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**DANGEROUS ANIMALS**

**ORDINANCE NO. 431**

**AN ORDINANCE PROHIBITING PERSONS FROM OWNING, KEEPING OR HARBORING ANY DANGEROUS ANIMALS, SETTING FORTH PROCEDURE FOR FILING COMPLAINTS AGAINST PERSONS OWNING, KEEPING, OR HARBORING DANGEROUS ANIMALS, SPECIFYING VIOLATION AND PENALTIES REGARDING OWNING OR KEEPING DANGEROUS ANIMALS, COSTS TO BE PAID BY RESPONSIBLE PERSONS VIOLATING DANGEROUS ANIMAL ORDINANCES IN THE CITY OF KENSINGTON, KANSAS, AND REPEALING ORDINANCE NO. 376.**

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

1. No person shall own, keep or harbor any dangerous animal in the City of Kensington, Kansas.
2. For the purposes of this ordinance, and any other ordinance referring to “dangerous animal,” said terms shall be defined as follows:
3. Any mammal, amphibian, fish, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics could constitute a danger to human life, physical well-being, or property, including but not limited to lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is 20 pounds or more, foxes, elephants, alligators, crocodiles, and snakes which are venomous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup including but not limited to, boa constrictors, Madagascar ground boas, green and yellow anacondas, Cuban boas, Indian pythons, reticulated pythons, African rock pythons, Amethystine pythons, Boelen’s pythons and all members of the family Pythonidae that exceed six feet in length.
4. Any dog or cat having a disposition or propensity to attack or bite any person or animal without provocation is hereby defined as a “dangerous animal.” For the purpose of this ordinance, where the official records of the Chief Animal Control Officer, City Clerk, or Law Enforcement Officer indicate a dog or cat has bitten any person, it shall be prima facie evidence that said dog or cat is a dangerous animal.
5. “Person” includes any natural person, association, partnership, organization or corporation.
6. Effective date: This ordinance shall take effect and be in force from and after its publication in the Smith County Pioneer.
7. Procedure for filing complaints against person owning, keeping, or harboring dangerous animals.
8. Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal in violation of any ordinance adopted by the City of Kensington, Kansas, the Chief Animal Control Officer, his/her authorized deputy, or any law enforcement officer charged with enforcing the laws in said City, shall forthwith cause the matter to be investigated; and if after investigation, the facts indicate that such person named in the complaint is in fact the owner, or is keeping or harboring any such animal in the City, he/she shall forthwith send written notice to such person requiring such person to safely remove said animal from the City within 5 days of the date of said notice. Notice, as herein provided, shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, or has escaped and is at large, in which case the Chief Animal Control Officer, his/ her authorized deputy or any law enforcement officer charged with enforcing the laws of said City, shall cause said animal to be immediately seized and impounded, or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
9. Violation and penalties regarding owning or keeping dangerous animals in the City.
10. Any person violating or permitting the violation of any provision of the ordinances of the City of Kensington, Kansas, wherein a dangerous animal is kept, owned or harbored in the City of Kensington, Kansas, shall upon conviction in the Municipal Court, be fined a sum not less than $200 and not more than $1,000. In addition, the court shall order the registration of and permit for the subject dangerous animal from the City. Should the defendant refuse to remove the dog or other dangerous animal from the City, the Municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.
11. Reasonable costs to persons violating dangerous animal ordinances.
12. Any reasonable costs incurred by the Chief Animal Control Officer, his/her authorized deputy, or any law enforcement officer charged with enforcing the laws of the City of Kensington, Kansas, in seizing, impounding, confining or disposing of any dangerous or wild animals, pursuant to the ordinances of the City of Kensington, Kansas, shall be collected by the City Clerk.

**PASSED AND APPROVED** by the City Council the 16th day of December, 2019.

SIGNED BY the Mayor this 16th day of December, 2019.

 *Signature*

Dave Wahl, Mayor

 City of Kensington, Kansas

ATTEST:

*Signature*

Amber B. Hardacre, City Clerk

City of Kensington, Kansas