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Kansas - El Dorado

El Dorado, Kansas Municipal Code. Title 6 ANIMALS. Chapter 6.20 WILD AND DANGEROUS ANIMALS

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Citation: EL DORADO, KS., CODE OF ORDINANCES §§ 6.04.010 - 6.04.050 (2009)

Summary:

In El Dorado, Kansas, it is unlawful to keep, harbor, own or possess any pit bull dog, with an exception for dogs registered by March 1, 1988. Such dogs may remain within the city subject to the requirements, such as keeping it on a leash or confined and the use of "Beware of Dog" signs. A violation may result in a fine of up to \$1,000, imprisonment up to 30 days, and/or an order to pay all costs for the dog's care. The dog may also be ordered removed from the city or impounded.

Ordinance Text in Full:

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6.04.010 Definitions.

As used in this title:

"Abandon" means to leave any animal domestic or otherwise behind for others to look after, especially meant to be a personal responsibility.

"Animal control officer." The city manager or his or her designated agent may appoint person(s) to be known as the animal control officer(s), whose duty it shall be to carry out enforcement of this section.

"Animal shelter" means any facility operated by the city, or its authorized agents, for the purpose of

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after this law was passed and the dogs registered before this date were allowed to stay in city limits, how many "issues" were there with those pit bulls?

impounding or caring for animals held under the authority of this title or state law.

"Animals" means all warm-blooded vertebrate animals such as, but not limited to bovine cattle, horses and other equines, swine, goats, rabbits, sheep, dogs, cats, chickens, ducks, geese, turkeys, pigeons and other wild mammals, or birds that have been tamed, domesticated or captivated, but shall exclude small cage birds or aquatic and amphibian animals kept solely as pets.

"At large." An animal shall be deemed to be at large if off the premises of its owner and not under the immediate responsive control of a responsible person.

"Circus" means a commercial variety show featuring animal static display for the public at a fee or a part of a charity.

"City manager" means the manager of the city, or his or her duly designated and authorized representative.

"Commercial animal enterprise" means and includes but not be limited to enterprises such as kennels, pet shops, riding stables, animal auctions, performing animal exhibitions, animal training services, grooming shops, petting zoos, aviaries or any similar entrepreneurial relationship regarding animals.

"Dangerous animals" means any vicious or hazardous animal, pit bull dog, or any animal or animals that constitute a serious physical threat to human beings or other animals. *German Shepherds, etc?*

"Feral cat." A feral cat is a cat which has been separated from domestication, whether through abandonment, loss, or running away, and become wild. The term also refers to descendants of such cats, but not to wild cats, whose ancestors were never domesticated. Feral cats usually cannot be re-socialized. Feral kittens, however, can be socialized to live with humans if they are taken from a feral colony before they are about twelve (12) weeks old.

"Harbor" means to possess while in the act of keeping and caring for an animal; or of providing a premises to which the animal returns for food, shelter or care for a period of three days or longer.

"Household" means those members of a family living in the same dwelling unit.

"Kennel" means premises wherein an owner has more than four dogs or four cats, or any combination thereof, or any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

"Livestock" means and includes the following animals: bovine cattle, horses and other equine, swine, goats, sheep and fowl such as, but not limited to, chickens, geese, ducks and turkeys.

"Minimum age" means an animal not more than four months of age.

"Neglect" means to mistreat through intent to abuse or reckless abandon of any animal in a manner that causes or is likely to cause stress or physical injury or as otherwise stated in this chapter.

"Own" means to keep, harbor, shelter, control, manage, possess or have part interest in any animal.

"Owner" or "presumed owner" means any person, partnership or corporation who has purchased or who owns, keeps, maintains, harbors or has care, custody or control of one or more animals. Ownership may

be determined by identifying an adult resident of the premises upon which the animal is kept, maintained, harbored or otherwise resides and such adult shall constitute the owner of the animal upon such premise. Each actual resident of the premises shall be the owner or presumed owner and charged with responsibility for the animals thereon maintained or harbored. For the purpose of this title, if the owner of an animal(s) is a minor, the parent or guardian of the minor shall be responsible for compliance with these regulations for that animal(s).

"Pet" means any animal kept for pleasure rather than utility.

"Public nuisance" means any animal or animals which:

1. Molests passers-by or passing vehicles;
2. Attacks person(s) or other animals;
3. Trespasses on school grounds;
4. Is repeatedly at large specifically, three or more times per twelve (12) month period;
5. Damages private or public property;
6. Barks, whines or howls in an excessive, continuous or untimely fashion; or
7. Deposits excretory matter on property other than that of the owner. Repeatedly defecates on property not belonging to or under the control of its owner, unless such waste is immediately removed and properly disposed of by the owner of the animal (including domestic cats);
8. Produce odors or unclean conditions sufficient to annoy persons living in the vicinity; or
9. Is unconfined when in heat.

"Public place" as used herein, means any place to which the public or a substantial group of the public has access. It shall include, but is not limited to, shops, stores and flea markets.

"Quarantine" means a period of ten days used for observation of a domestic or pet animal to determine the health status of that animal in relation to the rabies virus.

"Quarantine by owner" means an animal owner who quarantines with animal control officer's permission under the following conditions:

1. Animal must have current rabies vaccination and be registered with animal control;
2. Animal must be inside an enclosed structure, i.e., house or garage, and must remain there for ten days;
3. If maintained outside, animal must be behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape. The length of the chain must prevent the animal from making contact with the fence in which it is kept;

4. Animal must be kept away from other animals and people except those in the immediate household;
 5. Animal may not be removed from corporate city limits of El Dorado while under quarantine;
 6. Owner shall notify animal control officer immediately if animal becomes sick or displays any behavioral changes;
 7. Owner shall not subject the animal to any medical procedure, without first notifying the animal control division. This includes vaccinations;
 8. Animal must be examined by the animal control division or designee by the first day of home quarantine and again on the final day of quarantine.
- Upon final examination the authority may declare the animal to be free of the rabies virus or under questionable circumstance defer such examinations to a licensed veterinarian. In such instances, owner shall be responsible for all associated costs and when required produce proof of such veterinarian examinations;
9. Owners who are deemed habitual offenders as defined herein, shall not be allowed home quarantine;
 10. Owner must allow animal control, with reasonable notice, to view and confirm the health of the animal during the rabies quarantine period.

"Serious injury" means bodily injury resulting from severe attack or severe bite from an animal which produces severe pain, trauma, loss of blood or tissue, and which requires medical treatment of wounds inflicted by the animal.

"Severe attack" means an attack in which the animal repeatedly bites or vigorously shakes its victim, and the victim, or a person intervening, has extreme difficulty terminating the attack.

"Severe bite" means a puncture or laceration made by an animal's teeth which breaks the skin, resulting in a degree of trauma which would cause a prudent and reasonable person to seek medical care for treatment to the wound, without considerations of rabies prevention alone.

"Stray animal" means any dog, cat or animal appearing or remaining in a neighborhood or any public place without an apparent home.

"Supervisor" means the supervisor of animal control and his or her designee.

"Tattoo" means a permanent mark which is made on the skin of an animal by puncturing the skin and inserting indelible color, and which is used to show ownership.

"Unprovoked attack" means that the animal was not hit, kicked, teased, molested or struck by a person with an object or part of a person's body nor was any part of the animal's body pulled, pinched or squeezed by a person.

"Wild animal" or "wildlife" means any nondomestic creature (mammal, amphibian, reptile or fowl) which is of a species which is wild by nature, which can normally be found in a wild state, and which is

not naturally tame or gentle, or which, because of its size, vicious nature and other characteristics, constitutes a danger to human life or property including all animals identified herein as prohibited.

"Wild or exotic animal" means birds or animals not commonly kept domestically or that are not native to Butler County and/or the United States, excluding fowl, ferrets and small rodents.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

6.20.020 Dangerous animals.

It is unlawful for any person within the city to keep, own or harbor any dangerous animal as determined by the control officer, using established departmental guidelines, unless such person shall conform to regulations for keeping such animals in Section 6.20.060 of this chapter.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

6.20.030 Vicious animals.

Keeping Vicious Animals--Court Action. Upon a finding by the Municipal Court that any animal in the city is vicious as deemed by the animal control division, the judge of the municipal court shall order the animal seized, impounded and destroyed by the proper authority. The judge of the municipal court may permit the owner to post cash bond in the sum of up to five thousand dollars (\$5,000.00) to ensure that the vicious animal is confined in a manner which protects humans and domestic animals from possible bite and/or attack. If such vicious animal is found by the judge of the municipal court to have not been confined in an appropriate manner during the bond period, such bond shall be forfeited to the city in addition to any other penalties imposed. Lack of knowledge by the owner of the viciousness of an animal shall not be a defense to any action brought under this section.

If a pit bull is believed to be dangerous then it needs to be found by the court that it is.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

6.20.040 Pit bull prohibitions.

A. It is unlawful to keep, harbor, own or in any way possess within the corporate limits of the city any pit bull dog as defined by administrative regulation; provided that pit bull dogs properly registered with the city by March 1, 1988, and kept within the city continuously since that time, may remain within the city subject to the requirements set forth in Section 6.20.060 of this chapter.

B. Any person violating or permitting violation of any provision of this chapter shall, upon conviction in municipal court, be fined a sum not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the court shall order the registration of the subject pit bull revoked and the dog removed from the city. Should the defendant refuse to remove the dog from the city, the judge of the municipal court shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this chapter occurs shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

6.20.050 Keeping of dangerous animals.

The keeping of such animals as described in Sections 6.20.020, 6.20.030 and 6.20.040 of this chapter shall be subject to the following standards:

- * A. **Leash and Control.** No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a responsible adult is in physical control of the leash. Such animals may not be leashed or chained to inanimate objects such as trees, posts, buildings, etc.
- * B. **Confinement.** All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than eighteen (18) inches. All structures erected to house dangerous animals must comply with all zoning and building regulations of the city.
- * C. **Confinement Indoors.** No dangerous animal may be kept in any part of a house or structure in a manner that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- * D. **Signs.** All owners, keepers or harbors of dangerous animals within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" or similar language. In addition, a similar sign is required to be posted on the kennel or pen of the animal.
- * E. **Reporting Requirements.** All owners, keepers or harbors of dangerous animals must within ten days of the incident, report the following information in writing to the city clerk or control officer as required hereinafter:
1. The new address of a dangerous animal should the owner move within the corporate city limits;
 2. The removal from the city or death of a registered pit bull dog;
 3. The birth of offspring of a registered pit bull dog.
- F. **Sale or Transfer of Ownership Prohibited.** No person shall sell, barter or in any other way dispose of a dangerous animal to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; providing that the registered owner of a dangerous animal may sell or otherwise dispose of said animal, or the offspring of a registered pit bull dog, to persons who do not reside within the city.
- G. **Animals Born of Registered Pit Bull Dogs.** All offspring born of pit bull dogs registered with the city must be removed from the city within six weeks of the birth of such animal.
- H. **Failure to Comply.** It is unlawful for the owner, keeper or harbors of a dangerous animal to fail to comply with the requirements and conditions set forth in this chapter. Any animal found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate

*A-E are great
viscous dog
laws!*

removal of the animal from the city.

(Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

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