

First published in the Abilene Reflector Chronicle on December 15, 2021

ORDINANCE NO. 21-3408

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS BY AMENDING EXISTING SECTIONS 4-101, 4-117, AND 4-118 TO REPEAL THE PROHIBITION ON OWNING PIT BULL DOGS, AND TO CLASSIFY AND REGULATE RECKLESS ANIMAL OWNERS, ALL WITHIN THE CITY OF ABILENE, KANSAS.

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

SECTION 1. Section 4-101 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

4-101. Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

- (a) Abandon means 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 cats (any member of the species *feliscatus*), dogs (any member of the species *canis familiaris*), bovine cattle, horses and other equines, hogs, goats, 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, regardless of sex.
- (c) Animal Shelter means the facility or facilities operated by the city or its authorized agents for the purpose of impoundment 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) Fowl means all animals that are included in the zoological class aves.
- (g) 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.
- (h) 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.
- (i) Humanely Euthanasia 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.

- (j) Immediate Control means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.
- (k) Kennel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one (1) location only, five (5) or more dogs.
- (l) Livestock includes, but is not limited to cattle, horses, goats, sheep or other animals, commonly regarded as farm or ranch animals.
- (m) Neutered means any male or female cat or dog that has been permanently rendered sterile.
- (n) Own means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal, including, but not limited to cats, dogs, exotic animals, fowl and livestock. 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.
- (o) Owner means the one who owns, or an employee, agent, or other competent person into whose charge the actual owner has placed an animal described in Subsection (n) above.
- (p) 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.
- (q) Veterinarian means a doctor of veterinary medicine licensed by the State of Kansas.
- (r) Vicious animal means:
 - (1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - (2) Any animal which attacks a human being or domestic animal without provocation;
 - (3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; and
 - (4) Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any Law Enforcement Officer or Animal Control Officer while such officer is engaged in the performance of official duty.

SECTION 2. Section 4-117 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

4-117. Prohibited animals.

It shall be unlawful to keep, harbor, own or in any way possess:

- (a) Any domestic livestock or fowl, including but not limited to cattle, swine, horses, mules, sheep, goats, chickens, ducks, geese and turkeys, except that:
 - (1) Registered purebred miniature Vietnamese pot-bellied pigs and other similar registered purebred miniature pigs may be maintained within the city limits, subject to the conditions stated in Section 4-123 below; and
 - (2) Permitted chickens may be maintained within the city limits, subject to the conditions stated in Section 4-124 below.
- (b) Any warm-blooded, carnivorous, or omnivorous, wild or exotic animals (including, but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic

cats but excluding fowl, ferrets and small rodents or varieties used for laboratory purposes).

- (c) Any animal having poisonous bites.

SECTION 3. Section 4-118 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

4-118. Reckless Animal Owner.

- (a) Any person convicted of:
 - (1) a violation of any provision of this article three (3) or more times in a 24 (twenty-four) month period; or
 - (2) a violation of section 4-116 two (2) or more times in any five-year period, shall be declared a reckless animal owner.
- (b) The Police Chief shall issue a notification of the declaration of reckless animal owner to the person with the following:
 - (1) name and address of the person subject to the declaration;
 - (2) the description, violation, and conviction that led to the declaration;
 - (3) the name, description, and license number of all animals subject to the effects of the declaration; and
 - (4) instructions on appealing the declaration to the City Commission.

A person declared to be a reckless animal owner may appeal to the City Commission within 30 days of the date of the declaration. Upon appeal, the person must provide clear and convincing proof that the person does not qualify as a reckless animal owner under this section.
- (c) Once declared a reckless animal owner, the city registration of all animals owned by the person shall be revoked, and the person shall not own, keep, possess, or harbor an animal for a period of five (5) full years from the date of the declaration.
- (d) A person declared to be a reckless animal owner may apply to the Police Chief to have the declaration waived after two (2) years upon meeting the following conditions:
 - (1) The person has no subsequent violations of this article; and
 - (2) The person provides proof to the Police Chief of successful completion of a program designed to improve the person's understanding of animal ownership responsibilities and based upon an interview with the Police Chief, or his or her designee, establishes that understanding.

If the Police Chief finds sufficient evidence that the person has complied with all conditions in this subsection, the Police Chief may rescind the reckless owner declaration subject to conditions that can help to ensure no future violations. If the Police Chief declines to remove the declaration, the person aggrieved may appeal to the City Commission within 30 days of that decision. Upon appeal, the person must provide clear and convincing proof that ownership of any animal in the future will be handled responsibly and not in violation of any law or ordinance.

SECTION 4. Existing Sections 4-101, 4-117, and 4-118 are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

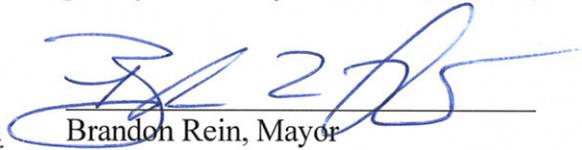
Ordinance No. 21-2408 Summary

SECTION 5. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 21-2408 Summary

On December 13, 2021, the City Commission passed Ordinance No. 21-3408. The ordinance amends Chapter 4 of the City Code of the City of Abilene, Kansas by amending existing Sections 4-101, 4-117, and 4-118 to repeal the existing prohibition on owning pit bull dogs, and to classify and regulate reckless animal owners, all within the City of Abilene, Kansas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 13th day of December 2021.



Brandon Rein, Mayor

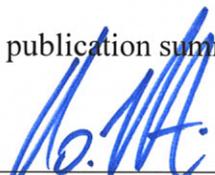
Attest:



Shayla Mohr, City Clerk



The publication summary set forth above is certified this 13th day of December 2021.



Aaron O. Martin, City Attorney