

COUNCIL MEMO

DATE: 5/20/2020

SUBJECT: MCRWD #1 Water Contract

ORIGINATING DEPARTMENT: Administration

DISCUSSION:

This contract needs to be renewed. I will have a more in depth analysis of a proposed water rate structure at our meeting.

Respectfully submitted,
Jason Rabe
City Manager

WATER PURCHASE AGREEMENT

THIS Water Purchase Agreement (the "Agreement"), is made and entered into this ____ day of May, 2020, by and between the City of Beloit, Kansas (the "City") and Rural Water District No. 1, Mitchell County, Kansas (the "Water District").

Background and Purpose: The City is a city of the second class that owns and operates a public water supply, including a water production system supplied from water diverted from the Solomon River in Mitchell County, Kansas. The City produces water and delivers that water for sale to its retail and wholesale water customers. The water produced by the City has been approved by the Kansas Department of Health and Environment ("KDHE") for domestic use. The City is currently in the design phase of a significant upgrade to its Water Treatment Plant. Once these upgrades are complete, the water will be diverted directly from Waconda Lake and treated through an ultrafiltration/reverse osmosis membrane system.

The Water District is a Kansas Rural Water District, organized as a quasi-municipal corporation pursuant to Kansas law. The Water District owns and operates a public water system and maintains this system of water mains and distribution lines in an area south of Beloit, Kansas, all of which is and shall be outside the corporate limits of the City.

The City and the Water District (collectively referred to as the "Parties") desire to enter into this Agreement where the Water District desires to purchase water from the City in wholesale quantities upon the terms and conditions hereinafter set forth.

In consideration of the mutual promises contained hereinafter, the Parties agree as follows:

1. **Sale and Purchase.** The City agrees to sell and deliver to the Water District, and the Water District agrees to purchase from the City for the term of this agreement, a minimum quantity of five hundred thousand (500,000) gallons of water each month at a cost per each thousand (1,000) gallons of water delivered at the rate of _____ (\$____) per thousand (1,000) gallons, including a chemical production cost adjustment based on the total cost of chemicals for each month divided by the total number of gallons treated monthly, adjusted by the five (5) year average of the cost of production.

2. **Rate Increase.** The Water District acknowledges that the City is undergoing a significant upgrade to its Water Treatment Plant and that a rate increase is expected once that project is complete. The Parties agree that the City's governing body has the right, from time to time, to increase its rate due to increases in costs of production, EPA or KDHE rules and regulations, or requirements of stricter drinking water standards. The City maintains the right to increase or decrease its rates as determined by the governing body to be in the best interests of the City.

3. **Term.** The term of this Agreement shall be for ten (10) years commencing the 1st day of June, 2020, and terminating on the 31st day of May, 2030, provided however this Agreement shall automatically renew for successive one (1) year terms following the original term hereof; unless either party notifies the other, in writing, at least six (6) months prior to the end of the original term or any renewal term of its desire to not renew.

4. **Payment and Billing.** A statement for water utility services will be mailed on or about the first of each month. Payment for utility services is due on or before the tenth of the month following the date the statement is mailed. A late fee of 5% is charged for any amount remaining unpaid after the tenth of the month. In the event the Water District, acting in good faith, disagrees with the amount of a monthly bill, written notice shall be sent to the City within five (5) days of receipt of the statement. Upon receipt of this notice, the City Clerk shall schedule a hearing before the municipal judge or other person acting as hearing officer designated by the governing body and notify the Water District of the time and place of such hearing, said hearing shall be held within three (3) working days following receipt of the notice from the Water District.

5. **Point of Delivery.** The connection point between the City's system and the Water District is located at _____. The City agrees to maintain its existing main which delivers water to this location. The Water District is responsible for all maintenance of its meter and distribution system beyond this point. The City may, from time to time, require the Water District, at its expense, to test its water meter to determine if the meter is operating in accordance with the calibration standards of such meter and to see that it is maintained in accordance with regular customary practices.

6. **Force Majeure and Curtailments.** The City is committed to providing the Water District with a continuous supply of water except for:

- a. interruptions due to force majeure;
- b. equipment failure or water treatment facility breakdowns;
- c. other circumstances that would prevent the City from obtaining adequate supplies of drinking water to meet the demands of the City, in which event the City would not be required to supply the Water District with water and should any such event occur, the City shall immediately give notice by telephone to management of the Water District and the City shall not be liable to the Water District for any loss or damage arising from failure, interruption, or suspension of water supply to the Water District.

7. **Binding Agreement.** This Agreement shall be binding upon and inure the benefit of the successors and assigns of the respective parties but is not assignable by either party without the express written consent of the other Party. No assignment of this Agreement shall relieve the assignor of its obligations hereunder. This Agreement shall in all respects be subject to the rules, regulations and orders of all governmental authorities having jurisdiction of the subject matter hereof, and subject to the rules and regulations as may be applied to the parties by such governmental authorities. To the extent any provision of this Agreement is held unenforceable or invalid under applicable law, such invalidity shall not affect any other provisions of this Agreement which can be given effect without the invalid provisions and, to this end, the provisions hereof are severable.

8. **Amendments.** This Agreement may be amended from time to time by mutual agreement of the City and the Water District; provided, however, that any such amendment must have the written approval of the governing boards of each of the parties.

9. **Entire Agreement.** This Agreement constitutes the entire agreement between the City and the Water District regarding the subject matter hereof, and supersedes any and all previous or contemporaneous understandings between the City and the Water District, whether written or oral.

IN WITNESS WHEREOF, the Parties hereto have signed this Agreement as on the dates indicated below.

CITY OF BELOIT, KANSAS

By: _____ Date: _____
Tom Naasz, Mayor

ATTEST:

By: _____
City Clerk

**RURAL WATER DISTRICT NO. 1,
MITCHELL COUNTY, KANSAS**

By: _____ Date: _____
Chairman

ATTEST:

By: _____
Secretary

COUNCIL MEMO

DATE: 5/20/2020

SUBJECT: MCRWD #3 Water Contract

ORIGINATING DEPARTMENT: Administration

DISCUSSION:

This will be our initial contract with MCRWD #3. I will have a more in depth analysis of a proposed water rate structure at our meeting.

Respectfully submitted,
Jason Rabe
City Manager

WATER PURCHASE AGREEMENT

THIS Water Purchase Agreement (the "Agreement"), is made and entered into this ____ day of May, 2020, by and between the City of Beloit, Kansas (the "City") and Rural Water District No. 3, Mitchell County, Kansas (the "Water District").

Background and Purpose: The City is a city of the second class that owns and operates a public water supply, including a water production system supplied from water diverted from the Solomon River in Mitchell County, Kansas. The City produces water and delivers that water for sale to its retail and wholesale water customers. The water produced by the City has been approved by the Kansas Department of Health and Environment ("KDHE") for domestic use. The City is currently in the design phase of a significant upgrade to its Water Treatment Plant. Once these upgrades are complete, the water will be diverted directly from Waconda Lake and treated through an ultrafiltration/reverse osmosis membrane system.

The Water District is a Kansas Rural Water District, organized as a quasi-municipal corporation pursuant to Kansas law. The Water District owns and operates a public water system and maintains this system of water mains and distribution lines in an area north and east of Beloit, Kansas, all of which is and shall be outside the corporate limits of the City.

The City and the Water District (collectively referred to as the "Parties") desire to enter into this Agreement where the Water District desires to purchase water from the City in wholesale quantities upon the terms and conditions hereinafter set forth.

In consideration of the mutual promises contained hereinafter, the Parties agree as follows:

1. Sale and Purchase. The City agrees to sell and deliver to the Water District, and the Water District agrees to purchase from the City for the term of this agreement, a minimum quantity of ____ thousand (____) gallons of water each month at a cost per each thousand (1,000) gallons of water delivered at the rate of _____ (\$____) per thousand (1,000) gallons, including a chemical production cost adjustment based on the total cost of chemicals for each month divided by the total number of gallons treated monthly, adjusted by the five (5) year average of the cost of production.

2. Rate Increase. The Water District acknowledges that the City is undergoing a significant upgrade to its Water Treatment Plant and that a rate increase is expected once that project is complete. The Parties agree that the City's governing body has the right, from time to time, to increase its rate due to increases in costs of production, EPA or KDHE rules and regulations, or requirements of stricter drinking water standards. The City maintains the right to increase or decrease its rates as determined by the governing body to be in the best interests of the City.

3. Term. The term of this Agreement shall be for ten (10) years commencing the 1st day of June, 2020, and terminating on the 31st day of May, 2030, provided however this Agreement shall automatically renew for successive one (1) year terms following the original term hereof; unless either party notifies the other, in writing, at least six (6) months prior to the end of the original term or any renewal term of its desire to not renew.

4. **Payment and Billing.** A statement for water utility services will be mailed on or about the first of each month. Payment for utility services is due on or before the tenth of the month following the date the statement is mailed. A late fee of 5% is charged for any amount remaining unpaid after the tenth of the month. In the event the Water District, acting in good faith, disagrees with the amount of a monthly bill, written notice shall be sent to the City within five (5) days of receipt of the statement. Upon receipt of this notice, the City Clerk shall schedule a hearing before the municipal judge or other person acting as hearing officer designated by the governing body and notify the Water District of the time and place of such hearing, said hearing shall be held within three (3) working days following receipt of the notice from the Water District.

5. **Point of Delivery.** The connection point between the City's system and the Water District is located at the intersection of Highways 24 and 14 in Beloit. The City agrees to maintain its existing main which delivers water to this location. The Water District is responsible for all maintenance of its meter and distribution system beyond this point. The City may, from time to time, require the Water District, at its expense, to test its water meter to determine if the meter is operating in accordance with the calibration standards of such meter and to see that it is maintained in accordance with regular customary practices.

6. **Force Majeure and Curtailments.** The City is committed to providing the Water District with a continuous supply of water except for:

- a. interruptions due to force majeure;
- b. equipment failure or water treatment facility breakdowns;
- c. other circumstances that would prevent the City from obtaining adequate supplies of drinking water to meet the demands of the City, in which event the City would not be required to supply the Water District with water and should any such event occur, the City shall immediately give notice by telephone to management of the Water District and the City shall not be liable to the Water District for any loss or damage arising from failure, interruption, or suspension of water supply to the Water District.

7. **Binding Agreement.** This Agreement shall be binding upon and inure the benefit of the successors and assigns of the respective parties but is not assignable by either party without the express written consent of the other Party. No assignment of this Agreement shall relieve the assignor of its obligations hereunder. This Agreement shall in all respects be subject to the rules, regulations and orders of all governmental authorities having jurisdiction of the subject matter hereof, and subject to the rules and regulations as may be applied to the parties by such governmental authorities. To the extent any provision of this Agreement is held unenforceable or invalid under applicable law, such invalidity shall not affect any other provisions of this Agreement which can be given effect without the invalid provisions and, to this end, the provisions hereof are severable.

8. **Amendments.** This Agreement may be amended from time to time by mutual agreement of the City and the Water District; provided, however, that any such amendment must have the written approval of the governing boards of each of the parties.

9. **Entire Agreement.** This Agreement constitutes the entire agreement between the City and the Water District regarding the subject matter hereof, and supersedes any and all previous or contemporaneous understandings between the City and the Water District, whether written or oral.

IN WITNESS WHEREOF, the Parties hereto have signed this Agreement as on the dates indicated below.

CITY OF BELOIT, KANSAS

By: _____
Tom Naasz, Mayor

Date: _____

ATTEST:

By: _____
City Clerk

**RURAL WATER DISTRICT NO. 3,
MITCHELL COUNTY, KANSAS**

By: _____
Chairman

Date: _____

ATTEST:

By: _____
Secretary

COUNCIL MEMO

DATE: 5/20/2020

SUBJECT: Animal Control Ordinance Updates and Amendments

ORIGINATING DEPARTMENT: Administration

DISCUSSION:

Attached is an initial draft amending sections of our Animal Control Ordinance primarily revolving around at large fines, dangerous dog declaration process, leash laws, and ownership privileges after multiple violations. The included copy in your packet includes track changes to see the changes that have been made. This should continue to help us evolve the ordinance in order to encourage good pet ownership and deal with poor ownership and dangerous animals.

Respectfully submitted,
Jason Rabe
City Manager

ARTICLE 1. GENERAL PROVISIONS

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2-101. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

- (a) Animal means any live vertebrate creature, domestic or wild, other than humans, and including all fowl.
- (b) Animal Control Officer. The use of this title through this chapter shall be a reference to the Animal Control Officer and any staff assigned to work with the Animal Control Officer who may act to perform any duty under this chapter.
- (c) Animal hospital means any facility that has the primary function of providing medical and surgical care for animals and is operated by a currently licensed veterinarian.
- (d) Animal pound 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.
- (e) Attack means violent or aggressive physical contact with a person or domestic animal or violent or aggressive behavior that confines the movement of a person.
- (f) Bite means any penetration of the skin by teeth.
- (g) Caretaker a person who claims responsibility for a cat. Often used to refer to people who are caring for feral cats.
- (h) Cat means any member of the Felis Catus Family, male or female, regardless of age.
- (i) Catterie means any establishment where more than four (4) purebred cats, licensed under any nationally recognized cat fancy group, society or association, are kept as a hobby or profit, where the breeding of such animals is for the improvement of the breed, and where such cats are kept in a specific, indoor, enclosed area at all times. Any catterie owner shall reside only in "A-L", Agricultural, "I-1", Light Industrial, or "I-2", Heavy Industrial, zoning districts of the city, except that any person operating a catterie in any residential zoning district of the city at the time of the adoption of this chapter shall be permitted to continue catterie operation at such location, provided that such catterie is continuously licensed with the city from October 18, 2004 onward.
- (j) Chief of police means the duly appointed, highest-ranking officer in charge of the police department or his authorized representatives.
- (k) Commercial animal establishment means any pet shop, grooming shop, auction, riding stable, guard dog service, kennel, catterie, animal pound, other than that operated by the city, animal hospital, business keeping animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of the aforementioned establishments.

(l) Colony means a group of three or more free-roaming cats, not including young kittens too young to reproduce.

(m) Dangerous animal means

(1) any animal which has exhibited a vicious propensity toward persons or domestic animals and is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property;

(2) any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(3) any animal owned or harbored for the purpose of animal fighting, or any animal trained for animal fighting.

(n) Dog means any member of the *Canis Familiaris*, male or female, regardless of age.

(o) Exotic animal means

(1) any mammal not generally accustomed to live in or near human populations

(2) Poisonous reptiles of any length and non-poisonous reptiles over 8 feet in length. etc.)

(3) Poisonous arthropods (i.e., poisonous scorpions, poisonous spiders,

(4) All non-human primates.

(5) The definition of exotic animal shall also include, but is not limited to: antelope, badgers, bears, bison, any member of the large cat family (lion, cheetah, etc.), crocodilians, coyotes, deer, elephant, elk, game cock and other fighting birds, hippopotami, hyenas, llama, moose, ostriches, potbellied pigs, raccoons, rhinoceroses, skunks, and wolves.

(p) Feral Cat a cat who is too unsocialized (wild) to be handled and placed in a typical pet home. The cat may have been born to feral parents or may be a stray or abandoned cat that has become unsocialized.

(q) Free-roaming a cat who is allowed to wander at will off the owner/custodian's property or who is not confined in any way.

(r) Fowl any animal that is included in the zoological class Aves.

(s) Harboring means any person who shall allow any animal to habitually remain or lodge or be fed within his home, yard, enclosure, place of business or any other premises where he resides or which he controls.

(t) Hobby breeder means any person who owns more than five (5) but less than twenty (20) purebred, registered dogs or cats over the age of nine (9) months, which are habitually boarded and lodged within the person's domicile or yard where appropriately zoned; and who provides a fenced and/or totally enclosed exercise area; and provided that such animals are, at all times, kept in the fenced or enclosed area, except when under the personal and immediate control of the owner/custodian. To be considered a hobby breeder, a person must be a member, in good standing, of any national dog or cat fancy association; and provided furthermore, that the purpose and intent of breeding the animals is as a hobby and for the sole purpose of improving the breed.

(u) Household means all persons living in the same dwelling unit.

(v) Humane live animal trap means any cage trap that upon activation encloses an animal without placing any physical restraining upon any part of the body of such animal.

(w) Humane officer means any staff person employed at the city animal pound.

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

(y) Inhumane or cruel treatment or manner means any treatment to any animal which deprives the animal of necessary sustenance, including sufficient and wholesome food, potable water and protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment or neglect that causes suffering to such animal.

(z) Kennel means any premises upon which four (4) or more cats and dogs are kept, boarded, bred, trained for a fee, bought, and/or sold, except for commercial animal establishments otherwise, enumerated in this chapter. Any kennel shall be located only in "A-L", Agriculture, "I-1", Light industrial, or "I-2", Heavy industrial, zoning districts of the city, except that any person operating a kennel for cats or dogs in any residential zoning district of the city at the time of adoption of this chapter shall be permitted to continue kennel operating at such location, provided that such kennel is continuously licensed with the city from June 1, 1980 onward.

(aa) Large animal means any swine, bovine, goat, sheep, beast of burden or any other domestic or wild animal of similar or larger size.

(bb) Managed feral cat colony mean a colony of cats in which TTVAR-M has been or is being performed.

(cc) Microchip means a small electronic device inserted beneath the skin, between the shoulder blades, of an animal which can be scanned for identification purposes.

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

(ee) Notice to appear means a notice of a complaint of a violation requiring the violator to appear before the municipal judge, or in lieu of such appearance, pay such fine as is prescribed in this chapter.

(ff) Owner/custodian means the person owning, keeping, possessing or harboring any animal; or any person who feeds or shelters any stray animal for seventy-two (72) or more consecutive hours without reporting such animal to the animal pound or who professes ownership/custodianship of such animal. If a minor owns or keeps an animal, then any household head of which such minor is a member shall be deemed the owner/custodian of such animal under this chapter and shall be responsible as the owner/custodian, 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.

(gg) Premises means any parcel of land and any structure thereon in which any animal regulated by this chapter is housed and/or confined.

(hh) Proper tattoo means a legible, indelibly marked number corresponding to a system approved by the Animal Control Officer.

(ii) License tag means any system of animal identification approved by the City Clerk that does not involve alteration or permanent marking of any animal.

(jj) Small animal means any animal not within the definition of large animal, but including all dogs without reference to size.

(kk) Socialized a cat that is not afraid of people, particularly in a familiar environment; often used synonymously with tame.

(ll) Tethering refers to the practice of fastening a dog to a stationary object or stake, usually in the owner/custodian's backyard, as a means of keeping the animal under control. This term shall not refer to the periods with then animal is being walked or exercised on a leash.

(mm) To permit means to allow, consent, let, to acquiesce by failure to prevent or to expressly assent or agree to the doing of an act.

(nn) Vicious means angry, ferocious or dangerous behavior or a habit, tendency or disposition to approach any person or domestic animal in an attitude of attack or aggression when there is no provocation; or to snap at, assault or bite any person or other domestic animal when there is no provocation.

(oo) Wild animal means any animal that is predominately free-roaming as opposed to domesticated, and includes those animals defined as exotic animals and any rabies carrying species for which no anti-rabies vaccine has been approved by the Centers for Disease Control.

(Ord. 1992, Sec. 1)

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2-101a. Duties of the City Manager.

Except where otherwise provided, it shall be the duty of the City Manager, through the Chief of Police and the Animal Control Officer, to administer and enforce the provisions of this chapter directly or through staff assigned to be supervised by the Animal Control officer.

2-101b. Duties of the police department.

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It shall be the duty of the Police Department officers to enforce the provisions of this chapter and any regulations issued by the Animal Control Officer, and to assist the Animal Control Officer in enforcing the provisions of this chapter.

2-101c. Duties of the animal control officer.

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It shall be the duty of the Animal Control Officer to administer and enforce the public health provisions of this chapter directly or through staff assigned to be supervised by the Animal Control officer. The Animal Control officer shall keep a record of all animal pound transactions and all enforcement and investigative activities conducted by the Animal Control Officer and police officers. The Animal Control Officer may issue standing and/or emergency regulations for rabies control, zoonosis control, the control or elimination of animal pests, and animal bite procedures that the officer finds necessary to protect the public health. Said regulations shall be filed with the City Clerk, the Animal Control Officer and the Chief of Police.

2-101d. Enforcement procedures.

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(a) The Animal Control Officer, the Chief of Police or any law enforcement officer are hereby authorized to issue a notice to appear to the owner/custodian of any animal in violation of any provision of this chapter, or any regulation issued by the Animal Control Officer. Such person may retain possession of the animal if it is the belief of the officer issuing such notice to appear that such possession is not in conflict with any other provision of this chapter.

(b) The Animal Control Officer, the Chief of Police or any law enforcement officer are hereby authorized to pick up and impound any animal violation of any provision of this chapter or any regulation issued by the Animal Control Officer, if the person owning or caring for such animal cannot be issued a notice to appear because such person is not known or present. Such animal shall be confined at the animal pound in a humane manner and shall be released upon satisfactory proof that the party claiming the animal is entitled to recovery and possession thereof, and upon payment to the City Clerk of all recovery fines described in this chapter and fees for care, feeding and treatment expenses established by resolution.

(c) In the interest of animal welfare, any person owning or caring for any animal in the city, by doing so, does thereby authorize the Animal Control Officer, the Chief of Police or any law enforcement officer to enter upon private property, other than within the residence, at reasonable times, where such animal is kept, if the officer has probable cause to believe the animal is being

kept in a cruel or inhumane manner. The Animal Control Officer, the Chief of Police or any law enforcement officer will examine such animal and impound such animal at the animal pound when, in the officer's opinion, it is being kept in an unlawfully cruel or inhumane manner. If entry is refused, the official shall have recourse to the remedies provided by law to secure entry.

(d) Any animal that has bitten a person may be removed from the property of its owner/custodian by the Animal Control Officer, the Chief of Police or any law enforcement officer, if such animal is in violation of examination or observation requirements prescribed by regulation of the Animal Control Officer.

(e) The Animal Control Officer, the Chief of Police or any law enforcement officer are hereby authorized to use humane live animal traps to capture any animal whose presence on private or public property constitutes a nuisance to persons or a threat to the public health or the health of domestic animals.

(f) It is unlawful for any person to interfere with the duties of the Animal Control Officer, the Chief of Police or any law enforcement officer by removing, or causing to be removed, the identification tag of any dog without the consent of the owner/custodian thereof; refusing to identify himself upon the request of an enforcement officer, when such officer has probable cause to believe that such person has violated this chapter; or in any other manner preventing the lawful discharge of enforcement duties prescribed by this chapter.

2-102. Removal and disposal of dead animals.

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(a) The Animal Control Officer shall be responsible for the removal of any dead animal found on public property within the city, except as otherwise provided in this section. In this section the term "dead animal" shall exclude any animal lawfully and humanely killed for food.

(b) No person having in his possession any dead animal shall permit the same to remain in or upon any private or public place. -

(c) Large dead animals shall be removed and appropriately disposed of by the owner/custodian, occupant or proprietor of the premises promptly after the death or discovery of such animal. If not so removed or properly disposed of, the Animal Control Officer shall remove such animal. The charge for such removal shall be established by resolution.

(Ord. 1992, Sec. 1)

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2-103. Emergency treatment of sick or injured cats and dogs.

(a) Any sick or injured cat or dog found at large in the city and wearing a current city license tag, identification tag or rabies vaccination tag shall be taken at once to a veterinarian for examination and treatment, and the owner/custodian of such animal shall be promptly notified. All charges for veterinary services shall be borne by such owner/custodian.

(b) Any sick or injured cat or dog found at large in the city without such identifying tag, tattoo or microchip shall be examined at once by the Animal Control Officer and held at the animal pound as prescribed in section 2-804.

~~(Ord. 1992, Sec. 1)~~

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2-104. Penalties.

(a) Wherever, in this chapter, any act is prohibited or is declared to be unlawful or the performance of any act is required or the failure to do any act is declared to be unlawful and no specific penalty or penalty range is provided by another subsection of this section, the violation of any provision in this chapter shall be punished by a fine not less than ~~\$5075.00~~ and not more than \$500.00 in accordance with the proposed penalties in this section, or by imprisonment for a period not exceeding six (6) months, or, by both such fine and imprisonment, at the discretion of the court. Each day any violation of this chapter continues shall constitute a separate offense.

(b) Any pet owner/custodian ~~issued a notice to appear for any of the following Level I sections of this chapter; found guilty of a violation of one of the following code sections shall be punished by a fine not less than \$50.00 for a First Offense, \$100.00 for a Second Offense, and \$175.00 for a Third or Subsequent Offense, up to a maximum of \$500.00.~~

Sec. 2-~~102204~~(b) Removal/disposal of dead animals

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Sec. 2-302(b)&(c) ~~-~~Animals prohibited/owning
Sec. 2-304 Location of yard housing of animals
Sec. 2-411 Animals in public building prohibited
Sec. 2-412 Removal of animal feces required
Sec. 2-414 Duty to report animal bites
Sec. 2-503 Report of motor vehicles striking animals
Sec. 2-504 Selling of certain animals prohibited
Sec. 2-507 Killing or molesting birds
Sec. 2-508 Retention of animals unlawfully

~~The fee for violations under this article shall be established by resolution.~~

(c) ~~Any pet owner/custodian found guilty of a violation of one of the following code sections shall be punished by a fine not less than \$75.00 for a First Offense, \$125.00 for a Second Offense, and \$200.00 for a Third or Subsequent Offense, up to a maximum of \$500.00. Any pet owner/custodian issued a notice to appear for any of the following Level II sections of this chapter:~~

~~Sec. 2-301 Numbers of dogs owned
Sec. 2-302(a) Prohibited owning
Sec. 2-402 Animal care requirements and prohibition of animal cruelty
Sec. 2-403 Proper identification of cats and dogs required~~

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- Sec. 2-404 ~~Running at large prohibited; exemptions when not also charged with a violation of Sec. 2-105. Dangerous or vicious animals occurring during the running-at-large.~~ Formatted: Indent: Left: 0", Hanging: 1.63", Space Before: 0 pt, After: 0 pt
- Sec. 2-405 Animal nuisance activities prohibited Formatted: Space Before: 0 pt, After: 0 pt
- Sec. 2-406 Excessive animal noise prohibited
- Sec. 2-407 Proper confinement of cats and dogs in heat required Formatted: Space Before: 0 pt, After: 0 pt
- Sec. 2-410 Rabies vaccination of cats and dogs required
- Sec. 2-505 Exposing poison to animals Formatted: Space Before: 0 pt, After: 0 pt
- ~~Sec. 2-415~~ ~~Proper maintenance of animal yard structures/pens required~~
- Sec. 2-602 Licensing of ~~eats and~~ dogs required
- ~~Sec. 2-301~~ ~~Numbers of animals owned; exemptions~~ Formatted: Space Before: 0 pt, After: 0 pt
- ~~Sec. 2-402~~ ~~Animal care requirements and prohibition of animal cruelty~~
- ~~Sec. 2-407~~ ~~Proper confinement of cats and dogs in heat required~~
- ~~Sec. 2-505~~ ~~Exposing poison to animals~~
- ~~Sec. 2-612~~ ~~Hobby breeders license required~~
- ~~Sec. 2-701~~ ~~Licensing of commercial animal establishments required~~

~~The fee for violations under this article shall be established by resolution.~~

~~(d) Any pet owner/custodian issued a notice to appear for any of the following **Level III** sections of this chapter:~~

- ~~Sec. 2-301~~ ~~Numbers of animals owned; exemptions~~
- ~~Sec. 2-402~~ ~~Animal care requirements and prohibition of animal cruelty~~
- ~~Sec. 2-407~~ ~~Proper confinement of cats and dogs in heat required~~
- ~~Sec. 2-505~~ ~~Exposing poison to animals~~
- ~~Sec. 2-612~~ ~~Hobby breeders license required~~
- ~~Sec. 2-701~~ ~~Licensing of commercial animal establishments required~~

~~The fee for violations under this article shall be established by resolution.~~

~~(e) Any pet owner/custodian found guilty of a violation of one of the following code sections shall be punished by a fine not less than \$150.00 for a First Offense, \$250.00 for a Second Offense, and \$350.00 for a Third or Subsequent Offense, up to a maximum of \$500.00. Any pet owner/custodian issued a notice to appear for any of the following **Level IV** sections of this chapter:~~

- ~~Sec. 2-105~~ ~~Dangerous or vicious animals~~

~~Sec. 2-302(a) Prohibited owning
Sec. 2-501 Dog fighting
Sec. 2-502 Cruelty generally~~

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~~(e) The number of prior offenses referenced refers to the owner/custodian and not the dog/animal.~~

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~~(1) A conviction of a first offense may require any or all of the following:~~

~~(A) appearance before the Municipal Court;~~

~~(B) animal confinement/impoundment;~~

~~(C) payment of fine of not less than \$100.00 and not greater than \$500.00 and any impound fees accrued; and/or~~

~~(D) compliance with confinement requirement.~~

~~(2) A conviction of a second or subsequent offense may require any or all of the following:~~

~~(A) appearance before the Municipal Court;~~

~~(B) removal of the animal from the city limits, or euthanization of the animal; and~~

~~(C) fine of not less than \$200.00 and not greater than \$500.00 or by the imprisonment for a period of not exceeding six (6) months, or by both such fine and imprisonment, at the discretion of the court, plus payment of any impound fees accrued, if applicable.~~

~~The fee for violations under this article shall be established by resolution.~~

~~(f) If the alleged offender fails to pay the requisite fine or fails to appear in court on the date set by the notice to appear, then a warrant shall be issued for the arrest of the alleged offender.~~

~~(g) Any person given a notice to appear because of a violation of the standing regulations of the Animal Control Officer shall not be permitted to waive trial or settle the instant alleged offense by mail.~~

~~(h) Any person convicted of fiveive (55) or more violations of the provisions of this chapter within a five (5) year period may be prohibited from owning any animal within the city for a period of three (3) years following the date of the fifth or consecutive conviction. Violations shall be tracked as of January 1, 2016 for purposes of determining prior violations and shall not be considered if such prior violation was older than five years on the date the current violation was found to have occurred.~~

~~(Ord. 2126; Code 2016)~~

2-105. Dangerous dogs; definitions.

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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Dangerous dog means:

- (1) Any dog with a known propensity, tendency or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic animals;
- (2) Any dog which in a vicious or threatening manner approaches any person in an apparent attack upon the person while on the streets, sidewalks, or any public grounds or places;
- (3) Any dog which has attacked, bitten, or seriously physically harmed ~~or bitten~~ a human being;
- (4) Any dog which has attacked or bitten a ~~or~~ domestic animal in an aggressive, vicious or threatening manner, ~~without provocation~~; or
- (5) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

Notwithstanding this definition of a dangerous dog, no dog may be declared dangerous if any injury or damage is sustained by a person or animal who at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No dog may be declared dangerous if an injury or damage was sustained by a person if the dog was responding to pain or injury; protecting itself, its kennel or its offspring; protecting or defending another human being within the immediate vicinity of the dog from an unjustified attack or assault; or involved in playful actions resulting in an unintentional bite wound. No dog may be declared dangerous if an injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog. Nothing in this section shall be deemed to regulate or prohibit the lawful maintenance of dogs by law enforcement agencies.

(b) It shall be unlawful for any person to own, possess, keep, or harbor a dog that such person knows, or reasonably should know, to be a dangerous dog, unless the owner, keeper or harbinger complies with the requirements of Section 2-107. Any person who keeps, harbors, controls, acts as a custodian of, or knowingly permits an animal to remain on or about any premises shall be deemed to own or possess the animal.

(c) Upon the occurrence of any event described in Section 2-105(a), the Animal Control Officer shall declare the dog as a dangerous dog as defined by this article.

~~(Ord. 1992; Ord. 2224; Ord. 2234)~~

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2-106. Dangerous dogs, appeal; administrative hearing.

(a) Any ~~owner/custodian~~person aggrieved by any decision, ruling, action, or finding by the City with respect to a determination of whether a dog is a dangerous dog as defined by this article may, within 10 days thereafter, file a written notice of appeal from the decision, ruling action, or finding to the municipal court for an administrative hearing thereon.

~~(b) An administrative fee of \$10.00 shall be paid to the Municipal Court for each appeal to the Municipal Court. No appeal shall be set for hearing until the fee has been paid.~~

~~(be)~~ The filing of an appeal under this subsection shall not stay any action taken pursuant to this article.

~~(cd)~~ The hearing on the appeal shall be conducted by the judge of the municipal court who shall act as an administrative judge for the purposes of this article. ~~Notice of the hearing shall be issued within three (3) days of receipt of the notice of appeal and shall be mailed by certified mail or personally served upon the dog owner/custodian at the last known place of residence. The hearing shall be held promptly within not less than five (5) nor more ten (10) days after mailing notice to the owner/custodian of the dog.~~ -The sole issue for determination shall be whether there is clear and convincing evidence that the animal is a dangerous dog as defined by this article. The Court shall make specific findings of fact and conclusions of law in each case.

~~(d) In making a determination of whether a dog is dangerous, the municipal judge may consider, but is not limited to the consideration of any one or all of the following factors:~~

~~(1) The seriousness and nature of any attack, bite or physical injury of a human being or domestic animal;~~

~~(2) Whether the dog has any history of attacking or biting a human being or domestic animal;~~

~~(3) Whether the dog has chased or approached a person upon any public or private property in an apparent attitude of attack;~~

~~(4) Whether the dog behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to a human being or domestic animal;~~

~~(5) Whether the dog has a known propensity, tendency or disposition to attack or bite unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals;~~

~~(6) Whether the dog has been previously determined, declared or adjudicated to be dangerous or vicious by the city and which jurisdiction uses substantially the same standards as the city for determination of a dangerous or vicious animal;~~

~~(7) The likelihood of attacks or bites in the future;~~

~~(8) The conditions or circumstances existing at the time of the approach, attack or bite, including, but not limited to:~~

a. Whether the dog was provoked;

b. Whether the victim was committing a willful trespass or other tort or was committing or attempting to commit a crime upon the premises occupied by the owner of the dog; or

c. Whether the dog was protecting or defending a human being or another animal within the immediate vicinity of the dog from an unjustified attack or assault.

(9) The conditions under which the dog is kept, enclosed or confined; and

(10) The status of the dog's license and vaccination as required by the Beloit City Code.

(e) Pursuant to its role as administrative judge, the court is empowered to subpoena witnesses, take testimony, and require the production of any evidence relating to any matter being heard. The failure of the owner, custodian, keeper or harbinger to attend or participate in the hearing shall not prevent the judge from making the appropriate determination concerning the dog.

(f) Any aggrieved party may appeal the decision and findings of the Municipal Court Judge pursuant to K.S.A. 60-2101 (d). However, the filing of an appeal under this subsection shall not stay any action taken pursuant to this article.

(g) While the appeal is pending, if the Animal Control Officer has probable cause to believe the dog in question may pose a threat of serious harm to human beings or other domestic animals, the dog may be impounded pending the determination by the judge. If the judge deems the animal dangerous, the owner/custodian shall be liable to the city for the costs and expenses of keeping such dog.

(Ord. 2224; Ord. 2234)

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2-107. Dangerous dogs, control; registration; confinement.

If a dog is dangerous by definition, is declared dangerous by the Animal Control Officer, or the municipal court judge determines that a dog is dangerous pursuant to this article, the owner or keeper of the dangerous dog shall be required to comply with the following:

(a) Registration. The owner or keeper shall annually register the dangerous dog with the city, on such forms designated by the city clerk. The owner or keeper shall pay a \$50.00 annual license fee. The owner or keeper shall be responsible for maintaining with the city clerk the address of the owner or keeper and the dangerous dog. The owner or keeper shall notify the city clerk within seven days of a change in address for the owner or keeper and dangerous dog, or the removal from the city limits or death, loss or theft of a registered dangerous dog.

(b) Confinement. All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel outdoors. Said enclosure shall be a fence or structure at least six feet in height, with a secure top suitable to confine a dangerous dog and shall meet the minimum size requirements in Section 2-402(c)(2). If such enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. It is unlawful for any owner or keeper to maintain a dangerous dog upon any premises that does not have a locked enclosure. It is unlawful for any owner or keeper to allow a dangerous dog to be outside of the dwelling of the owner or keeper or outside the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the dangerous dog or for the limited purposes of allowing the dangerous dog to urinate or defecate or to sell or give away the dangerous dog or respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner or keeper of the dangerous dog. No person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(c) Microchipping. All dangerous dogs shall have an identification microchip implanted in the dog which is compatible with local veterinarian detection equipment. The applicant shall provide proof of microchipping at the time application or reapplication is made for a dangerous dog license.

(d) Signage. All owners of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(e) Identification Photos. All owners of dangerous dogs shall provide a current photo of the dog being registered during the registration process for identification purposes.

(f) Spayed/Neutered. The dangerous dog shall be spayed or neutered by a licensed veterinarian. The application or reapplication for a dangerous dog license shall include documentation showing that the dog has been spayed or neutered.

(g) Insurance. Any owner of a dangerous dog shall maintain liability insurance in the single-incident in the amount of \$100,000.00 for bodily injury or death of any person(s), or for damage to property which may result from actions of the dangerous dog, or from action or inactions of the owner related to the dangerous dog. The application or reapplication for a dangerous dog license shall include a certificate of liability insurance that indicates the required insurance level and is valid for the intended registration period.

~~(Ord. 2224; Ord. 2234)~~

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2-108. Dangerous dogs, violation of requirements.

(a) **Penalty; Fines.** It is unlawful for any person to violate the provisions of this article. Any person found guilty of violating the provisions of this article shall be assessed, fined, and the animal disposed of, as provided in this subsection:

(1) **Registration.** Any dangerous dog that is not properly registered in accordance with Section 2-107 or if any other requirements in Section 2-107 are not met, such dog shall be impounded by animal control or law enforcement, or their designee, until such animal is properly registered or removed from the city limits. In addition to all costs for impoundment, the owner or keeper shall pay a \$100.00 fine.

(2) **At-large.** Any dangerous dog that is not confined as required pursuant to this article shall be impounded by animal control or law enforcement, or their designee. In addition to all costs for impoundment, the owner or keeper shall pay a \$150.00 fine. For a second offense within 24 months in which the dog is not confined as required pursuant to this article, in addition to all costs for impoundment, the owner or keeper shall pay a \$300.00 fine, and the animal control or law enforcement, or their designee is empowered to impound the dog, and after the expiration of a five-day waiting period, exclusive of Sundays and holidays, shall destroy the dog. The judge shall have no authority to suspend the fine or any portion thereof.

(3) **Attack on Human.** If any dangerous dog shall attack, assault, wound, bite, or otherwise injure or kill, or assist in such injury or killing of a human being, the owner or keeper shall pay a \$500.00 fine, and the animal control officer, law enforcement, or designee is empowered to impound the dog, and after the expiration of a five-day waiting period, exclusive of Sundays and holidays, shall destroy the dog. The judge shall have no authority to suspend the fine or any portion thereof.

(4) **Attack on Other Animal.** If any dangerous dog shall kill or wound, or assist in killing or wounding, any animal, the owner or keeper shall pay a \$250.00 fine, and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a five-day waiting period, exclusive of Sundays and holidays, shall destroy the dog. The judge shall have no authority to suspend the fine or any portion thereof. If the owner or keeper of a dog impounded pursuant to this article shall believe that there has not been a violation of the provisions of this article, such owner may petition the municipal court, on forms approved by the municipal judge, praying that the impounded dog not be destroyed. The impounded dog shall not be destroyed pending the resolution of such owner's petition if the petition shall have been filed within five days of impoundment of such dog and notice shall be delivered within five days of the impoundment of such dog. The dog shall remain impounded pending the determination of the petition. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner upon the payment of the expenses by the owner or keeper.

(b) **Jail Sentence.** In addition to the fines provided in this section, the municipal judge shall have the authority to sentence the person adjudicated guilty of this article to serve up to a maximum of six months in jail.

(c) **Ownership or Possession of Dog Following Conviction.** It is unlawful for any person who has been twice convicted of violating these dangerous dog requirements to own or possess any dog.

whether or not found to be a dangerous dog, for a period of five (5) years following the date of such second conviction.

2-108a. Running-at-large; dangerous.

Any dog found running at large that appears dangerous, fierce or vicious, and cannot be safely apprehended and impounded without endangering some person, the Animal Control Officer or a law enforcement officer is authorized to use that force reasonably necessary to restrain or put down the dog.

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(Ord. 2224; Ord. 2234)

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2-109. Dangerous dogs, threats to public safety.

Notwithstanding any other provision of this article to the contrary, and irrespective of whether the dog has been declared dangerous pursuant to this article, the municipal judge may order any dog destroyed if the judge determines that the dog is an immediate threat to public health and safety and that confinement and registration of the dog by the owner or keeper of the dog as provided in this article will not adequately protect public health and safety. No person shall harbor, own or possess a dog that is an immediate threat to public health and safety. In making such determination, the judge may consider the severity of the attack and other relevant information. The municipal judge shall have the authority to sentence the person adjudicated guilty of this article to serve up to a maximum of six months in jail and to pay a fine not to exceed \$1,000.00.

(Ord. 2224; Ord. 2234)

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2-110. Dangerous dogs, duty of owners; failure to comply.

The purpose of the requirements in this article governing dangerous dogs is to prevent attacks, injuries or death by mandating use of control methods. It is the affirmative duty of any owner of a dangerous dog to take all necessary steps to comply with this article. Any dog found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. If the dog is not immediately seized and impounded, the officer shall instruct the owner to keep said dog confined in a securely closed and locked pen or kennel until such time as the court may order seizure and impoundment. Neither the owner, nor any other person may remove said dog from said secure pen or kennel without the written permission of either the animal control officer or judge of the municipal court. Failure to comply with any provision of this article shall also be considered good cause for the revocation of any license issued allowing for the keeping of the subject dog, resulting in the immediate removal from the city by the owner, or the impoundment of the dog.

(Ord. 2224; Ord. 2234)

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2-111. Dangerous dogs, costs to be paid by responsible persons.

All reasonable costs incurred by the city in seizing, impounding, confining or disposing of any dangerous dog pursuant to the provisions of this article shall be charged against the owner of such animal and shall be subject to collection by any lawful means. If the owner of the animal is found guilty of a violation of this article, said above-mentioned expenses shall be assessed as costs in said court action.

~~(Ord. 2224; Ord. 2234)~~

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2-112. Dangerous dogs, penalties.

Whenever in this article any act is prohibited or is declared to be unlawful or the performance of any act is required or the failure to do any act is declared to be unlawful, the violation of any provision of this article shall be punished by a fine of not more than \$1,000.00, or by imprisonment for a period not exceeding six months, or by both fine and imprisonment, at the discretion of the court. Each day any violation of this article continues shall constitute a separate offense.

~~(Ord. 2224; Ord. 2234)~~

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2-113. Vicious dogs, definitions.

The city hereby finds that certain dogs, because of a combination of their physical attributes and disposition or training for aggression, fighting or attack, pose a clear and present threat to public safety. Although relatively few in number, such dogs represent a threat to all persons, particularly those persons who cannot protect and defend themselves, such as children and the elderly. Regardless of the procedures taken to confine such dogs, their mere presence creates an unacceptable risk to the public because such dogs may escape or be released at any time. Because of the clear and present threat to public safety, such dogs are found to be a public nuisance. As a result, the city hereby prohibits the ownership and possession of these vicious dogs within the city limits of the city and imposes related regulations, as set forth in this article.

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Vicious dog means:

- (a) Any dog which:
 - (1) Kills a human being;
 - (2) Inflicts severe injury to a human being through a sustained or vicious attack;
 - (3) Has been trained to fight and possess physical attributes such as size, build, or bite strength to inflict severe injury to a human being. For this purpose, the following shall be presumed to have been trained to fight:

- (A) Any dog involved in a staged fight;
- (B) Any dog exhibiting wounds or bodily disfigurements commonly associated with dog fighting;
- (C) Any dog found or kept on premises at which equipment is located that is commonly associated with training dogs to fight; or
- (D) Any dog found or kept with other dogs that:
 - (i) Have been trained to fight; or
 - (ii) Are presumed to have been trained to fight.
- (4) Because of its disposition and physical attributes, such as size, build, or bite strength, poses a substantial threat to the life and safety of public safety and emergency response personnel (such as law enforcement officers, firefighters and paramedics) who are seeking or may seek lawful access to any property in order to perform their duties; or
- (5) Has the propensity, tendency or disposition to attack a human being without provocation and possesses physical attributes such as size, build, or bite strength to inflict severe injury to a human being.
 - (b) Exceptions. No dog shall be deemed or declared a vicious dog:
 - (1) Solely because it inflicted severe injury on a human being if the human being was, at the time the severe injury was sustained:
 - (A) Assaulting the owner or possessor of the dog; provided, the owner or possessor of the dog was not the aggressor;
 - (B) Committing a willful trespass upon the premises of the owner or possessor of the dog; or
 - (C) Provoking, tormenting abusing, or assaulting the dog, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the dog at other times.
 - (2) Solely because it inflicted severe injury on a human being if the dog was, at the time the substantial injury was sustained:
 - (A) Responding to pain or injury;
 - (B) Protecting itself; its kennel, its offspring, or its owner or possessor's property; or
 - (C) Protecting or defending another human being within the immediate vicinity of the dog from an unjustified attack or assault.
 - (3) Is owned or possessed by a federal, state, or local law enforcement agency.

~~(Ord. 2224)~~

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2-114. Vicious dogs, unlawful acts.

(a) Vicious Dogs as Public Nuisance. Vicious dogs are declared to be a public nuisance and are hereby prohibited within the city.

(b) Ownership or Possession of Vicious Dog. It is unlawful to own or possess a vicious dog in the city. An owner or possessor of a dog that falls within the definition of "vicious dog" shall be strictly liable under this article and a conviction shall not require proof of any criminal intent or the owner or possessor's knowledge of any particular propensity, tendency or disposition of the dog. Each vicious dog owned or possessed in violation of this article shall constitute a separate offense.

(c) Ownership or Possession of Dog Following Conviction. It is unlawful for any person convicted of owning or possessing a vicious dog in violation of subsection (b) of this section to own or possess any dog, whether or not found to be a vicious dog, for a period of ~~five (5)~~three years following the date of such conviction.

~~(Ord. 2224)~~

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2-115. Vicious dogs, euthanization.

If the court finds, after hearing evidence, that any dog is a vicious dog, the court shall, in addition to any other applicable penalties or remedies, order the animal control officer, law enforcement, or designee to cause the dog to be euthanized in accordance with applicable state euthanization laws. The court may enter such an order as part of a criminal proceeding brought pursuant to Section 2-117 or in a separate civil proceeding brought for such purpose and, in either event, shall impose against the owner or possessor of the vicious dog the expenses of impounding, keeping, and euthanizing the vicious dog. The owner or possessor shall be notified (at the owner or possessor's last known address) at least five days in advance of the date and time of any evidentiary hearing pursuant to this article and may present contrary evidence at such hearing. The failure of the owner or possessor to attend or participate in the hearing, however, shall not prevent the court from making an appropriate determination concerning the dog.

~~(Ord. 2224)~~

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2-116. Vicious dogs, impoundment.

(a) Generally. When the animal control officer, law enforcement, or designee has probable cause to believe that any dog is a vicious dog, such officer may, in his discretion, take custody of the dog and impound it until such time as evidence shall be heard and a determination made as to whether the dog is a vicious dog; provided that if the owner or possessor of the dog is not known, the dog may be disposed of pursuant to other applicable law. The dog may be impounded at a licensed

veterinary clinic or other location that the animal control officer, law enforcement, or designee permits and which is consistent with applicable state impoundment laws. A warrant may be obtained to allow the animal control officer, law enforcement, or designee or any other law enforcement officer to go onto any property and take custody of any dog for which there is probable cause to believe it is a vicious dog. In addition, the court may, through its contempt power, compel the owner or possessor of any dog to surrender it to the animal control officer, law enforcement, or designee. In the event any dog is found to be a vicious dog, the owner or possessor of such dog shall be responsible for payment of any expenses of impounding and keeping the dog, pending disposition of the case and expenses of euthanizing the dog.

(b) Discretionary Testing of Suspected Vicious Dog. Whenever any dog is impounded pursuant to this article based upon probable cause to believe that the dog is a vicious dog under the term "vicious dog" of Section 2-113(a)(3), (a)(4) or (a)(5), the animal control officer, law enforcement, or designee may, in his discretion, cause any person who is knowledgeable in identifying dogs trained to fight, or who is trained or certified at evaluating animal temperament, to examine the dog and render an opinion as to whether the dog is a vicious dog under the term "vicious dog" of Section 2-113(a)(3), (a)(4) or (a)(5), with the person examining and rendering the opinion to be chosen at by the animal control officer, law enforcement, or designee requesting the examination.

(c) Unauthorized Removal of Impounded Dogs, Actual or Attempted. No person shall remove or attempt to remove a dog from the custody of the animal control officer, law enforcement, or designee or any animal shelter at which the dog is impounded, whether by force, threat, deceit or otherwise, when such dog has been impounded under the provisions of this article or any other law, unless the animal control officer, law enforcement, or designee or a court of appropriate jurisdiction expressly authorizes the release of the dog.

(d) Post-impoundment Review. Within ten days of impounding a vicious dog pursuant to this section without a warrant, the court shall review documentary evidence substantiating the animal control officer, law enforcement, or designee's probable cause to determine whether the dog is a vicious dog. If the court determines that the evidence is not sufficient to establish probable cause that the dog is a vicious dog and the dog's owner or possessor is known, the dog shall be released to its owner or possessor as soon as practical.

~~(Ord. 2224)~~

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2-117. Vicious dogs, criminal penalties.

In addition to any applicable restitution, any person who violates the provisions of this section shall be subject to the following penalties:

(a) Violation of Vicious Dog Provisions. Any person who owns or possesses a vicious dog in violation of Section 2-114(b) shall be guilty of a misdemeanor, punishable as follows:

(1) First offense, a fine, which shall be set at \$500.00. The fine shall be mandatory, and the court shall have no authority to suspend the fine or any portion thereof. In addition, the court shall have

the authority to sentence the defendant to confinement in the county jail for a maximum of 90 days.

(2) Second offense, committed within five years of a prior offense, a fine, which shall be set at \$1,000.00. The fine shall be mandatory, and the court shall have no authority to suspend the fine or any portion thereof. In addition, the court shall have the authority to sentence the defendant to confinement in the county jail for a maximum of six months.

(3) Third offense, committed within five years of two prior offenses, a fine, which shall be set at \$1,000.00. The fine shall be mandatory, and the court shall have no authority to suspend the fine or any portion thereof. In addition, the court shall sentence the defendant to confinement in the county jail for a minimum of 30 days and a maximum of six months. The defendant shall be required to serve the minimum 30-day jail sentence and the court shall have no authority to suspend the first 30 days of such sentence.

(b) Violation of Provisions Regarding Unauthorized Removal of Impounded Dogs. Any person who removes or attempts to remove a dog from the custody of the animal control officer, law enforcement officer, or designee, or any animal shelter at which the dog is impounded, in violation of Section 2-116(c), shall be guilty of a misdemeanor, punishable by a fine in the amount of \$1,000.00. The court shall have no authority to suspend the fine or any portion thereof. In addition, the court shall have the authority to sentence the defendant to confinement in the county jail for a maximum of six months.

(c) Violation of Other Provisions. Any person, who owns or possesses a dog in violation of Section 2-114(c) or violates any other provision of this article, shall be guilty of a misdemeanor, punishable by a fine in the amount of \$250.00. The court shall have no authority to suspend the fine or any portion thereof. In addition, the court shall have the authority to sentence the defendant to confinement in the county jail for a maximum of 30 days.

~~(Ord. 2224)~~

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2-118. Vicious dogs, costs to be paid by responsible persons.

All reasonable costs incurred by the city in seizing, impounding, confining or disposing of any vicious dog pursuant to the provisions of this article shall be charged against the owner of such animal and shall be subject to collection by any lawful means. If the owner of the animal is found guilty of a violation of this article, said above-mentioned expenses shall be assessed as costs in said court action.

~~(Ord. 2224)~~

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2-119. Administration and enforcement.

It shall be the duty of the city manager, through the enforcement authority to administer and enforce the provisions of this ordinance. The city manager shall have authority to establish

reasonable administrative regulations, policies and procedures as needed to effectively carry out the spirit and intent of this ordinance.

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(Ord. 2224)

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**ARTICLE 2. ADMINISTRATION AND ENFORCEMENT RESERVED FOR FUTURE
USE.**

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2-201. — Duties of the City Manager.

~~Except where otherwise provided, it shall be the duty of the City Manager, through the Chief of Police and the Animal Control Officer, to administer and enforce the provisions of this chapter directly or through staff assigned to be supervised by the Animal Control officer.~~

~~(Ord. 1992, Sec. 1)~~

2-202. — Duties of the police department.

~~It shall be the duty of the Police Department officers to enforce the provisions of this chapter and any regulations issued by the Animal Control Officer, and to assist the Animal Control Officer in enforcing the provisions of this chapter.~~

~~(Ord. 1992, Sec. 1)~~

2-203. — Duties of the animal control officer.

~~It shall be the duty of the Animal Control Officer to administer and enforce the public health provisions of this chapter directly or through staff assigned to be supervised by the Animal Control officer. The Animal Control officer shall keep a record of all animal pound transactions and all enforcement and investigative activities conducted by the Animal Control Officer and police officers. The Animal Control Officer may issue standing and/or emergency regulations for rabies control, zoonosis control, the control or elimination of animal pests, and animal bite procedures that the officer finds necessary to protect the public health. Said regulations shall be filed with the City Clerk, the Animal Control Officer and the Chief of Police.~~

~~(Ord. 1992, Sec. 1)~~

2-204. — Enforcement procedures.

~~(a) The Animal Control Officer, the Chief of Police or any law enforcement officer are hereby authorized to issue a notice to appear to the owner/custodian of any animal in violation of any provision of this chapter, or any regulation issued by the Animal Control Officer. Such person may retain possession of the animal if it is the belief of the officer issuing such notice to appear that such possession is not in conflict with any other provision of this chapter.~~

~~(b) The Animal Control Officer, the Chief of Police or any law enforcement officer are hereby authorized to pick up and impound any animal violation of any provision of this chapter or any regulation issued by the Animal Control Officer, if the person owning or caring for such animal cannot be issued a notice to appear because such person is not known or present. Such animal shall be confined at the animal pound in a humane manner and shall be released upon satisfactory proof that the party claiming the animal is entitled to recovery and possession thereof, and upon payment~~

to the City Clerk of all recovery fines described in this chapter and fees for care, feeding and treatment expenses established by resolution.

(c) In the interest of animal welfare, any person owning or caring for any animal in the city, by doing so, does thereby authorize the Animal Control Officer, the Chief of Police or any law enforcement officer to enter upon private property, other than within the residence, at reasonable times, where such animal is kept, if the officer has probable cause to believe the animal is being kept in a cruel or inhumane manner. The Animal Control Officer, the Chief of Police or any law enforcement officer will examine such animal and impound such animal at the animal pound when, in the officer's opinion, it is being kept in an unlawfully cruel or inhumane manner. If entry is refused, the official shall have recourse to the remedies provided by law to secure entry.

(d) Any animal that has bitten a person may be removed from the property of its owner/custodian by the Animal Control Officer, the Chief of Police or any law enforcement officer, if such animal is in violation of examination or observation requirements prescribed by regulation of the Animal Control Officer.

(e) The Animal Control Officer, the Chief of Police or any law enforcement officer are hereby authorized to use humane live animal traps to capture any animal whose presence on private or public property constitutes a nuisance to persons or a threat to the public health or the health of domestic animals.

(f) It is unlawful for any person to interfere with the duties of the Animal Control Officer, the Chief of Police or any law enforcement officer by removing, or causing to be removed, the identification tag of any dog without the consent of the owner/custodian thereof; refusing to identify himself upon the request of an enforcement officer, when such officer has probable cause to believe that such person has violated this chapter; or in any other manner preventing the lawful discharge of enforcement duties prescribed by this chapter.

ARTICLE 3. RESTRICTIONS ON OWNING ANIMALS

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2-301. Number of ~~dogs~~animals; exemption.

Ownership/custodianship of dogs is limited to no more than three (3) dogs per household. This prohibition shall not apply to:

- (a) Individuals possessing a hobby breeder's license.
- (b) Zoos, circuses, carnivals, fairs, veterinarian clinics in possession of such animals during treatment, educational institutions or medical institutions.
- (c) Persons temporarily transporting such animals through the city.
- (d) Individuals selling or giving away pups ~~or kittens~~. Such individuals shall have sixty (60) days from the date of birth of these pups ~~or kittens~~ to comply with this section.

~~(Ord. 1992, Code 2016)~~

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2-302. Prohibited owning; exemptions.

(a) The owning, harboring, keeping, possessing or selling of any wild, exotic, poisonous or vicious animal within the city limits is hereby prohibited. This prohibition shall not apply to:

- (1) Those wild or exotic animals kept under a rehabilitation or scientific and exhibition permit of the Kansas Wildlife and Parks Department.
- (2) Zoos, circuses, carnivals, veterinarian clinics in possession of such animals during treatment, educational institutions or medical institutions.
- (3) Persons temporarily transporting such animals through the city.
- (b) The owning or keeping of any fowl within the city limits is hereby prohibited; except:
 - (1) Caged birds kept as pets within a resident structure;
 - (2) The owning or keeping of chickens shall be limited to a maximum of five (5) per residence, kept in accordance with section 2-304;
 - (3) The owning or keeping of pigeons shall be limited to a maximum of five (5) per residence, kept in accordance with section 2-304;
 - (4) Other domestic fowl, kept in accordance with section 2-302(c)(2).
 - (5) Roosters are subject to section 2-406, Excessive Animal Noise Prohibited.

(c) No livestock, including but not limited to horses, mules, cattle, sheep, goats, and swine, shall be owned, kept or maintained within the city limits, except;

~~(1) Horses which are used for riding purposes may be stabled within the city limits only in designated areas which have been given a special permit for the purpose by the City Clerk. Such designated areas, for the purpose of health and sanitation, shall be under the supervision of the Animal Control Officer. If at any time such designated areas shall become a nuisance or a fly-breeding or rat-infested area, the Animal Control Officer shall have the authority to revoke such special permit within ten (10) days after notifying the City Council, or~~

(12) Livestock in conjunction with veterinarian clinics, livestock auctions, livestock shows, rodeos, and fairs are permitted.

(23) Individuals who own or maintain livestock, or property used for the keeping and maintenance of livestock within the city limits when the Animal Code is adopted may continue to own, keep or maintain such livestock.

~~(Ord. 2126; Code 2016)~~

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2-303. Limitation on numbers of animals owned; exemptions.

When animals in excess of the limits established in the Beloit code are found at a residence, all of the animals found at the residence may be removed by the Animal Control officer and impounded, except that the person in charge of the residence may designate and retain up to those limits established in the Code.

~~(Ord. 1992, Sec. 1)~~

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2-304. Location of yard housing for animals.

It shall be unlawful for any person to maintain any chicken coop, pigeon cote, or rabbit hutch closer than fifty (50) feet to the nearest portion of any building occupied by or in any way used by any person, other than the dwelling occupied by the owner/custodian of the animals. Any yard housing for the animals ~~shall be subject to the maintenance requirement prescribed in section 2-414, and any yard enclosure~~ shall be so constructed and maintained that any animal kept therein is securely confined and prevented from escaping therefrom.

No chickens, pigeons, ducks or geese shall reside within the living area of the owner/custodians residence.

~~(Ord. 1992, Sec. 1)~~

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2-305. Keeping bees.

It shall be unlawful for any person, either as owner or as agent, representative, employee or bailee of any owner, to keep or harbor any bees within the limits of the city without having first obtained

a special permit therefore from the City Clerk. Any person desiring to obtain a permit to keep bees within the city limits shall file an application with the City Clerk who shall refer the same to the Animal Control Officer. The Animal Control Officer shall investigate the proposed premises and file his written report and recommendations with the City Council. After investigation, the City Clerk may grant the applicant permission to keep bees upon her/his premises within the city limits upon such terms and conditions as it may specify. Any permit granted by the City Clerk hereunder shall be subject to revocation in the event said applicant shall fail to comply with the terms and conditions of the special permit or if the keeping of the bees becomes a nuisance, health hazard or detrimental to the general welfare of the residents of the city.

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ARTICLE 4. RESPONSIBILITIES OF PERSONS OWNING ANIMALS

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2-401. Duty of all animal owners/custodians to be responsible owner/custodians.

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It shall be the positive duty of every owner/custodian or any animal or anyone having an animal in possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injury or damage which might result from their animal's behavior. ~~In the event that the owner/custodian or keeper of any animal is a juvenile, the parent or guardian of such juvenile shall be responsible to ensure compliance with all provisions of this chapter.~~

~~(Ord. 1992, Sec. 1)~~

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2-402. Animal care requirements and prohibition of animal cruelty.

(a) Shelter.

(1) Any dog that is habitually kept outside or repeatedly left outside unattended shall be provided shelter which is sanitary, of sound construction, and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces, and standing water. It must have at least three sides and a weather proof roof; have a solid, sanitary floor, be adequately ventilated; provide shelter from wind, rain, sun and the elements at all times. Suitable drainage must be provided so that water is not standing in or around the shelter.

(2) Shelter must be large enough to accommodate the animal, but not so large that it would not retain body heat adequately.

(3) When outdoor temperatures reach freezing levels or below, pet owners/custodians shall take extraordinary measures to insure their animals are protected from the extreme weather conditions and that they have unfrozen water to drink.

(4) All areas where animals are kept shall be cleaned regularly so that fecal matter is disposed of so not to attract insects or rodents, become unsightly or cause objectionable odor.

(5) An Animal Control Officer may remove an animal that is living in conditions that do not meet the standards outlined above.

(6) If multiple animals are present in one location each animal must have access to shelter and the owner/custodian must meet all standards as outlined in this section.

(b) Nutrition.

(1) All animals kept or harbored shall be provided with sufficient, wholesome food suitable for the animal's size, age, and physical condition and in sufficient quantities to maintain an adequate level of nutrition.

(2) Animals shall be provided a regular supply of clean, fresh water.

(c) Exercise.

(1) The enclosure or confinement area for a dog shall encompass sufficient useable space to keep the animal in good condition.

(2) When a dog is confined outside by means of an enclosure or an electronic containment device, the following minimum space requirements shall be met:

Number of Dogs	Under 50 lbs.	Over 50 lbs.
1	6x10 (60 sq. feet)	8x10 (80 sq. feet)
2	8x10 (80 sq. feet)	8x12 (96 sq. feet)
3	8x12 (96 sq. feet)	10x14 (140 sq. feet)

(d) It shall be unlawful cruelty to animals for any person to own or keep any animal and:

(1) Tether or chain the animal as a primary means of stationary confinement. Dogs may be tethered or chained for no longer than eight (8) hours in any 24-hour period. Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(2) Fail to provide such sufficient and wholesome food, fresh water, shade and protection from the weather, opportunity for exercise, veterinary care when needed to treat injury or illness, (unless the animal is instead humanely euthanized) or other care as is needed for the health or well-being of such kind of animal. The dog's fur provides insulation from heat and cold, regulating the animal's body temperature. Allowing the dog's fur to become matted due to filth and neglect shall be a violation of this code.

(3) Abandon or leave any animal in any place. For the purpose of this provision, "abandon" means for the owner/custodian or keeper to leave any animal without demonstrated or apparent intent to recover or to resume custody; leave any animal for more than eight (8) hours without providing for adequate food, fresh water, and shelter for the duration of the absence; or turn loose or release any animal for the purpose of causing it to be impounded.

(4) Leave any animal unattended in a vehicle when such vehicle does not have adequate ventilation and temperature to prevent suffering, disability or death to such animal.

(e) Any animal impounded for being kept in violation of this section or section 2-502 may be humanely euthanized by a veterinarian if he deems it necessary to relieve suffering. The owner/custodian of any animal that is not euthanized shall be entitled to regain custody of such animal only after such custody is authorized by the court. All expenses accrued for the treatment or care of such animal shall be paid by the owner/custodian, whether or not he seeks to regain custody of such animal.

(Ord. 1992, Sec. 1)

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2-403. Proper identification of dogs required.

It shall be unlawful for any person owning or keeping any dog to permit such animal to be outside the premises of such owner/custodian without a current city license tag and a current rabies vaccination tag attached to the collar or harness of such animal. It shall be unlawful for any person to permit a city licensing or rabies vaccination tag to be worn by any animal other than the animal for which such tag is issued.

~~(Ord. 1992, Sec. 1; Code 2016)~~

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2-404. Running-at-large prohibited; exemptions.

Every owner/custodian shall ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the premises of its owner/custodian. It shall be unlawful for any owner/custodian to fail to prevent such animal from running-at-large within the City at any time. Any animal shall be deemed running-at-large when such animal is not:

- (a) inside a resident structure, secure fence, or pen, or
- (b) on a leash or lead under the physical control of its owner or harborer, said leash being not longer than ten (10) feet in length, or under voice control, by a person controlling such animal, or
- (c) tethered in such a manner as to prevent its crossing outside the premises of the owner/custodian onto public property, public right-of-way, or private property owned by any person other than the owner/custodian.

2-404a. Electronic Fences.

Electronic fences are not considered proper restraining devices and are discouraged. Residents who confine a dog with an electronic fence or an electronic collar must clearly post a sign on the property indicating the use of such a device. Any electronic fence must not be installed closer than ten (10) feet to any public sidewalk or property line.

2-404b. Running-at-large; dangerous.

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Any dog found running at large that appears dangerous, fierce or vicious, and cannot be safely apprehended and impounded without endangering some person, the Animal Control Officer or a law enforcement officer is authorized to use that force reasonably necessary to restrain or put down the dog.

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~~(Ord. 2126, Sec. 3)~~

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2-405. Animal nuisance activities prohibited.

The owner/custodian of any animal shall take all reasonable measures to keep such animal from becoming a nuisance. It shall be unlawful for the owner/custodian of any animal to cause, permit or fail to exercise proper care and control to prevent such animal from performing, creating or engaging in an animal nuisance activity. For the purpose of this provision, "animal nuisance activity" is defined as any animal which:

- (a) When unprovoked, chases or approaches a person or domestic animal upon public property, public rights-of-way, or private property, owned or kept by any person other than the owner/custodian, in a menacing fashion or apparent attitude of attack. Menacing shall mean the display by an animal of a disposition, determination or intent to attack or inflict injury or harm to a human being or other domestic animal, including displays of growling, charging, lunging, snapping or biting;
- (b) When unprovoked, engages in a menacing behavior causing a person lawfully on abutting or adjoining private or public property or rights-of-way to reasonably believe the safety of the person is threatened. Particular attention shall be paid to threatened safety of children. Such menacing behavior may include displays of growling, snapping or biting, or behaviors such as charging or lunging at or against a fence or other barrier separating the owner/custodian's premises from other public or private property. Attempts by an animal to cross outside the owner/custodian's premises through, over or under a fence or barrier may constitute menacing behavior;
- (c) Damages public or private property by its activities or with its excrement;
- (d) Scatters refuse that is bagged or otherwise contained;
- (e) Causes any condition which threatens or endangers the health or well-being of persons or other animals.

If a notice to appear is issued charging violation of this section, a subpoena may also be issued to a complainant, witness or other person to testify under oath as to the animal nuisance activity.

~~(Ord. 1992, Sec. 1)~~

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2-406. Excessive animal noise prohibited.

It shall be unlawful for the owner/custodian of any animal to permit such animal to make noise which is so loud or continuous that it disturbs a person or normal sensibilities. If a notice to appear is issued charging violation of this section, a subpoena may also be issued to the person who has been disturbed to testify to the disturbance under oath.

~~(Ord. 1992, Sec. 1)~~

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2-407. Proper confinement of cats and dogs in heat required.

The owner/custodian of any female cat or dog shall, during the period that such animal is in heat, keep it securely confined and enclosed within a building except when out upon such person's premises briefly for toilet purposes.

~~(Ord. 1992, Sec. 1)~~

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2-408. Special licensing of guard dogs and posting of premises required.

(a) Any person owning or keeping a trained guard dog in the city (for the purpose of this section, a trained guard dog shall mean any dog used to guard public or private property, and whether the training was formal or informal) shall license such dog with the Animal Control Officer, who shall verify that such animal is controllable by its keeper and is confined in a manner that will not endanger persons not on the premises guarded.

(b) A conspicuous notice shall be posted on the premises where any guard dog is kept to warn persons of the nature of the dog therein confined.

(c) Any person operating a guard dog service in the city shall license such business with the Animal Control Officer and shall list all premises to be guarded with the Animal Control Officer before such service begins.

(d) Annual Licensing fees pursuant to subsections (a) and (c) are as follows:

- (1) Private guard dog, IAW 2-408(a) \$100.00
- (2) Commercial guard dog service IAW 2-408(c) \$400.00

~~(Ord. 1992, Sec. 1)~~

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2-409. Annual licensing of dogs required; exception.

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Any person owning or keeping any dog over ~~one hundred twenty (120) days~~ six (6) months of age shall license such dog as prescribed in Article VI of this chapter, except for persons who shall be required to license as a commercial animal establishment under the control and provisions of Article VII of this chapter.

~~(Ord. 1992, Sec. 1C)~~

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2-410. Rabies vaccination of cats and dogs required.

Any person owning or keeping any cat or dog over one hundred twenty (120) days of age shall be required to have such animal currently immunized against rabies. For the purpose of this chapter, "currently immunized or vaccinated against rabies" shall mean that such cat or dog has been inoculated against rabies by a licensed veterinarian within the past thirty-six (36) months. However, cats and dogs under one year of age which are inoculated must receive a second rabies

inoculation within twelve (12) months. This provision shall not apply to any catterie breeder duly licensed under the provisions of this chapter.

~~(Ord. 1992, Sec. 1)~~

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2-411. Animals in public buildings prohibited; exemptions.

No animal shall be allowed to enter any theatre, store, or other public building in the city, whether accompanied by its owner/custodian or person in charge or otherwise, except with the approval of the building's owner or manager. Formally trained assist dogs and police dogs engaged in law enforcement are exempt from this provision.

~~(Ord. 1992, Sec. 1)~~

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2-412. Removal of animal feces required.

The owner/custodian of any animal, when such animal is off the owner/custodian's property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas, or private property and it shall be a violation of this section for such owner/custodian to fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred.

~~(Ord. 1992, Sec. 1)~~

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2-413. Reserved.

~~(Ord. 2126; Code 2016)~~

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2-414. Duty to report animal bites.

(a) The owner/custodian, as defined in this chapter, of any animal shall immediately report to the animal pound, health department, hospital or police department any incident in which the animal has actually bitten any person or domestic animal, regardless of circumstances, and shall cause the animal to be confined in a secure enclosure or building until an investigation is conducted by the proper authority.

(b) In the case where the animal is not current on its rabies vaccinations, the animal will be impounded and confined in the city pound for a period of ten (10) days for observation. The cost for this confinement will be borne by the animal's owner/custodian.

ARTICLE 5. ANIMAL PROTECTION RESPONSIBILITY OF ALL PERSONS

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2-501. Dog fighting.

It shall be unlawful for any person to, by words, signs or otherwise, intentionally set any dog or pup to attack any other dog or pup or any other animal, or aid, abet or encourage any dog or pup to fight; or by words, signs or otherwise permit or encourage any dog or pup to fight.

~~(Ord. 1992, Sec. 1)~~

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2-502. Cruelty generally.

No person shall willfully and wantonly kill, beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal, or cause, instigate or permit any dog fight, cock fight, or other combat between animals or between animals and humans, nor shall any person attend such unlawful exhibition or be umpire or judge at such.

~~(Ord. 1992, Sec. 1)~~

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2-503. Report of motor vehicle striking animals.

The operator of a motor vehicle that strikes any animal shall, as soon as possible, report the accident to the Animal Control Officer or the Police Department.

~~(Ord. 1992, Sec. 1)~~

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2-504. Selling of certain animals prohibited.

(a) It shall be unlawful for any person to sell or display within the city any animal or fowl that has been artificially dyed or colored.

(b) No wild, exotic, poisonous or vicious animal may be sold within the city limits, except as allowed under section 2-302(a).

~~(Ord. 1992, Sec. 1)~~

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2-505. Exposing poison to animals.

No person shall expose any known poisonous substance whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose, on his own property, poison mixed with only vegetable substances.

~~(Ord. 1992, Sec. 1)~~

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2-506. Spring steel traps restricted.

It shall be unlawful for any person to use a spring steel trap in the city limits except rat, mice, gopher and mole traps.

~~(Ord. 1992, Sec. 1)~~

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2-507. Killing or molesting birds.

It shall be unlawful for any person to willfully kill any songbird or to molest the nest of such birds.

~~(Ord. 1992, Sec. 1)~~

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2-508. Retention of animals unlawfully.

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No person shall, without the knowledge of consent of the owner/custodian, hold or retain possession of any animal of which he is not the owner/custodian for more than twenty-four (24) hours without first reporting the possession of such animal to the Animal Control Officer, the Police Department, or the animal pound; nor shall any person feed or shelter any unowned animal for seventy-two (72) hours or more consecutive hours without reporting such animal to the animal pound.

~~(Ord. 1992, Sec. 1)~~

ARTICLE 6. LICENSING OF DOGS

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2-601. License required.

It shall be unlawful for any person to own, possess, keep, harbor, or house a dog within the city without properly registering the dog and obtaining a dog license from the city as provided in this article.

2-601 a. Dogs temporarily in the city.

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The provisions of this article with respect to licensing shall not apply to any dog owned or kept by any person temporarily remaining within the City of Beloit less than fourteen thirty (1430) days, or any dog brought into the City of Beloit for less than fourteenthirty (1430) days. The owner/custodian shall keep such dogs or pups under restraint.

(Ord. 1992, Sec. 1; Ord. 2242)

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2-602. License procedure.

(a) Every owner of any dog over six (6) months of age shall register with the city clerk his or her name and address with the name, sex and description of each dog owned and kept within the city limits.

(b) It shall be unlawful for the owner of any newly acquired dog, or any dog brought into the city to fail to register such animal within 30 daysfourteen (14) days from a dog reaching the age of required licensing, within 30 dayswithin fourteen (14) days of acquisition, or within 30 fourteen (14) days of bringing the dog into the City.

(c) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog over six (6) months of age to fail to maintain effective rabies immunization of such dog.

(d) The owner, custodian, or harbinger of any dog shall, at the time of registering such dog, present to the Clerk certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed.

(e) The City Clerk shall issue a lifetime registration for each registered dog. A lifetime tag shall be issued free of charge for each registered dog. A replacement tag shall be issued for a replacement fee of \$5.00 for each replacement tag.

(f) The owner/custodian shall be responsible for providing the city with current rabies immunization of such dog at the time of registration and subsequent thereto as long as the dog remains and is kept within the City.

(g) The owner/custodian shall be responsible for providing the city with a current address of such dog as long as the dog remains and is kept within the City. The owner/custodian shall be responsible for notifying the city of the dog's death or removal from the city which will terminate such license.

~~(h)~~ Upon change of owner/custodianship, any person acquiring a dog currently licensed with the city shall apply to the City Clerk to transfer such license to his/her name and no fee shall be charged.

~~(Ord. 2126; Code 2016; Ord. 2242)~~

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2-603. Exemptions.

(a) Any other section of this chapter notwithstanding, the license provision of this chapter, shall not apply to any nonresident owner/custodian or any dog while such person is passing through the city, provided such dog shall remain on a leash or otherwise effectively restrained while within the City.

~~(b) No license fee shall be charged to any owner/custodian of a dog trained and being used as an assist dog.~~

~~(be)~~ Dogs which have been declared dangerous pursuant to Beloit City Code shall be registered pursuant to Section 2-107, requiring an annual registration and payment of a license fee and other registration requirements.

~~(Ord. 2126; Code 2016; Ord. 2242)~~

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2-604. Tags.

(a) It shall be the duty of the City Clerk or designated agent, upon a showing of current rabies immunization and other information required by Section 2-602, to keep in a book suitable for the registration of dog, the time of the registration, the name of the owner or keeper, the number of the registration, and shall deliver to the owner or keeper of the dog a certificate in writing, stating that the person has registered the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog a lifetime tag with the registration number which shall be, by the owner or keeper, attached to the collar to be used on the dog so registered.

(b) A lifetime tag shall be issued free of charge for each registered dog. A replacement tag shall be issued for a replacement fee of \$5.00 for each replacement tag.

(c) It shall be unlawful for any person to take off or remove the City registration tag from any dog belonging to another, or remove the strap or collar on which the same is fastened.

~~(Ord. 2126; Code 2016; Ord. 2242)~~

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2-605. Licensed in name of household head.

All dogs maintained in any household shall be licensed in the name of the household head. Such household head shall be deemed the owner/custodian of the dog as that term is defined in Section 2-101(ff) of this chapter.

(Ord. 2126; Code 2016; Ord. 2422)

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2-606. Hobby breeder's license required.

All hobby breeders shall obtain an annual City license and pay the fee established by resolution of the City Council. No license shall be issued until the applicant shall have furnished satisfactory proof that he meets all requirements of a hobby breeder as specified in Section 2-101 and a written consent to the issuance of the license, signed by the adjacent property owners is filed with the City Clerk. For the purpose of this section, adjacent property owner/custodian shall mean the owner/custodian of land of which any part thereof lies within fifty (50) feet shall exclude public streets and alleys. Any license issued hereunder may be revoked at any time for just cause at the discretion of the City Manager.

(Ord. 2126; Code 2016; Ord. 2242)

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2-607. Denial, revocation and reinstatement.

- (a) Withholding or falsifying information on a license application shall be grounds for denial or revocation of such license.
- (b) Any person having been denied a license may not reapply for a period of thirty (30) days.
- (c) No person who has been convicted of cruelty to animals shall be issued a license or permitted to own/keep any animal within the City.
- (d) It shall be a condition of the issuance of any license that the Animal Control Officer shall be permitted to inspect all animals and all premises where animals are kept at any reasonable time. If permission for such inspection is refused, the Animal Control Officer shall revoke the license.
- (e) Any license issued shall be subject to revocation in the event such license shall fail to comply with the terms and conditions of such license, or if the activity licensed becomes a nuisance, health hazard, or detriment to the safety and welfare to residents of the City.
- (f) Any person whose license is revoked shall, within ten (10) days thereafter remove the animals owned or kept from the limits of this City, or surrender any animal owned or kept to the Animal Control Officer, who shall determine its disposition.
- (g) Any person aggrieved by the denial or revocation of a license may appeal to the City Council, who may issue, reinstate, or affirm the denial of such license or licensing.

(Ord. 2126; Code 2016; Ord. 2242)

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ARTICLE 7. LICENSING OF COMMERCIAL ANIMAL ESTABLISHMENTS

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2-701. License required.

It shall be unlawful for any person, either as owner or agent, representative, employee, or bailee of an owner, to operate a commercial animal establishment without being licensed for that activity as provided in this article.

~~(Ord. 1992, Sec. 1)~~

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2-702. Application.

Any person desiring to obtain or annually renew a license to operate a commercial animal establishment shall file an application with the City Clerk.

~~(Ord. 1992, Sec. 1)~~

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2-703. Fees; exemptions.

- (a) The fee for a license under this article shall be established by resolution.
- (b) No license fee shall be required of the animal pound, of any animal hospital or animal shelter.
- (c) Any person for the first time beginning to operate a commercial animal establishment shall pay the applicable license fee at least thirty (30) days prior to the start of such operation.

~~(Ord. 1992, Sec. 1)~~

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2-704. Procedure.

Upon the receipt of the license application and fee, the City Clerk shall refer such application to the Animal Control Officer, who shall investigate the premises and file a written report and recommendation with the City Clerk. If the Animal Control Officer approves the application, the City Clerk shall issue the applicant a license to operate the activity under such conditions as the Animal Control Officer shall specify in the report.

~~(Ord. 1992, Sec. 1)~~

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2-705. Transferability.

License for commercial animal establishments shall not be transferable.

~~(Ord. 1992, Sec. 1)~~

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2-706. Expiration; renewal.

All licenses shall expire on December 31 of the current year. Licensees shall be advised by written notice of the City Clerk sixty (60) days prior to the license expiration date, for the purpose of renewal. The licensee shall then apply to the City Clerk for license renewal at least thirty (30) days prior to the license expiration date to assure continuous licensing.

2-707. Denial, revocation and reinstatement.

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- (a) Withholding or falsifying information on a license application shall be grounds for denial or revocation of such license.
- (b) Any person having been denied a license may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a fee established by resolution.
- (c) No person who has been convicted of cruelty to animals shall be issued a license.
- (d) It shall be a condition of the issuance of any license that the Animal Control Officer shall be permitted to inspect all animals and all premises where animals are kept at any reasonable time. If permission for such inspection is refused, the Animal Control Officer shall revoke the license.
- (e) Any license issued shall be subject to revocation in the event such licensee shall fail to comply with the terms and conditions of such license, or if the activity licensed becomes a nuisance, health hazard, detriment to the safety and welfare of residents of the city.
- (f) Any person whose license is revoked shall, within ten (10) days thereafter remove the animals owned or kept from the limits of this city, or surrender any animal owned or kept to the Animal Control Officer, who shall determine its disposition, and no part of the license fee shall be refunded.
- (g) Any person aggrieved by the denial or revocation of a license may appeal to the City Council, who may issue, reinstate, or affirm the denial of such license.

(Ord. 1992, Sec. 1)

ARTICLE 8. IMPOUNDMENT, RECOVERY AND ADOPTION OF ANIMALS AT ANIMAL POUND

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2-801. Notification of capture and impoundment.

Upon the taking and impoundment of any cat or dog wearing a current city licensing and/or rabies vaccination tag, the Animal Control Officer shall notify the owner/custodian of such animal of its impoundment and conditions under which the animal can be recovered. Such notice shall be given within forty-eight (48) hours of the impoundment of such animal. Any owner/custodian so notified who fails to reclaim such animal within one business day or such notice shall be issued a notice to appear for failure to reclaim.

~~(Ord. 1992, Sec. 1)~~

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2-802. Owner/custodian of impounded animal may be processed against for violation of any applicable section or sections.

The owner/custodian of any impounded animal who does not recover such animal may still be processed against for violation of any applicable section or sections of this chapter.

~~(Ord. 1992, Sec. 1)~~

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2-803. Period for holding animals.

(a) Any impounded cat or dog not recovered by its owner/custodian within a holding period of three (3) business days shall become the property of the city and may be offered for adoption or humanely euthanized.

(b) When any cat or dog not having proper identification arrives at the shelter in such a condition that, in the judgement of the veterinarian, compassion requires that such animal be promptly ~~and humanely euthanized, then the animal may be humanely euthanized.~~

~~(Ord. 1992, Sec. 1)~~

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2-804. Procedure and fees for recovery of animals.

(a) Any owner/custodian of an impounded dog or cat shall be entitled to recover such animal if, within the prescribed holding period, such person shall appear to claim such animal and shall make payment of the required fees and any veterinary expenses. The required fees shall be established by resolution.

(b) If an owner/custodian cannot validate current rabies immunization for his/her animal, then such owner/custodian shall, within three (3) business days, accomplish such vaccination with a licensed veterinarian or shall be issued a notice to appear for validation of this section.

~~(c) Any owner/custodian of any cat or dog impounded more than one time within a twelve-month period shall be responsible for paying all applicable fees and shall be issued a notice to appear.~~

~~(Ord. 1992, Sec. 1)~~

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2-805. Breaking pound or shelter.

It shall be unlawful for any person other than a duly authorized officer to break open or attempt to break open any enclosure in which dogs, pups, cats, kittens, or any other impounded animals are confined or held pursuant to the provisions of this article or take or let out any dog, pup, cat, kitten or any other impounded animals placed therein by an officer of this city, or take or attempt to take from an officer of this city any dog, pup, cat, kitten or any other impounded animal taken by such an officer, or in any manner interfere with or hinder any officer of this city in catching or taking up any animal.

~~(Ord. 1992, Sec. 1)~~

DRAFT

COUNCIL MEMO

DATE: 5/20/2020

SUBJECT: Drainage Study Review

ORIGINATING DEPARTMENT: Administration

DISCUSSION:

The council commissioned a drainage study in early 2019. This need was further reinforced in mid 2019 with a major flooding event occurring, the silver lining is that we were able to get some immediate real life data to work into the modeling software. The goal with the study was to develop an accurate model that allowed us to determine the pinch points and what type of detention/retention would be necessary to make the existing drainage ways work. This may also require some adjustments within the drainage ways as well as changes in the drainage structures.

In the packet is an initial draft of the drainage plan with potential structures in locations that would provide the most bang for the buck. Keep in mind, we have not approached property owners where these potential ponds may go as this is simply a concept on paper. This concept can be changed based on feedback and landowner feedback. However, it gives the council an idea and a start point to begin to solve this issue.

Respectfully submitted,
Jason Rabe
City Manager



April 10, 2020

Mr. Jason Rabe, City Manager
City of Beloit, KS
119 N Hersey Ave
Beloit, KS 67420

RE: City-wide Drainage Study
Beloit, KS

Dear Mr. Rabe,

The following is a summary of our study of three major drainage systems in the community of Beloit, KS. We have looked at existing conditions, identified problem areas, and proposed solutions to lower peak storm water flows. See summary below.

INTRODUCTION

The City of Beloit has had flooding within city limits for many years. The last several years have been particularly wet which has exacerbated the flooding problem. The City asked us to create a drainage model to analyze three watersheds and provide recommendations for drainage improvements.

All three watersheds flow through the city from north to south and into the Solomon River. One watershed is located along the west side of the town (W), and two are located along the east side (E and EA). In addition, all three watersheds are concentrated into channels and at culverts and bridges underneath city streets. A large percentage of each watershed area is located upstream and north of the city. By visual observation over the years, the City has identified certain areas where buildings, streets and residences have been periodically flooding during large storm events. This study substantiates and clarifies the sources of these problem areas and proposes potential solutions.

METHODOLOGY

A model of the three watersheds was created using Autodesk's 2019 Storm and Sanitary Analysis software. The model was set to utilize the SCS method for calculation of times of concentration (T_c) runoff coefficients (CN) and peak runoff (Q). The model was set to utilize the Hydrodynamic method for the hydraulic routing of interconnected network components such as channels, pipes, culverts, bridges, and detention ponds. The 10-Year recurrence interval was used as the design storm in this study. See Appendix A-1 for additional model analysis settings information.

EXISTING CONDITIONS

The existing state of the three watersheds mentioned above was analyzed by first collecting topo data along the drainage ways (drainage structures at streets and roads, and drainage channel dimensions). Based on this information combined with field observation, a model was created. Times of concentration and runoff coefficients were estimated based on the characteristics of each sub-area upstream of each structure. The model was run for the 10-Year storm. Below is a table identifying those structures at

Civil Engineers

Land Surveyors

Landscape Architects

street or road crossings where the model indicated storm water flooding streets and adjacent lots. The model estimated the peak rate of the water that is flowing over top of the street or road at each structure. This peak flow rate is given in cubic feet per second at each location and is shown in the column labeled “Overflow Peak (cfs)” below. See Table 1.0 below and Existing Conditions Drainage Map in Appendix A-2.

Table 1.0 – Flooding at Drainage Structures (Existing Conditions)

Structure ID	Structure Description	Overflow Peak (cfs)	Cross-Street/Road
W7	Masonry Bridge with (3) 3’-6”h x 8’w arches	239	4 th Avenue
W8	(3) 36” Dia. CMPs	180	5 th Avenue
W9	(2) 36” Dia. RCBs	209	6 th Street
W10	(2) 48” Dia. RCBs	68	7 th Street
E4	(2-cell) 6’h x 10’w RCB	46	South Street
E6	(3) 8’ Dia. CMPs	36	Court Street
E9	8’h x 13’w RCB	268	3 rd Street
E10	(2) 9’ Dia. CMPs	214	Gill Creek Drive
E11	(2) 8’ Dia. CMPs	421	Myers Lane
E13	5’h x 9’-6”w RCB	199	Carlin Street
E14	5’h x 12’w RCB	687	Carlin Street & Private Drive
E16	8’h x 24’w RCB	364	310 Road
E19	7’h x 10’w RCB	373	310 Road
E20	(3-cell) 4’h x 6’w RCB	402	310 Road
E21	5’h x 8’w RCB	128	F Road
E22	4’h x 8’w RCB	129	F Road
EA1	Concrete Bridge (1:1.05 sides, 6’h, 8’bottom)	66	Jasmine Trail
EA4	(3-cell) 4’h x 8’w RCB	340	Private Drive
EA5	(2-cell) 4’h x 8’w RCB	327	Country Club Road
EA6	8’h x 8’w RCB	86	8 th Street

PROPOSED SOLUTIONS

The drainage model substantiated the City’s concern that flooding is occurring at structures throughout the city in the 10-Year storm. Therefore, in order to lower the peak overflow rates at the problem areas, four locations were selected as potential storm water detention facility sites. See Appendix B-1. Detention facilities were proposed in the vicinity of structures W10 (model label = PP-W10m), W11 (model label = PP-W11), and EA6 (model label = PP-EA7). A detention/retention (i.e. dry/wet) pond was proposed in the vicinity of E16 (model label = PP-E17). These ponds were conceptually designed at the identified locations. The PP-E17 pond design includes retention (wet) volume up to a certain elevation and detention above that to the top of the pond. The volumes and outlet configurations were entered into the model and the 10-Year storm was simulated. Table 2.0 below shows the resulting peak overflow rates at each structure compared to existing conditions as well as the percent reduction of peak overflow.

Table 2.0 – Peak Overflow Rate Reduction

Structure ID	Existing Conditions Overflow Peak (cfs)	Proposed Conditions Overflow Peak (cfs)	Reduction (%)	Cross-Street/Road
W7	239	0	100	4 th Avenue
W8	180	0	100	5 th Avenue
W9	209	0	100	6 th Street
W10	68	0	100	7 th Street
E4	131	0	100	South Street
E6	127	0	100	Court Street
E9	424	0	100	3 rd Street
E10	384	0	100	Gill Creek Drive
E11	538	0	100	Myers Lane
E12	28	0	100	8 th Street
E13	323	96	70	Carlin Street
E14	801	317	60	Carlin Street & Private Drive
E16	577	0	100	310 Road
E19	472	464	2	Hwy - 9
E20	347	347	0	310 Road
E21	128	128	0	F Road
E22	129	129	0	F Road
EA1	66	2	97	Jazmine Trail
EA4	340	1	99	Private Drive
EA5	327	0	100	Country Club Road
EA6	86	0	100	8 th Street

See Appendix B-2 through B-5 for conceptual pond plans, and pond routing information.

RESULTS/RECOMMENDATIONS

Table 2.0 above indicates that detention ponds PP-W10m, PP-W11, PP-E17, and PP-EA7 can be significantly effective in reducing peak flows. It is therefore our recommendation that steps be taken to acquire the necessary land and to construct detention facilities in the above referenced locations.

Should you have questions, or desire additional information, feel free to call or email us. We appreciate working with you and hope that we can continue to assist you with the implementation of the recommended improvements.

Sincerely,



William Mann, PLA

Project Options

Flow Units	CFS
Elevation Type	Elevation
Hydrology Method	SCS TR-55
Time of Concentration (TOC) Method	SCS TR-55
Link Routing Method	Hydrodynamic
Enable Overflow Ponding at Nodes	YES
Skip Steady State Analysis Time Periods	NO

Analysis Options

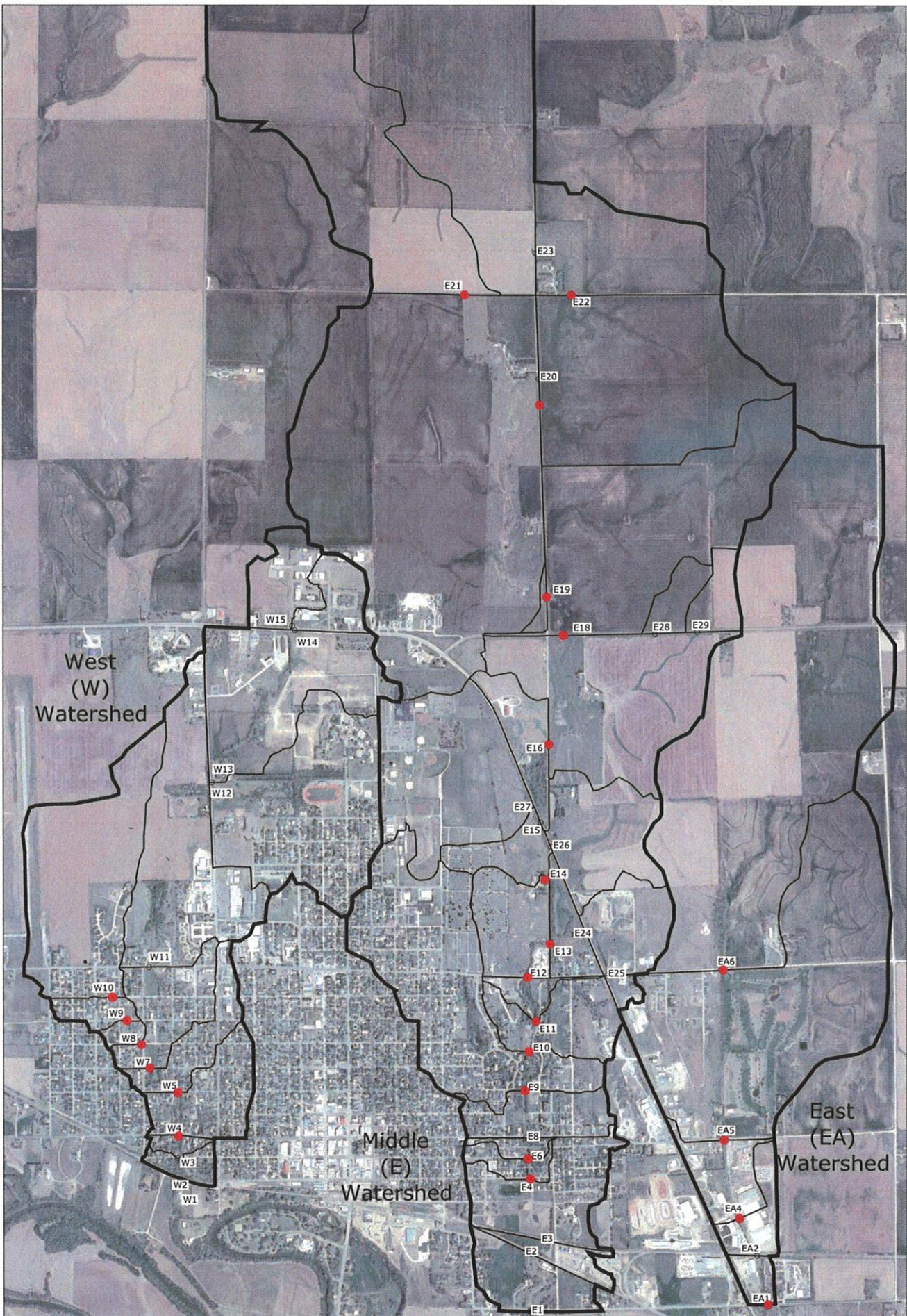
Start Analysis On	Oct 22, 2019	00:00:00
End Analysis On	Oct 23, 2019	00:00:00
Start Reporting On	Oct 22, 2019	00:00:00
Antecedent Dry Days	0	days
Runoff (Dry Weather) Time Step	0 01:00:00	days hh:mm:ss
Runoff (Wet Weather) Time Step	0 00:05:00	days hh:mm:ss
Reporting Time Step	0 00:05:00	days hh:mm:ss
Routing Time Step	30	seconds

Number of Elements

	Qty
Rain Gages	4
Subbasins.....	49
Nodes.....	115
<i>Junctions</i>	84
<i>Outfalls</i>	3
<i>Flow Diversions</i>	0
<i>Inlets</i>	0
<i>Storage Nodes</i>	28
Links.....	141
<i>Channels</i>	56
<i>Pipes</i>	55
<i>Pumps</i>	0
<i>Orifices</i>	2
<i>Weirs</i>	28
<i>Outlets</i>	0
Pollutants	0
Land Uses	0

Rainfall Details

SN	Rain Gage ID	Data Source	Data Source ID	Rainfall Type	Rain Units	State	County	Return Period (years)	Rainfall Depth (inches)	Rainfall Distribution
1	MitchellCo-100Yr	Time Series	05 (100-Year)	Cumulative	inches	Kansas	Mitchell	100	6.70	SCS Type II 24-hr
2	MitchellCo-10Yr	Time Series	02 (10-Year)	Cumulative	inches	Kansas	Mitchell	10	4.50	SCS Type II 24-hr
3	MitchellCo-25Yr	Time Series	02 (10-Year)	Cumulative	inches	Kansas	Mitchell	10	4.50	SCS Type II 24-hr
4	MitchellCo-2Yr	Time Series	01 (2-Year)	Cumulative	inches	Kansas	Mitchell	2	2.80	SCS Type II 24-hr



West
(W)
Watershed

Middle
(E)
Watershed

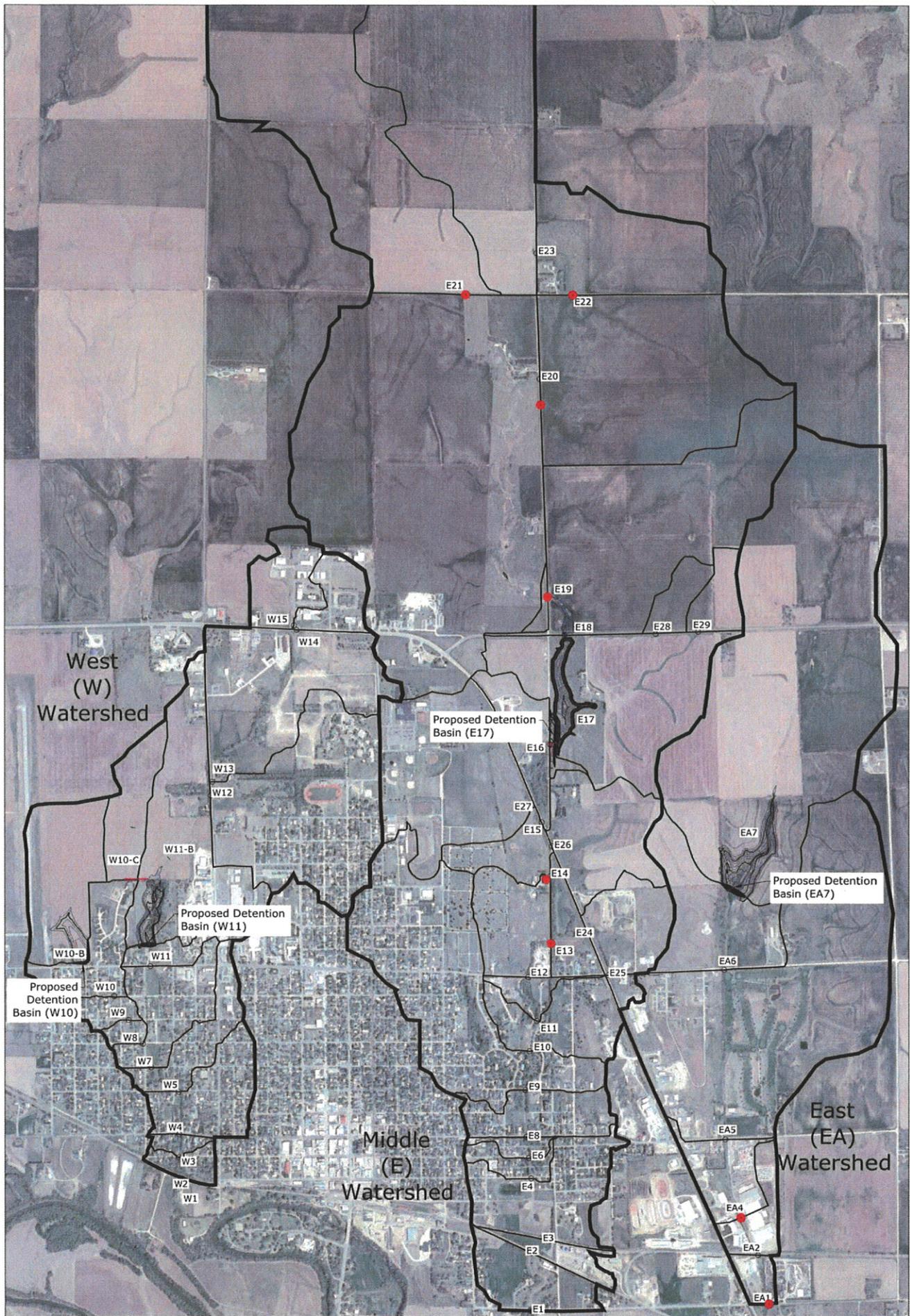
East
(EA)
Watershed

A-2 Beloit Drainage Map

Existing Conditions (10-Year Storm)

● STORM STRUCTURE OVERTOPPED





B-1 Beloit Drainage Map
Proposed Conditions (10-Year Storm)

Storage Node : PP-W10m

Input Data

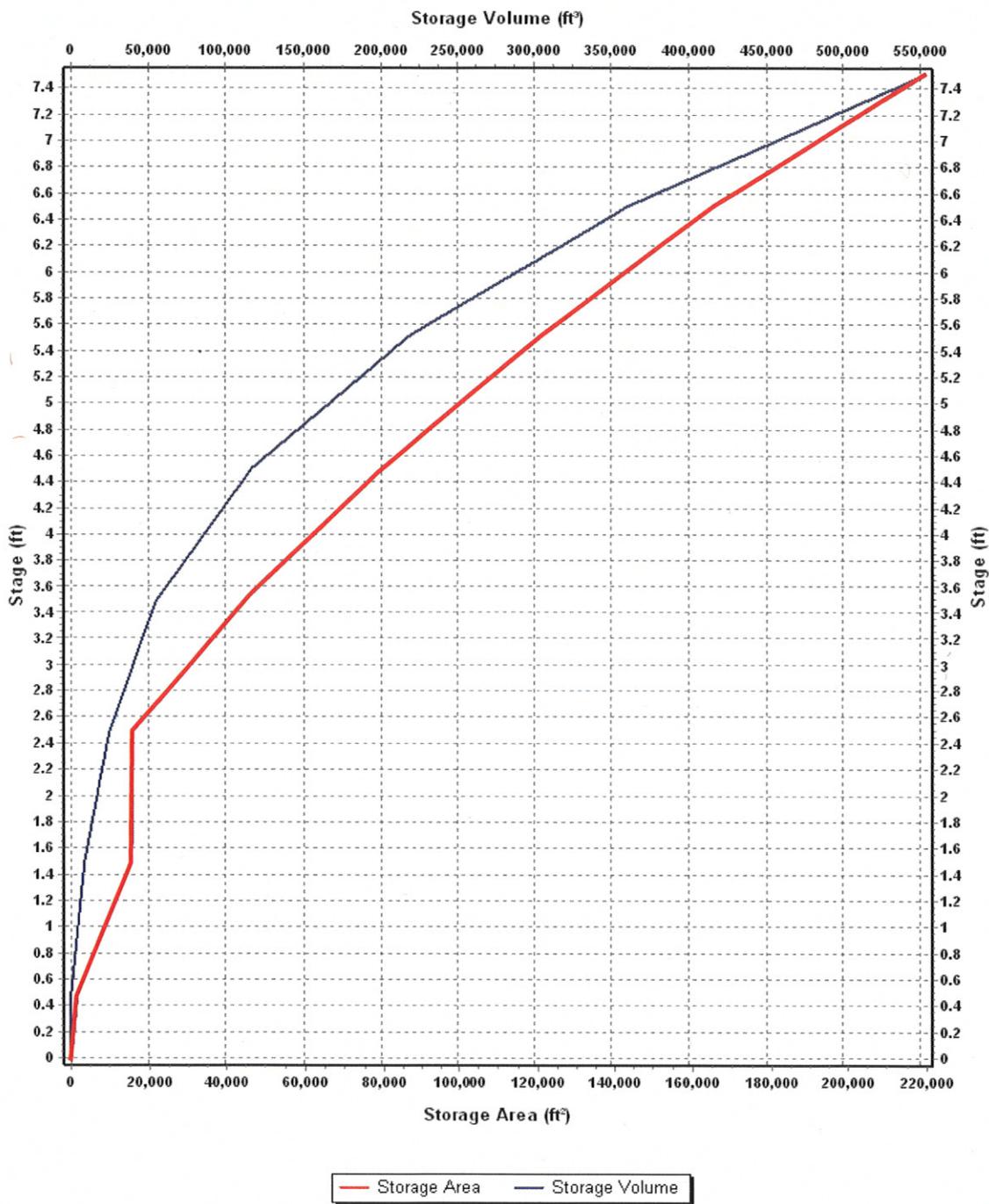
Invert Elevation (ft)	1399.50
Max (Rim) Elevation (ft)	1406.00
Max (Rim) Offset (ft)	6.50
Initial Water Elevation (ft)	0.00
Initial Water Depth (ft)	-1399.50
Ponded Area (ft ²)	0.00
Evaporation Loss	0.00

Storage Area Volume Curves

Storage Curve : ProposedPond-W10a

Stage (ft)	Storage Area (ft ²)	Storage Volume (ft ³)
0	10	0.000
.5	1654.49	416.12
1.5	15718.76	9102.75
2.5	15884.4	24904.33
3.5	44824.81	55258.94
4.5	79860.17	117601.43
5.5	120279.61	217671.32
6.5	164901.68	360261.96
7.5	219308.33	552366.96

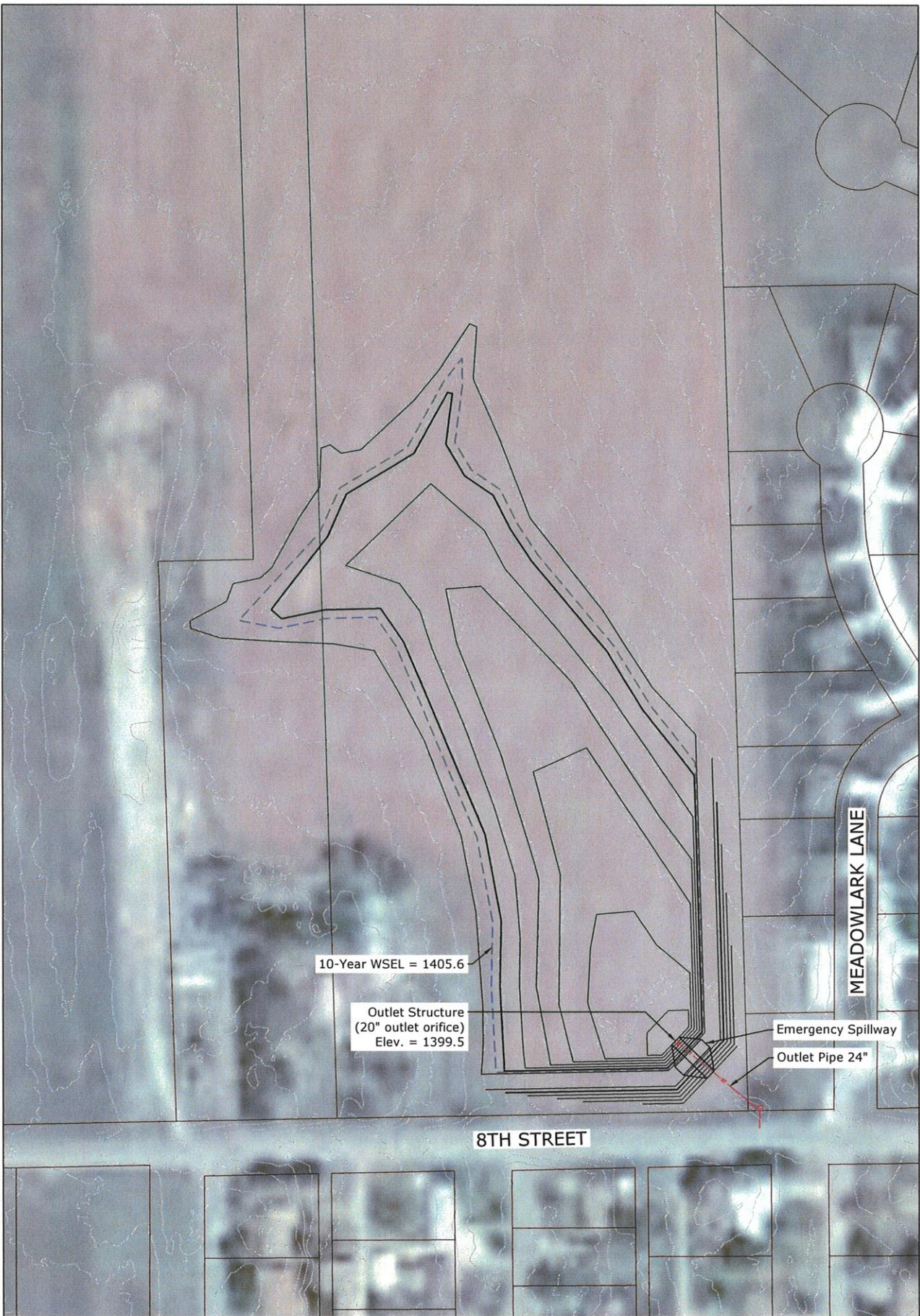
Storage Area Volume Curves



Storage Node : PP-W10m (continued)

Output Summary Results

Peak Inflow (cfs)	159.16
Peak Lateral Inflow (cfs)	159.16
Peak Outflow (cfs)	30.95
Peak Exfiltration Flow Rate (cfm)	0.00
Max HGL Elevation Attained (ft)	1405.62
Max HGL Depth Attained (ft)	6.12
Average HGL Elevation Attained (ft)	1402.58
Average HGL Depth Attained (ft)	3.08
Time of Max HGL Occurrence (days hh:mm)	0 13:10
Total Exfiltration Volume (1000-ft ³)	0.000
Total Flooded Volume (ac-in)	0
Total Time Flooded (min)	0
Total Retention Time (sec)	0.00



DRY DETENTION POND (W10)

Proposed Conditions (10-Year Storm)



Storage Node : PP-W11

Input Data

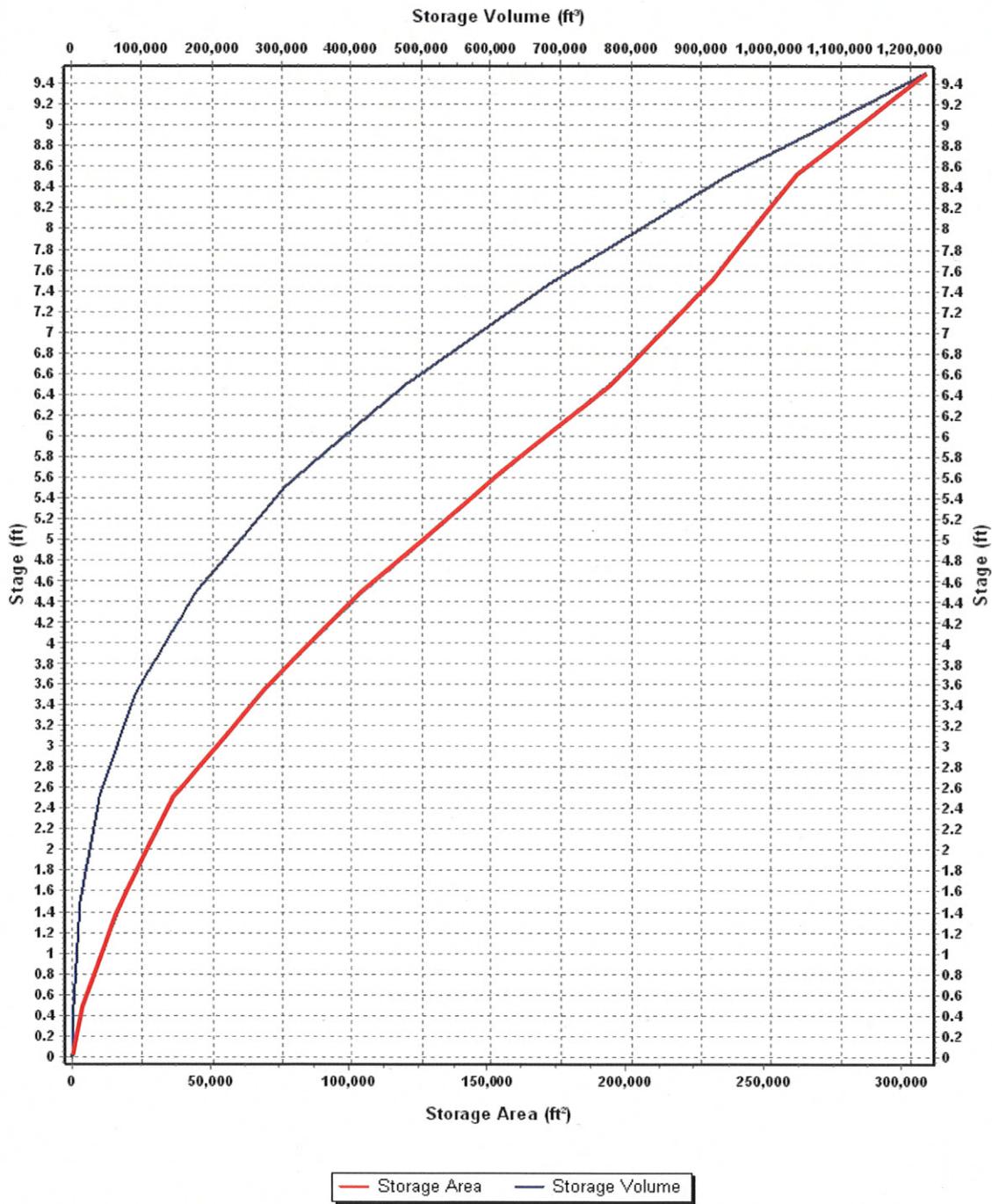
Invert Elevation (ft) 1394.50
Max (Rim) Elevation (ft) 1404.00
Max (Rim) Offset (ft) 9.50
Initial Water Elevation (ft) 1395.00
Initial Water Depth (ft) 0.50
Ponded Area (ft²) 0.00
Evaporation Loss 0.00

Storage Area Volume Curves

Storage Curve : PP-W11

Stage (ft)	Storage Area (ft ²)	Storage Volume (ft ³)
0	10	0.000
.5	4098.8	1027.20
1.5	17794.9	11974.05
2.5	36469.5	39106.25
3.5	67846.8	91264.40
4.5	105483.8	177929.70
5.5	149268.9	305306.05
6.5	194710.98	477295.99
7.5	231206.48	690254.72
8.5	261217.22	936466.57
9.5	308929.44	1221539.90

Storage Area Volume Curves



Storage Node : PP-W11 (continued)

Outflow Weirs

SN Element ID	Weir Type	Flap Gate	Crest Elevation (ft)	Crest Offset (ft)	Length (ft)	Weir Total Height (ft)	Discharge Coefficient
1 W11-Spillway	Trapezoidal	No	1402.50	8.00	40.00	3.00	3.33

Output Summary Results

Peak Inflow (cfs)	693.28
Peak Lateral Inflow (cfs)	260.76
Peak Outflow (cfs)	308.02
Peak Exfiltration Flow Rate (cfm)	0.00
Max HGL Elevation Attained (ft)	1402.19
Max HGL Depth Attained (ft)	7.69
Average HGL Elevation Attained (ft)	1397.69
Average HGL Depth Attained (ft)	3.19
Time of Max HGL Occurrence (days hh:mm)	0 13:09
Total Exfiltration Volume (1000-ft ³)	0.000
Total Flooded Volume (ac-in)	0
Total Time Flooded (min)	0
Total Retention Time (sec)	0.00



DRY DETENTION POND (W11)

Proposed Conditions (10-Year Storm)



Storage Node : PP-E17

Input Data

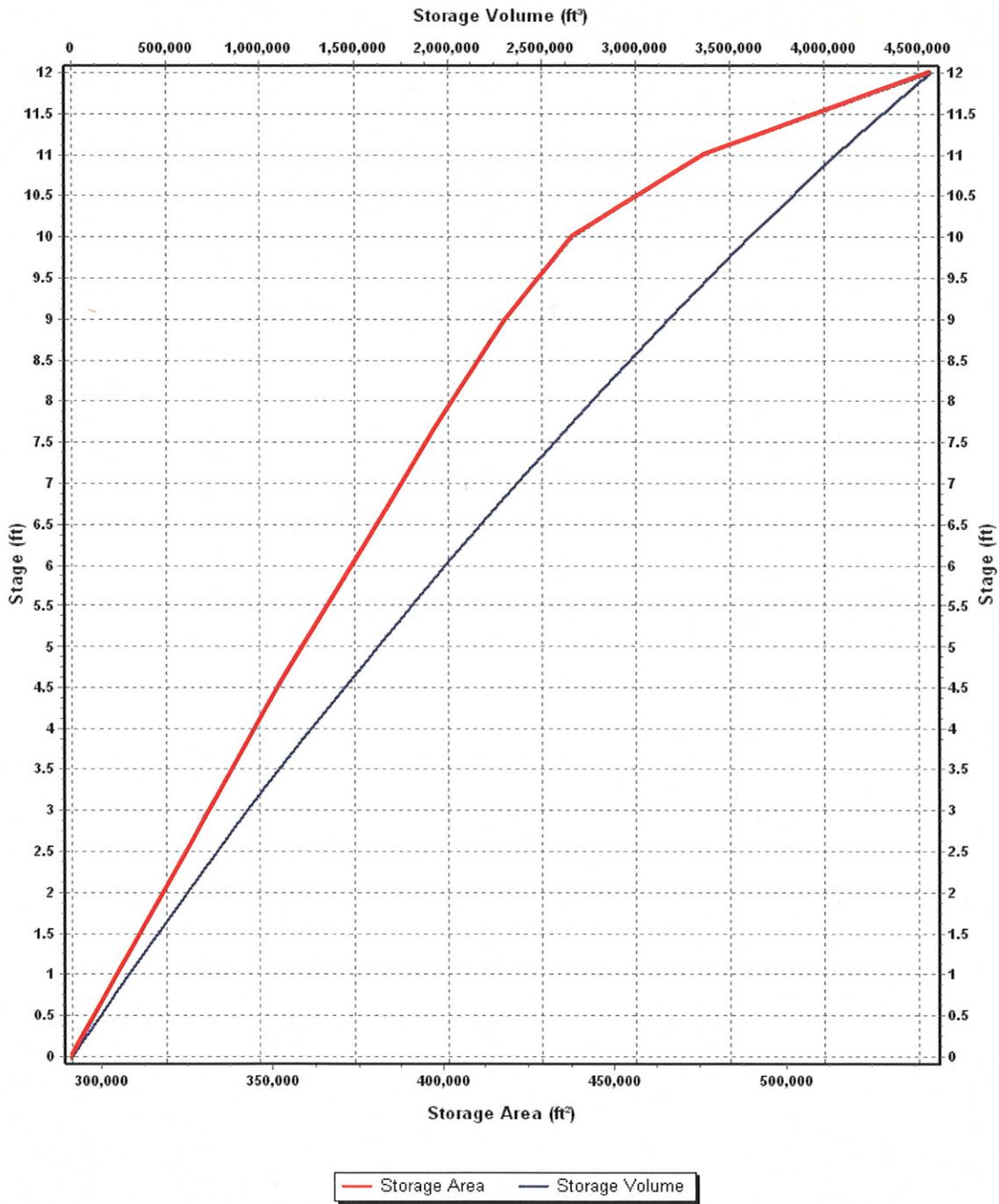
Invert Elevation (ft)	1416.00
Max (Rim) Elevation (ft)	1428.00
Max (Rim) Offset (ft)	12.00
Initial Water Elevation (ft)	1416.00
Initial Water Depth (ft)	0.00
Ponded Area (ft ²)	0.00
Evaporation Loss	0.00

Storage Area Volume Curves

Storage Curve : PP-E17

Stage (ft)	Storage Area (ft ²)	Storage Volume (ft ³)
0	291651.2	0.000
1	304530.4	298090.80
2	317816.4	609264.20
3	331301.1	933822.95
4	345131.4	1272039.20
5	359142.5	1624176.15
6	373323.2	1990409.00
7	387763.81	2370952.51
8	402750.9	2766209.86
9	417905.3	3176537.96
10	437832.1	3604406.66
11	475401.2	4061023.31
12	542335.53	4569891.68

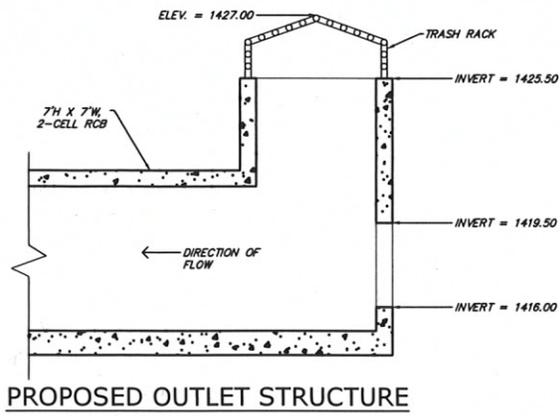
Storage Area Volume Curves



Storage Node : PP-E17 (continued)

Output Summary Results

Peak Inflow (cfs)	1142.56
Peak Lateral Inflow (cfs)	249.39
Peak Outflow (cfs)	685.96
Peak Exfiltration Flow Rate (cfm)	0.00
Max HGL Elevation Attained (ft)	1426.94
Max HGL Depth Attained (ft)	10.94
Average HGL Elevation Attained (ft)	1422.80
Average HGL Depth Attained (ft)	6.8
Time of Max HGL Occurrence (days hh:mm)	0 15:25
Total Exfiltration Volume (1000-ft ³)	0.000
Total Flooded Volume (ac-in)	0
Total Time Flooded (min)	0
Total Retention Time (sec)	0.00



WET DETENTION POND (PP-E17)

Proposed Conditions (10-Year Storm)



Storage Node : PP-EA7

Input Data

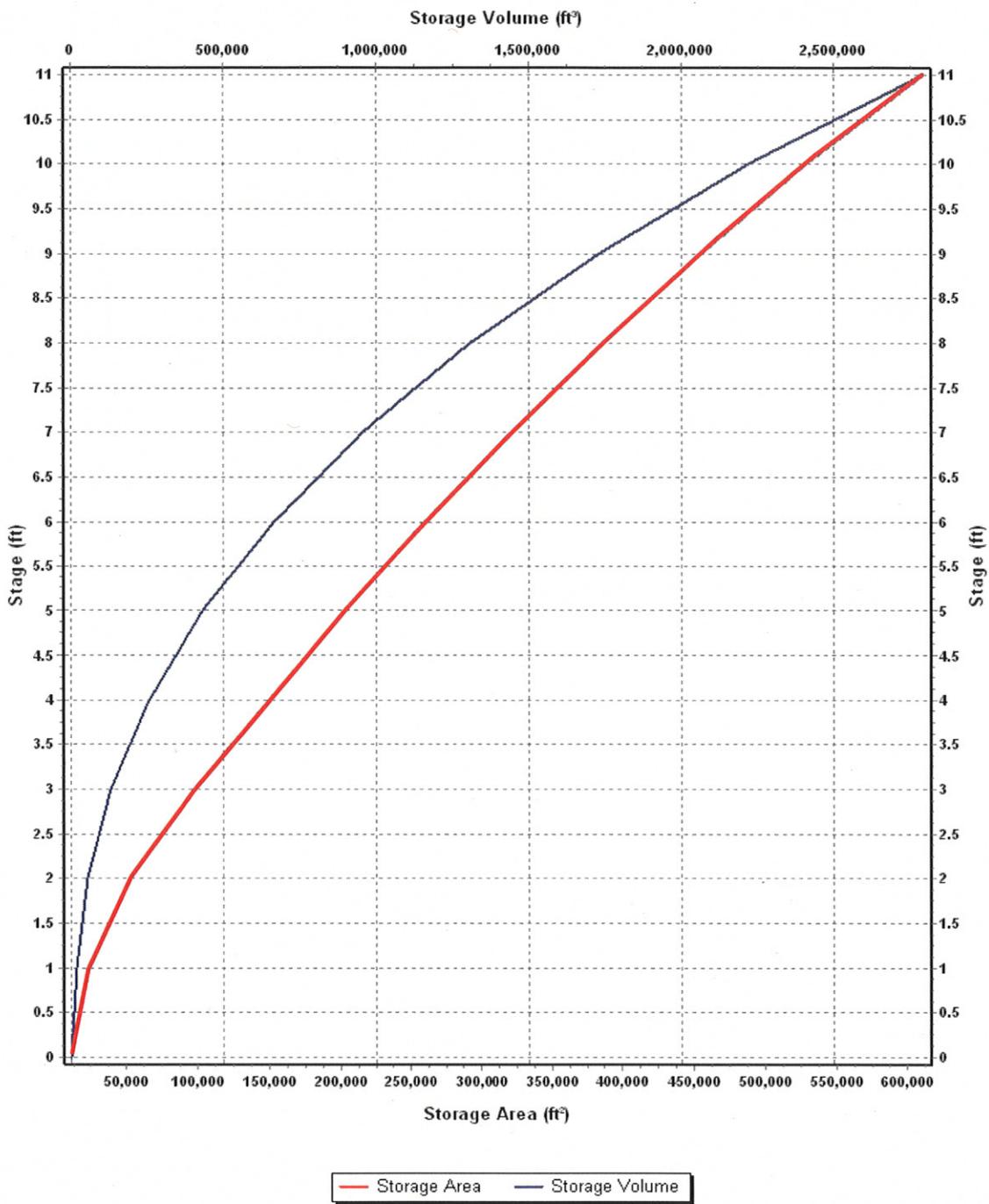
Invert Elevation (ft)	1426.00
Max (Rim) Elevation (ft)	1437.00
Max (Rim) Offset (ft)	11.00
Initial Water Elevation (ft)	1426.00
Initial Water Depth (ft)	0.00
Ponded Area (ft ²)	0.00
Evaporation Loss	0.00

Storage Area Volume Curves

Storage Curve : PP-EA7

Stage (ft)	Storage Area (ft ²)	Storage Volume (ft ³)
0	10968	0.000
1	23683.7	17325.85
2	52985.54	55660.47
3	98322.6	131314.54
4	150191.4	255571.54
5	203582.15	432458.32
6	260442.8	664470.80
7	322666.81	956025.61
8	385898.61	1310308.32
9	454725.45	1730620.35
10	528729.97	2222348.06
11	611203.23	2792314.66

Storage Area Volume Curves



Storage Node : PP-EA7 (continued)

Outflow Weirs

SN Element ID	Weir Type	Flap Gate	Crest Elevation (ft)	Crest Offset (ft)	Length (ft)	Weir Total Height (ft)	Discharge Coefficient
1 EA7-Spillway	Trapezoidal	No	1435.75	9.75	2.00	50.00	3.33

Output Summary Results

Peak Inflow (cfs)	668.70
Peak Lateral Inflow (cfs)	668.70
Peak Outflow (cfs)	216.37
Peak Exfiltration Flow Rate (cfm)	0.00
Max HGL Elevation Attained (ft)	1435.57
Max HGL Depth Attained (ft)	9.57
Average HGL Elevation Attained (ft)	1431.49
Average HGL Depth Attained (ft)	5.49
Time of Max HGL Occurrence (days hh:mm)	0 13:53
Total Exfiltration Volume (1000-ft ³)	0.000
Total Flooded Volume (ac-in)	0
Total Time Flooded (min)	0
Total Retention Time (sec)	0.00



10-Year WSEL = 1435.6

Pond Outlet Structure:
4'h X 4'w RCB
Invert Elev. = 1426.00

Emergency Spillway

DRY DETENTION POND (EA7)

Proposed Conditions (10-Year Storm)

