hours without reporting such animal to the animal shelter or animal control or professes ownership of such animal. If a minor owns an animal, then any household member shall be deemed the owner of such animal under this chapter and shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household, such minor shall be directly subject to the provisions of this chapter.

u. "Vicious Animal" Any animal which because of its physical nature, or vicious propensity is capable of inflicting physical harm or cause injury to, or otherwise threaten the safety of human beings or domestic animals.

v. "Vicious dog" means:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
2. Any dog which because of its physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter; or
3. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
4. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

*(Ord. 2008-01, Adop. 1/02/2008; Ord. 2007-32, Adop. 8/07/2007; Ord. 2007-29, Adop. 7/17/2007; Ord. 2004-49, Adop. 12/28/2004; Ord. 7077, Adop. 2/10/1987)*

#### **Sec. 7-111 Animal Traps.**

It shall be unlawful for any person to use, place, set out or deploy any animal trap which makes use of a spring gun, spring jaw, clamping device, cutting or stabbing mechanism or any other devices that will damage or injure any domesticated animal when caught or trapped by the device; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals or the use of animal traps that are designed to capture moles, gophers, mice and similar animals.

When special circumstances warrant, the City may authorize the use of traps approved by the Kansas Department of Wildlife and Parks by a person holding a valid wildlife control permit issued by the State of Kansas.

*(Ord. 2009-08; Adop. 3/03/2009; Ord. 2008-11; Adop. 5/06/2008; Ord. 2008-01, Adop. 1/02/2008)*

**Sec. 7-112 Airport Wildlife Management.**

The regulation or management of wildlife by law enforcement officers or designated City employees on or within the City airport property is exempt from any provisions of Chapter 7 of the City code. *(Ord. 2008-01, Adop. 1/02/2008)*

**Article II. Animal Control**

**Sec. 7-201 Reserved.**

**Sec. 7-202 Authority generally.**

The animal control authority shall have the authority and the duty to take up and impound and thereafter to hold for redemption or to make available for adoption or euthanize any animal running at large in violation of the terms of this chapter. *(Ord. 2008-01, Adop. 1/02/2008; Ord. 5133, Adop. 2/11/1964)*

**Sec. 7-203 Reserved.**

**Sec. 7-204 Care and maintenance of animals impounded.**

Proper feed and sustenance to the animals taken up as provided in Sec. 7-202, and the costs thereof, together with all other costs and charges growing out of the taking up, care and keeping of such animals, shall be paid before such animal can be released from the animal shelter. *(Ord. 2008-01, Adop. 1/02/2008)*

**Sec. 7-205 Description of duties.**

The ACO will investigate all cruelty or neglect complaints, all bite cases, leash law violations, other animal complaints, and remove all dead animals from the city streets.

The ACO will issue tickets or warnings for ordinance violators.  
(*Ord. 2008-01, Adop. 1/02/2008*)

**Article III. Impoundment Generally**

**Sec. 7-301 Persons authorized to impound.**

All law enforcement officers of the city, the animal control officers and such other persons as may be appointed by the city manager may take up and impound any animals found running at large within the city contrary to the provisions of this chapter. (*Ord. 2008-01, Adop. 1/02/2008; Ord. 5133, Adop. 2/11/1964*)

**Sec. 7-302 Fees.**

The charge for taking up and impounding of any animal mentioned herein, for providing sustenance, or micro-chipping or other care services for such animal impounded shall be set by the City Manager and posted at the Hutchinson Animal Shelter and online at the City's web site. (*Ord. 2008-01, Adop. 1/02/2008*)

**Sec. 7-303 Redemption of impounded animals.**

a. A dog or cat impounded at the animal shelter must be implanted with a micro-chip before being released.

b. A dog impounded at the animal shelter, during the three (3) day holding period (before ownership transfers to the City) which does not have a current valid City license issued for a non-altered animal, or whose owner or keeper does not purchase such a license at the time the animal is to be redeemed, shall be spayed or neutered before being released.

A dog or cat temporarily in the City (30 days or less) owned by a nonresident owner or keeper is not subject to the requirements of this section.

c. At the expiration of the three (3) day holding period (when ownership of the dog or cat transfers to the City pursuant to K.S.A. 47-1710) a dog or cat shall be spayed or neutered before being released to a prospective owner, or in the alternative, pursuant to K.S.A. 47-1731, the prospective owner signs an agreement to have the dog or cat spayed or neutered and deposits funds not less than the lowest nor more than the highest cost of spaying or neutering in the community. Any funds deposited shall be refunded to such person upon written proof signed by a licensed veterinarian that the dog or cat has been spayed or neutered. If the deposit is not reclaimed within six months after the City receives custody of the animal, the city shall keep the deposit.

d. The owner or keeper of any animal impounded under the authority of this article shall pay all impounding costs, charges and expenses before the redemption or adoption of such animal. (Ord. 2008-01, Adop. 1/02/2008; Ord. 2007-31, Adop. 8/07/2007)

**Sec. 7-304 Disposition of impounded animals--Generally.**

If not redeemed within the time specified, any animal taken up and impounded under the provisions of this article may be made available for adoption or sold at public sale at any time after the expiration of three (3) days after the impounding of such animal. (Ord. 2008-01, Adop. 1/02/2008)

**Sec. 7-305 Hindering persons engaged in impounding.**

No person shall hinder, delay or obstruct any authorized person in taking up or taking to the animal shelter any animal liable to be impounded. (Ord. 2008-01, Adop. 1/02/2008)

**Sec. 7-306 Reserved.**

**Sec. 7-307 Reserved.**

**Article IV. Dogs and Cats**

**Dogs**

**Sec. 7-401 Limitation on Number of Dogs and Cats**

No more than a combined total of six (6) dogs and cats shall be maintained on any one premises, with the total number of dogs not to exceed four (4), nor the total number of cats not to exceed six (6), subject to the provisions of this article set out below. (Ord. 2008-25, Adop. 9/16/2008)

**Sec. 7-402 Permit Required.**

No person shall own, keep or harbor within the corporate limits of this city any dog over six months of age without first obtaining a permit therefor from the office of the Finance Department, the Hutchinson Animal Shelter or with a licensing agent designated by the City Clerk, who may issue such permit when proper application is made in writing.

The owner of a dog shall be required to have a permit for the dog upon the date it is brought into the city or attains the age of six months, whichever is later. The permit and vaccination requirements of this division shall not apply to a nonresident dog owner who keeps the dog within the city for not longer than 30 days, provided that at all times such dog is under restraint. (Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-01, Adop. 1/02/2008)

**Sec. 7-403 Rabies vaccination required.**

It shall be unlawful for any owner or keeper of any dog over six months of age to keep such dog in the city without having such dog vaccinated against rabies by a state licensed veterinarian. The owner or other person in control of a dog shall, upon demand by the Police Chief or his designee, any law enforcement officer or animal control officer, present evidence of a current rabies vaccination for such dog. No license shall be issued under this division except upon the presentation of a valid rabies vaccination certificate plainly showing the dog's last vaccination is currently effective.

Recognition shall be given to a certificate which indicates a one-year, two-year or three-year inoculation period if duly signed by a registered veterinarian.  
*(Ord. 2008-25, Adop. 9/16/2008; Ord. 2007-30, Adop. 7/17/2007; Ord. 2006-35, Adop. 9/16/2006; Ord. 7077, Adop. 2/10/1987; Ord. 5929, Adop 12/09/1969; Ord. 5133, Adop. 2/11/1964)*

**Sec. 7-404 Application for Permit.**

Applications for dog licenses shall be made with the office of the Finance Department, the animal shelter or with a licensing agent designated by the City Clerk, setting forth such information as necessary to properly implement the terms and provisions of this division.  
*(Ord. 2008-25, Adop. 9/16/2008; Ord. 2007-30, Adop. 7/17/2007)*

**Sec. 7-405 Registration - License - Fee**

a. Each dog owner shall register all dogs at the office of the Finance Department, the animal shelter or with a licensing agent designated by the City Clerk, and pay the following fees:

Neutered male dogs and spayed female dogs	\$15.00
Unneutered male dogs and unspayed female dogs	\$50.00

The City will reduce the license fee by \$5.00 for a dog with an implanted micro-chip.

A dog which cannot be spayed or neutered due to a medical condition, which is confirmed in writing by a licensed veterinarian, shall be assessed the "neutered and spayed" license fee.

The City Clerk may designate local veterinarians, the Hutchinson Kennel Club and other approved groups in addition to the animal shelter as licensing agents to register dogs on behalf of the City. Any party so authorized shall register dogs in the manner provided by this article, and shall be entitled to retain \$5.00 of the registration fee collected as a fee for the service. Any party registering dogs as an agent of the City shall quarterly furnish evidence of all such registrations to the Finance Department, including the information

required by Section 7-404 hereof and shall remit the balance of the fees collected to the Finance Department.

b. Each operator of a breeder, hobby or animal breeder premises shall obtain a license for such operation at the office of the Finance Department or the Animal Shelter and pay the following fees:

Breeder	\$100.00
Hobby Breeder*	\$50.00
Animal Breeder*	\$50.00
*A valid state license required	

c. The license fee shall be due and payable January 1 of each year.

d. (1) A Breeder Premises (Breeder license) may be located in any zoning district in the City.

(2) A Hobby Breeder Premises (Hobby Breeder license) and an Animal Breeder Premises (Animal Breeder license) may be located only in zoning districts which permit such operations.

*(Ord. 2010-4, Adop. 3/02/2010; Ord. 2009-28, Adop. 10/06/2009; Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-03, Adop. 2/19/2008; Ord. 2008-01, Adop 2/01/2008; Ord. 2007-33, Adop. 8/07/2007; Ord. 2007-30, Adop. 7/17/0707; Ord. 2004-48, Adop. 12/28/2004; Ord. 7503, Adop. 4/16/1996; Ord. 7465, Adop. 6/13/1995; Ord. 7077, Adop. 2/10/1987)*

**Sec. 7-406 Tags.**

a. Upon full compliance with the terms of this division, the office of the Finance Department, the Hutchinson Animal Shelter or a licensing agent designated by the City Clerk shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar. Any licensing agent so authorized shall register dogs in the manner provided by this article. Any licensing agent registering dogs as an agent of the City shall periodically furnish evidence of all such registrations to the Finance Department, including the information required by Sec. 7-404 hereof.

b. The tag issued under this section, or an engraved tag provided by the owner carrying the same information as set out in subsection (a), shall be securely attached to the collar of the dog for which such permit and tag is issued and shall be worn at all times the dog is off the premises of the owner.

c. No person shall attach a tag to any dog other than the one for which the tag was issued.

*(Ord. 2008-25, Adop. 9/16/2008)*

**Sec. 7-407. Running at large prohibited; exemptions.**

a. It shall be unlawful for the owner of any dog or pup to permit such animal to run at large within the city at any time. A dog or pup shall be deemed running at large when not inside a residence structure, secure fence, or pen; on a leash, held by a person capable of controlling such animal; or tethered in such a manner as to prevent its getting onto public rights-of-way or another's property. This provision shall not apply to dogs or puppies being obedience-trained which shall, however, be kept under reasonable restraint to prevent creation of a nuisance prohibited by this article. It shall be lawful for any law enforcement officer or other person duly appointed by the city manager to pursue and capture any dog or pup while it is running at large.

b. Any person convicted of a violation of this section shall be punished as follows:

First conviction.....	\$50.00 fine
Second conviction.....	\$100.00 fine
Third conviction or more during two year period.....	\$200.00 fine

If the owner of the dog proves to the satisfaction of the Court that the dog has been spayed or neutered, then the Court shall remit one-half of the fine.

*(Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-01, Adop. 1/02/2008; Ord. 7465, Adop. 6/13/1995; Ord. 7077, Adop. 2/10/1987)*

**Sec. 7-408. Same--Impoundment; disposition.**

a. Any dog found running at large within the city limits may be captured or taken up by any law enforcement officer of the city or other person duly appointed by the city manager, and impounded in a place provided for that purpose by the city. A record of all dogs impounded shall be kept. If the dog so impounded has no current registration tag, as provided for by Sec. 7-404, it shall be kept for 72 hours, and if within that time, the owner does not appear to claim such dog, it may be sold, euthanized or otherwise disposed of. If within 72 hours after impoundment the owner of an impounded dog shall appear and claim such dog, such dog shall be turned over to the person claiming it upon payment of an impoundment fee. An additional charge shall be added to such fee for each additional day or portion thereof such dog remains impounded.

b. An owner claiming an unregistered dog after impoundment, within 72 hours after said dog is claimed, shall produce proof of a current rabies vaccination for such dog for examination by the officials at the Hutchinson Animal Shelter.

c. Any impounded dog which has not been claimed within 72 hours after impoundment may be sold to any person.

d. If an impounded dog has a current registration tag attached to it, the owner of such dog, as shown by the records of the office of the Finance Department, the Hutchinson

Animal Shelter or the licensing agent, shall be notified as soon as possible. If the owner cannot be located within 72 hours after impounding, the officials at the Hutchinson Animal Shelter shall make reasonable efforts to locate the dog's owner.

e. If the dog so impounded has a current registration tag and the owner is duly notified but refuses to redeem the dog within a period of 72 hours after notice of impoundment, then the dog may be sold, euthanized or otherwise disposed of.

f. The payment of an annual registration fee and the wearing of a current tag shall not prevent impoundment, sale, euthanization or other disposition of any dog found running at large in violation of this article when the provisions of this section have been complied with. *(Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-01, Adop. 1/02/2008; Ord. 7077, Adop. 2/10/1987; Ord. 6669, Adop. 8/08/1978; Ord. 6908, Adop. 12/21/1982)*

#### **Sec. 7-409 Keeping of vicious dog prohibited; disposition.**

a. It shall be unlawful for any person to keep or harbor any vicious dog within the city. Dogs determined to be vicious shall be euthanized or otherwise disposed of by order of the municipal judge.

b. Penalties. Whoever violates any provision of this section shall be guilty of a misdemeanor and may be punished by a fine. In addition, upon a finding of violation of this section, the court may order euthanasia of the vicious dog, if the court finds, based upon frequency or severity of any injuries to a human being or domestic animal caused by said vicious dog, that confinement pursuant to this section is not likely to prevent future harm to human beings or domestic animals. *(Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-01, Adop. 1/02/2008; Ord. 7077, Adop. 2/10/1987)*

#### **Sec. 7-410 Entering buildings.**

Dogs may be permitted in public buildings and private businesses in the City, with the approval or consent of the owner, proprietor, principal, director, manager or other person in charge. A person who requires the assistance of a seeing eye dog or the services of a dog in an assistive capacity shall have the right to enter the facilities herein named. *(Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-01, Adop. 1/02/2008; ORd. 7077, Adop. 2/10/1987)*

#### **Sec. 7-411 Nuisances and excessive noise prohibited.**

a. It shall be unlawful for the owner of any dog to permit such dog to make excessive noise which may be reasonably expected to disturb a neighbor. An animal control officer or law enforcement officer may make an independent determination that the excessive noise is disturbing, or may be reasonably expected to disturb a neighbor.

b. The owner or keeper of any dog shall not permit such animal to become a nuisance.  
(*Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-01, Adop. 1/02/2008*)

**Sec. 7-412 Fighting.**

Every person who by words, sign or otherwise, sets any dog to fight, or causes any dog to attack any other dog, dogs or any other animal, or aids or abets or encourages any dog fight; or by words, signs or otherwise sets on or encourages any dog to attack or chase any human being not engaged in malicious or criminal acts; or being the owner, keeper or harbinger of any dog knowingly permits such dog to fight without endeavoring to prevent the same, shall be guilty of a misdemeanor. (*Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-1, Adop. 1/28/2008; Ord. 7077, Adop. 2/10/1987*)

**Sec. 7-413 Maintenance requirements.**

a. It shall be unlawful for any person to keep or maintain any dog contrary to the standards of Sec. 7-110 and 7-105.

b. Except as provided in this subsection, female dogs shall be kept securely confined within a building at all times while in heat. For purposes of this subsection, "building" means a structure which is completely enclosed by walls and a roof, and does not include a dog house. A female dog in heat may be allowed outside a building periodically for elimination of bodily wastes, but shall be kept under physical restraint by a competent person at all times.

c. All premises on which dogs are kept shall be subject to inspection by the Police Chief or his designee. If the Police Chief or his designee determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on him. Any dog kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Dogs shall be released after fees are paid and the cause for impoundment has been corrected.

(*Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-01, Adop. 1/02/2008; Ord. 7077, Adop. 2/10/1987*)

**Sec. 7-414 Limitation on number of dogs**

a. Except as provided in this section, it shall be unlawful for any person to keep more than four (4) dogs in or upon any property within the city.

b. Any person may apply for a kennel boarding permit to keep more than four (4) dogs which will be considered in the appropriate zoning district. Applications for such permits shall be made at the Hutchinson Animal Shelter. The animal control officer, after investigation of the property and the facilities, if any, for care and maintenance of dogs, shall:

1. Recommend approval of the permit if it appears that the property and its facilities are adequate for the care and maintenance of more than four (4) dogs without disturbance to the neighborhood; or

2. Recommend denial of the permit if it appears that more than four (4) dogs cannot be kept and controlled safely and without disturbance to the neighborhood.

*(Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-01, Adop. 2/01/2008; Ord. 7077, Adop. 2/10/1987)*

**Sec. 7-415 Guard dogs - registration and posting.**

a. Any person keeping a trained guard dog in the city shall register such dog with the Police Chief or his designee.

b. A conspicuous notice shall be posted on any premises where a guard dog is kept, warning persons of the nature of the dog confined therein.

c. Any person operating a guard dog service in the city shall notify the Police Chief or his designee of each property to be guarded by any such dog prior to commencement of the service upon such property.

*(Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-1, Adop. 1/28/2008; Ord. 7077, Adop. 2/10/1987)*

**Sec. 7-416 Importation and sale of dogs and pups.**

a. It shall be unlawful for any person to import dogs or pups into the city for the purpose of resale without obtaining from the original owner thereof a notarized certificate showing the date of birth of such dog or pup and the name and address of the original owner, or health certificate from a licensed veterinarian, which certificate shall be transferred to the purchaser of such dog or pup from the importer or person reselling the same.

b. It shall be unlawful to sell any imported dog unless the same has first been inoculated against rabies and a certificate of vaccination issued.

*(Ord. 2008-25, Adop. 9/16/2008; Ord. 2008-1, Adop. 1/28/2008; Ord. 7077, Adop. 2/10/1987)*

## **Cats**

### **Sec. 7-420 Limitation on Number of Cats**

a. It shall be unlawful for any person to keep more than six (6) cats over the ages of six (6) months in or upon any property within the City. (*Ord. 2008-25, Adop. 9/16/2008*)