

(Published in the Cawker City Ledger May 14, 2020)

ORDINANCE NO. 734

AN ORDINANCE AMENDING THE EXEMPTIONS TO THE PROHIBITION ON THE NUMBER OF DOGS ALLOWED IN THE CITY OF GLEN ELDER; AMENDING SECTIONS 2-101 AND 2-125 OF THE GLEN ELDER CITY CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GLEN ELDER, KANSAS

SECTION 1. Section 2-101 of the City Code of Glen Elder, Kansas, 2014 edition, and amendments thereto, is hereby amended to read as follows:

2-101. DEFINITIONS. For the purposes of this chapter, the following words and phrases shall mean:

(a) Abandon includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

(b) Animals means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

(c) Animal Shelter means the facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

(d) At-large means to be outside of a fence or other enclosure which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be at-large.

(e) Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(f) Cat means any member of the species felis catus, regardless of sex.

(g) Commercial Kennel Operation shall mean engaging in the commercial business of breeding, buying, selling, trading, training or boarding dogs.

(h) Commercial Kennel Premises shall mean real estate upon which commercial kennel operations are conducted, whose location has been identified on the operator's most recent license application resulting in issuance of a commercial kennel license under Ordinance No. 482 of the city, or this code.

(i) Dangerous or Vicious Animal means any animal deemed to be dangerous or vicious per section 2-115.

(j) Dog means any member of the species canis familiaris, regardless of sex.

(k) Fixed Commercial Kennel shall refer to a commercial kennel operation on commercial kennel premises where no kennel building employed in the commercial kennel operations is moveable and each kennel building is fixed or attached permanently to the real estate, and not removable, as by means of cement, plaster, nails, bolts or screws. 2-2

(l) Fowl means all animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

(m) Harbor means any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

(n) Humane Live Animal Trap means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

(o) Humanely Euthanize means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

(p) Hunting Guide Service Entity means a current corporation, limited liability company, or limited liability partnership organized under the laws of the State of Kansas that provides guided, semi-guided, or unguided hunting opportunities.

(q) Immediate Control means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(r) Kennel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than two dogs.

(s) Licensee shall mean a person holding a valid unrevoked and otherwise current commercial kennel license issued under this chapter.

(t) Livestock includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

(u) Moveable Commercial Kennel shall refer to a commercial kennel operation on commercial kennel premises where any kennel building employed in the commercial kennel operations is moveable and is not fixed or attached permanently to the real estate, and not removable, as by means of cement, plaster, nails, bolts or screws.

(v) Neutered means any male or female cat or dog that has been permanently rendered sterile.

(w) License Applicant shall mean a person who has applied for a dog kennel license by filing a valid written license application with the city clerk.

(x) Own means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.

(y) Owner means the one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in subsection (q) above.

(z) Vaccination means an injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

(aa) Veterinarian means a doctor of veterinary medicine licensed by the State of Kansas.

SECTION 2. Section 2-125 of the City Code of Glen Elder, Kansas, 2014 edition, and amendments thereto, is hereby amended to read as follows:

2-125 SAME; EXEMPTIONS. Except as otherwise provided herein, after September 5, 1989, the following persons shall be exempt from certain prohibitions set out in section 2-124:

(a) A licensee shall be exempt from the provisions of sub-section 2-124(c)(1).

(b) A licensee shall be exempt from the provisions of sub-section 2-124(c)(2), provided, however, that a moveable commercial kennel shall not be relicensed hereunder, and any current valid license shall terminate upon any transfer of possession or title to the commercial kennel premises.

(c) An Ordinance No. 482 license applicant shall be exempt from the provisions of sub-section 2-124(c)(1) until and if the license is granted.

(d) An Ordinance No. 482 license applicant shall be exempt from the provisions of sub-section 2-124(c)(2) until and if the license is granted, provided, however, that a moveable commercial kennel, if licensed, shall not be relicensed hereunder, and any current valid license shall terminate, upon any transfer of possession or title to the commercial kennel premises.

(e) Any person or household owning or harboring more than two dogs as of May 4, 2020 shall be exempt from the provisions of sub-section 2-124(c)(1) until the currently owned or harbored dogs are no longer being harbored within the City of Glen Elder.

(f) Any person operating, or employed by, a hunting guide service entity, as defined in 2-101 of the Glen Elder City Code and the amendments thereto, shall be exempt from the provisions of sub-section 2-124(c)(1) up to a limit of four dogs within a single household so long as the aforementioned entity is, and stays, in active and good standing and all of the dogs that bring the number over the prohibition outlined in 2-124(c)(1) are, or have, been used in the operation of the hunting guide service entity.

SECTION 3. Sections 2-101 and 2-125 of the Code of the City of Glen Elder, Kansas, except as specifically amended herein, are repealed.

SECTION 4. EFFECTIVE DATE. That these ordinances shall take effect and be in force from and after their passage and being published one time in the official city newspaper .

PASSED and ADOPTED by the Governing Body and signed by the Mayor this 4 day of May, 2020.



Ryan Duskie, Mayor

ATTEST:



Jerri Senger, City Clerk

