



119 North Hersey Avenue
P.O. Box 567
Beloit, Kansas 67420
Phone: 785-738-3551
Fax: 785-738-2517
E-mail: info@beloitks.org

CODES & ORDINANCES

CITY OF BELOIT CODE - ANIMALS

CITY OF BELOIT CODE ANIMALS

- Art. 1. General
- Art. 2. Administration and Enforcement
- Art. 3. Restrictions on Owning/Keeping Animals
- Art. 4. Responsibilities of Persons Owning/Keeping Animals
- Art. 5. Animal Protection Responsibility of All Persons
- Art. 6. Licensing of Cats and Dogs
- Art. 7. Licensing of Commercial Animal Establishments
- Art. 8. Impoundment, Recovery and Adoption of Animals at Animal Pound

ARTICLE 1. GENERAL

Sec. 2-101. Definitions.

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

Animal means any live vertebrate creature, domestic or wild, other than humans, and including all fowl.

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.

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.

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.

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.

Bite means any penetration of the skin by teeth.

Caretaker: a person who claims responsibility for a cat. Often used to refer to people who are caring for feral cats.

Cat means any member of the Felis Catus Family, male or female, regardless of age.

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.



Chief of Police means the duly appointed, highest-ranking officer in charge of the police department or his authorized representatives.

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.

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

Dangerous animal means:

- (a) 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;
- (b) Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
- (c) Any animal owned or harbored for the purpose of animal fighting, or any animal trained for animal fighting.

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

Exotic animal means:

- (a) Any mammal not generally accustomed to live in or near human populations.
- (b) Poisonous reptiles of any length and non-poisonous reptiles over 8 feet in length.
- (c) Poisonous arthropods (i.e., poisonous scorpions, poisonous spiders, etc.).
- (d) All non-human primates.

All animals protected from hunting and capture by federal and state law.

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.

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.

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.

Fowl: any animal that is included in the zoological class Aves.

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.

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 or improving the breed.

Household means all persons living in the same dwelling unit.

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

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

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.

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.

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", Agricultural, "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 operation at such location, provided that such kennel is continuously licensed with the city from June 1, 1980 onward.

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

Managed feral cat colony: a colony of cats in which TTVAR-M has been or is being performed.

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

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

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.

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.

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

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



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

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

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

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 when the animal is being walked or exercised on a leash.

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.

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.

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.

Sec. 2-102. Removal and disposal of dead animals.

- (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.

Small, dead animals on private property shall be removed by the Animal Control Officer as soon as possible after notice is given. For the occasional removal of small animals from private premises, there shall be no charge.

Sec. 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.



Sec. 2-104. Penalties.

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 \$15.00 and not more than \$500.00, 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.

Any pet owner/custodian issued a *notice to appear* for any of the following **LEVEL I** sections of this chapter:

- Sec. 2-102(b) Removal/disposal of dead animals
- 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. 2-413 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

may settle the second and third offense out of court by making the following payment in person or by mail prior to the court appearance date prescribed on the *notice to appear*:

- (1) First offense: Warning
- (2) Second offense: \$15.00
- (3) Third offense: \$30.00

Any pet owner/custodian issued a *notice to appear* for any of the following **LEVEL II** sections of this chapter:

- Sec. 2-403 Proper identification of cats and dogs required
- 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.
- Sec. 2-405 Animal nuisance activities prohibited
- Sec. 2-406 Excessive animal noise prohibited
- Sec. 2-410 Rabies vaccination of cats and dogs required
- Sec. 2-414 Proper maintenance of animal yard structures / pens required
- Sec. 2-602 Licensing of cats and dogs required

may settle the second and third offense out of court by making the following payment in person or by mail prior to the court appearance date prescribed on the *notice to appear*:

- (1) First offense: Warning
- (2) Second offense: \$25.00
- (3) Third offense: \$50.00

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 breeder's license required
- Sec. 2-701 Licensing of commercial animal establishments required

may settle the second and third offenses out of court by making the following payment in person or by mail prior to the court appearance date prescribed on the *notice to appear*:

- (1) First offense: Warning
- (2) Second offense: \$40.00
- (3) Third offense: \$80.00

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

may settle first offense out of court by agreeing to the following procedure prior to the court appearance date prescribed on the *notice to appear*:

- (1) First offense:
Animal impoundment, payment of \$100.00 fine and any impound fees accrued and comply with confinement requirement.
- (2) Second or subsequent offense:
Appearance before the Municipal Court removal of the animal from the city limits, or euthanization of the animal fine of not less than \$200.00 and not greater than \$500.00 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.

In the event settlement is made out of court, and receipt given therefore, the person committing such offense shall be deemed to have pleaded *nolo contendere* and no prosecution for the alleged offense for which the alleged offender has so settled shall be thereafter instituted or maintained in municipal court.

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.

Except as provided for in Section 2-104(e), if the alleged offender shall have previously thrice settled out of court and/or been convicted of such offense, he/she shall not be permitted to settle the current alleged offense out of court, but shall be required to stand trial in municipal court. Also, 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.

Any person convicted of five (5) or more violations of the provisions of this chapter may be prohibited from owning any animal within the city.

Sec. 2-105. Dangerous or vicious animals.

It shall be unlawful for any person to keep, harbor or own any vicious animal within the city. If the Animal Control Officer determines that an animal presents a danger to persons because of the behavior of the animal toward persons or to other domestic animals, its history of attack or wounding of persons or other domestic animals,



the seriousness of these attacks or wounds, or its potential to inflict wounds on persons or other domestic animals in the future, such determination shall be grounds for immediate impoundment of the animal pending the determination by the court of whether the animal is to be declared vicious. Costs of the impoundment and subsequent disposition of the animal shall be assessed to the animal owner/custodian, as defined in this chapter.

Prohibited. It shall be unlawful for any owner/custodian, as defined in this chapter, who keeps any animal within the city limits to fail to prevent such animal from the following, which are declared to be public nuisances and prohibited:

Attacking or biting any person or animal that is not upon the premises of the owner/custodian.

Attacking or biting any person or animal that is upon the premises of the residence of such owner/custodian. It shall be an affirmative defense to this subparagraph that the use of such animal to attack or bite any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery or theft upon the property.

Attacking or biting any person or animal upon the premises of any business establishment when such animal is kept by the owner/custodian within or upon such premises. It is an affirmative defense to this subparagraph that the use of such animal to attack or bite any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery or theft upon the property.

Exception. The provisions of subsection (a) shall not apply to any law enforcement officer who uses or employs a dog while engaged in law enforcement activities, or to any owner/custodian of any dog which attacks or bites a person engaged in physically attacking or striking such owner/custodian.

Compliant and notice to appear.

Any pet owner/custodian of an animal of dangerous or vicious propensities who knows of or has been made aware of such propensities, and has permitted the animal to go at large or kept such animal without taking ordinary care to restrain and it can be shown that a violent act occurred on or about a specific date may be issued a uniform complaint and notice to appear for violation of the provisions of this section.

Any person who witnesses or has other personal knowledge that an act or acts made unlawful by the provisions of this section have been committed in violation of said provisions may sign a complaint against the alleged violator.

Any Police Officer or Animal Control Officer of the city is authorized to issue a uniform complaint and notice to appear to any person when the officer personally observes a violation of the provisions of this section or when information is received from any person who has personal knowledge that an act or acts which are made unlawful by the provisions of this section have occurred.

Ex parte hearings and court orders. The municipal court of the city is authorized to hold ex parte (without notice to or the presence of the owner/custodian of the animal) hearings to determine whether there are reasonable grounds to believe that an animal may constitute a danger to any person or persons if not impounded. If, after the hearing, the court finds reasonable grounds exist, the court is authorized to enter orders either on its own motion or on the motion of the City Attorney or the City Attorney's authorized representative, to seize and impound (or continue the impoundment of) the animal until the completion of all trial and legal proceedings held in municipal court of the city to determine whether there has been a violation of this section. If an animal is ordered to be impounded pursuant to this subsection, the owner/custodian of the animal shall be entitled to a hearing in the municipal court within fourteen (14) days of impoundment to review the propriety of the impoundment. Cost of the impoundment shall be assessed to the owner/custodian of the animal.

Confinement requirements. The keeping of dogs suspected of being vicious will be subject to the following standards:

Leash and Muzzle. No person shall permit a suspect dog outside its kennel or pen unless such dog is secured with a leash no longer than four feet in length. No person shall permit a suspect dog to be kept on a chain, rope or



other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all suspect dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

Confinement. All suspect animals, when not securely confined indoors, shall be secured in an enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must be a minimum of 6x10 (60 sq. feet) and a maximum of 10x14 (140 sq. feet) in size and rectangular in shape. Such pen, kennel or structure must have secure sides 6 feet high and a secure top attached to the sides. Such structures must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures used to confine suspect dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house suspect dogs must comply with all zoning and building codes of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

Confinement indoors. No suspect 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. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

Destruction of animal. Upon an initial conviction of this section, if the municipal court judge finds that the animal represents a continuing threat of serious harm to human beings or other domestic animals, he/she may order the animal humanely euthanized. Upon a third or subsequent conviction of this section involving the same animal as involved in the prior conviction, the judge shall order that the animal be humanely euthanized.

ARTICLE 2. ADMINISTRATION AND ENFORCEMENT

Sec. 2-201. Duties of the City Administrator.

Except where otherwise provided, it shall be the duty of the City Administrator, 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.

Sec. 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.

Sec. 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.



Sec. 2-204. Enforcement procedures.

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.

The Animal Control Officer, the Chief of Police or any law enforcement officer are hereby authorized to pick up and impound any animal in 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 not 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.

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 officers 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.

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.

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.

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 cat or 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

Sec. 2-301. Number of animals; exemptions.

Ownership/custodianship of cats or dogs is limited to no more than three (3) animals of either species per household, not to exceed a combined total of five (5) cats and dogs per household.

This prohibition shall not apply to:

Individuals possessing a hobby breeder's license.

Zoos, circuses, carnivals, fairs, veterinarian clinics in possession of such animals during treatment, educational institutions or medical institutions.

Persons temporarily transporting such animals through the city.



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.

Sec. 2-302. Prohibited owning; exemptions.

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:

Those wild or exotic animals kept under a rehabilitation or scientific and exhibition permit of the Kansas Wildlife and Parks Department.

Zoos, circuses, carnivals, veterinarian clinics in possession of such animals during treatment, educational institutions or medical institutions.

Persons temporarily transporting such animals through the city.

The owning or keeping of any fowl within the city limits is hereby prohibited, except:

Caged birds kept as pets within a residence structure;

The owning or keeping of chickens shall be limited to a maximum of five (5) per residence, kept in accordance with section 2-304;

The owning or keeping of pigeons shall be limited to a maximum of five (5) per residence, kept in accordance with section 2-304;

Other domestic fowl, kept in accordance with section 2-302(c) (2).

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:

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

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

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.

Sec. 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.



Sec. 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 requirements 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/custodian's residence.

Sec. 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.

ARTICLE 4. RESPONSIBILITIES OF PERSONS OWNING ANIMALS

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

It shall be the positive duty of every owner/custodian of 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.

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

Shelter.

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 weatherproof 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.

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

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.

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.



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

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.

Nutrition.

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.

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

Exercise.

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

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

<u>Number of Dogs</u>	<u>Under 50 lbs.</u>	<u>Over 50 lbs.</u>
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)

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

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.

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.

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.

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.

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.



Sec. 2-403. Proper identification of cats and dogs required.

It shall be unlawful for any person owning or keeping any cat or 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.

Sec. 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 held 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.

Sec. 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:

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;

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;

Damages public or private property by its activities or with its excrement;

Scatters refuse that is bagged or otherwise contained;

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.



Sec. 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 of 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.

Sec. 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.

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

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.

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.

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.

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

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

Sec. 2-409. Annual Licensing of cats and dogs required; exception.

Any person owning or keeping any cat or dog over one hundred twenty (120) days of age shall license such cat or 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.

Sec. 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.

Sec. 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 activities are exempt from this provision.



Sec. 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.

Sec. 2-414. Duty to report animal bites.

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.

Sec. 2-415. Proper maintenance of animal yard structures and pens required.

It shall be unlawful for any person to keep or maintain any animal in any yard structure or area that is not clean, dry, and sanitary, free from debris and offensive odors that annoy any neighbor; and devoid of rodents and vermin.

Excrement shall be removed daily from any pen or yard area where animals are kept and, if stored on the premises of any animal owner/custodian, shall be stored in adequate containers with fly-tight lids.

All animal pens and yard shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

All earthen yards or runaways wherein chickens are kept shall be spaded, then limed once every three (3) months from the month of April through the month of December. All structures or pens wherein chickens are kept shall be sprayed to control flies and other insects.

All premises on which animals are kept shall be subject to inspection by the Animal Control Officer. If the Animal Control Officer determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he shall notify the owner/custodian of the animals in writing to correct the sanitation deficiencies within twenty-four (24) hours after notice is served on him/her. Upon the second such notice within a twelve-month period, the owner/custodian shall be issued a notice to appear for violation of this section. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

ARTICLE 5. ANIMAL PROTECTION RESPONSIBILITY OF ALL PERSONS

Sec. 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 fight.

Sec. 2-502. Cruelty generally.

No person shall willfully and wantonly kill, beat, cruelly ill-treat, torment, overload, over work, 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.



Sec. 2-503. Report of motor vehicles 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.

Sec. 2-504. Selling of certain animals prohibited.

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.

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 2-508. Retention of animals unlawfully.

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) or more consecutive hours without reporting such animal to the animal pound.

ARTICLE 6 LICENSING OF CATS AND DOGS

Sec. 2-601. Dogs temporarily in the City

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 thirty (30) days, or any dog brought into the City of Beloit for less than thirty (30) days. The owner/custodian shall keep such dogs or pups under restraint.



Sec. 2-602. License required.

It shall be the duty of any person owning or keeping in the city any cat or dog over one hundred twenty (120) days of age to license such cat or dog with the City Clerk, or her/his designee, and to renew such license upon expiration. The licensing period shall begin on January 1 and expire on December 31 of each year.

Sec. 2-603. Exemptions.

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

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

Sec. 2-604. Fees.

Pet owners are encouraged to spay or neuter their pets before they reach licensing age. The differential license fees are established as follows:

Spayed or neutered pet:	\$5.00
Intact pet:	\$50.00
Lost tag replacement fee:	\$15.00
Late licensing charge:	\$20.00

Sec. 2-605. Procedure.

Licensing shall be accomplished at the office of the City Clerk as follows:

- between 1 December of the expiring year and 31 January of the licensing year;
- within thirty (30) days of a cat or dog reaching the age of required licensing;
- within thirty (30) days of an owner/custodian acquiring a cat or dog of required licensing age;
- within thirty (30) days after an owner/custodian of a cat or dog of required licensing age moves into the city.

The City Clerk may between 1 December and 31 December of each year, cause notice to be given of the licensing period for cats and dogs by publication once in the official city newspaper.

Sec. 2-606. Issuance of Licensing.

The City Clerk shall issue a license to the owner/custodian upon presentation of:

- A certificate of vaccination and spay/neuter status issued by a licensed veterinarian within the twelve (12) months prior to the date of licensing; and
- Payment of the prescribed license fees.



Sec. 2-607. Receipt constitutes certificate of registry.

The receipt issued for the license shall constitute a certificate of registry and evidence of authorization for the keeping of such cat or dog within the city and shall be valid for the license period.

Sec. 2-608. Licensed in name of household head.

All cats and dogs maintained in any household shall be licensed in the name of the household head.

Sec. 2-609. Tags.

At the time of the issuance of a certificate of registry for a cat or dog which is not currently licensed within the City of Beloit, the City Clerk shall deliver therewith a license tag bearing the license number of such certificate. The tag shall be kept on the animal as required in section 2-403 of this chapter.

A replacement for a lost, stolen or damaged tag, during the current license period, shall be furnished by the City Clerk at an additional charge.

Upon change of animal owner/custodianship, any person acquiring any cat or 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.

A new license tag shall not be issued with each renewal, unless the previous tag is lost, stolen, damaged or becomes unreadable. The certificate of registry will show the license number of the current tag.

Sec. 2-610. City Clerk to maintain file of registry certificates.

The City Clerk shall keep on file a copy of all certificates of registry issued within the preceding thirty-six (36) months. Such certificates shall include, but not be limited to, the following information: The owner/custodian's name, address, and telephone number; an alternate telephone number; a description of the cat or dog, including name, breed, color, age, weight, sex and neutered or un-neutered status; the number of the license certificate and tag issued; and the expiration date of the license.

Sec. 2-611. Late Licensing Fee.

A late license fee of \$2.00 shall be collected by the City Clerk for each month in which the owner fails, neglects or refuses to pay the license fee provided for in section 2-604. New residents of the city or persons acquiring a cat or dog or owning a cat or dog that attains age of license after 1 July, then said fee shall be one-half the regular fee as set out in section 2-604.

Sec. 2-612. 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 the requirements of a hobby breeder as specified in section 2-101(20) 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 of any portion of the hobby breeders property, and provided that the 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 Administrator.



Sec. 2-603. Denial, revocation and reinstatement.

Withholding or falsifying information on a license application shall be grounds for denial or revocation of such license.

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.

No person who has been convicted of cruelty to animals shall be issued a license.

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.

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, or detriment to the safety and welfare of residents of the city.

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 or licensing fee shall be refunded.

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.

ARTICLE 7. LICENSING OF COMMERCIAL ANIMAL ESTABLISHMENTS

Sec. 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.

Sec. 2-701. 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.

Sec. 2-703. Fee; exemptions.

The fee for a license under this article shall be established by resolution.

No license fee shall be required of the animal pound, of any animal hospital or animal shelter.

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.

Sec. 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.

Sec. 2-705. Transferability.

Licenses for commercial animal establishments shall not be transferable.

Sec. 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.

Sec. 2-707. Denial, revocation and reinstatement.

Withholding or falsifying information on a license application shall be grounds for denial or revocation of such license.

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.

No person who has been convicted of cruelty to animals shall be issued a license.

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..

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.

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.

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.

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

Sec. 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 of such notice shall be issued a notice to appear for failure to reclaim.



Sec. 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.

Sec. 2-803. Period for holding animals.

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. 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.

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

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.

If an owner/custodian cannot validate current rabies immunization for her/his 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 violation of this section.

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.

Sec. 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 officer, or in any manner interfere with or hinder any officer of this city in catching or taking up any animal.

ARTICLE 9. BREED SPECIFIC REGULATIONS

Sec. 2-901. Definitions.

For purposes of this ordinance, the definitions set forth in Section 2-101 of Chapter II of the Beloit Animal Code are incorporated by reference. The following words and phrases when used in this ordinance shall have the meanings respectively, ascribed to them:

Enforcement Authority means the city administrator, chief of police, animal control officer and their respective designees.

Pit Bull Dog is defined to mean any and all of the following dogs:

- The Staffordshire Bull Terrier breed of dogs;
- The American Staffordshire Terrier breed of dogs;



The American Pit Bull Terrier breed of dog;

Any other breed commonly known as Pit Bull, Pit Bull Dog, or Pit Bull Terrier;

Dogs which have the appearance and characteristics of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

The registration of a dog with a dog association or in any governmental jurisdiction as a pit bull or any of the dogs listed above, including Rottweiler dogs shall constitute prima facie evidence the animal is prohibited by this ordinance.

Rottweiler dogs shall be defined as described by the American Kennel Club.

Sec. 2-902. Prohibition

No resident shall own, keep, harbor, or in any way possess a pit bull dog or Rottweiler dog within the city limits of Beloit, Kansas. The City Administrator shall implement administrative regulations related to standards and requirements to protect the public safety governing non-resident possession of a pit bull dog or Rottweiler dog within the city limits on a temporary basis.

Sec. 2-903. Exception.

Pit bull dogs and Rottweiler dogs located within the city limits and lawfully registered with the City of Beloit on the effective date of this ordinance may be kept within the city limits upon strict compliance with the standards and requirements set forth in Article 9.

Sec. 2-904. Standards and Requirements

The keeping of a pit bull dog or Rottweiler dogs eligible for the exception under Section 2-903 above shall be subject to the following mandatory requirements:

Special Permit Required

A special annual permit shall be required for keeping of any pit bull dog or Rottweiler dogs eligible for the exception under Section 9-903. No permit shall be granted except with such conditions attached as shall, in the opinion of the enforcement authority, reasonably protect the public health, safety and welfare. A temporary permit may be issued following application and pending final disposition of the application. Permits shall only be issued to adults.

Application for Permit

An application for a pit bull dog or Rottweiler dogs permit pursuant to this ordinance shall be made no later than 30 days following the effective date of this ordinance. The application shall be on forms provided by the city, with its form, content and submittal requirements to be determined by the city administrator.

Permit Fee

An application fee for an annual permit shall be \$75.00 for each pit bull dog or Rottweiler dog.

Standards and Requirements

The keeping of a specially permitted pit bull dog or Rottweiler dogs in the city limits shall be subject to the following mandatory requirements, in addition to compliance with all other state and local laws and regulations:

Leash Requirement Outside of Pen. No person shall permit a pit bull dog or Rottweiler dog to go outside the owner's residential structure or the dog's kennel or pen unless such dog is securely leashed with a leash



no longer than four (4) feet in length and an adult is in physical control of the leash; provided however, that pit bull dogs or Rottweiler dogs may be in the rear yard of the owner's premises without a leash when the rear yard is securely fenced and an adult is physically present in the rear yard with the dog. No person shall permit a pit bull dog or Rottweiler dogs to be kept tethered in any manner outside its kennel or pen.

Confinement Outdoors. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel. Such pen or kennel must meet administrative regulations for construction and location standards established by the City Administrator. All structures used to confine specially permitted pit bull dogs must be locked by a key or combination lock when such animals are within the structure.

Confinement Indoors. No pit bull dogs or Rottweiler dogs 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.

Signs. All owners, keepers or harborers of pit bull dogs or Rottweiler dogs shall within 30 days of the effective date of this ordinance 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.

Special Collar. All pit bull dogs and Rottweiler dogs shall be required to wear a special designated color collar at all times when not confined indoors. The collar shall be visibly on the dog when it is in a kennel or pen, or on a leash. The collar shall be one provided by the owner and approved by the City. The Enforcement Authority shall designate the specific color required.

Insurance. All owners of pit bull dogs and Rottweiler dogs shall, within thirty (30) days of the effective date of this ordinance obtain and have in effect public liability insurance in a single incident amount of \$100,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such pit bull dogs and Rottweiler dogs. At the time of initial application for a special permit, the owner, keeper or harborer must present proof of the required insurance. At the time of subsequent registration renewal, the owner, keeper or harborer shall show proof of insurance for the present registration period and proof that there was continuous insurance coverage throughout the period of the prior special permit year. In the event said liability insurance is canceled, lapsed or for any other reason becomes non-enforceable, said owner, keeper or harborer shall be in violation of the provisions of this ordinance. The owner, harborer or keeper shall notify the City within ten (10) days of any cancellation, lapse or non-enforceability of this insurance, and provide proof substitute coverage has been obtained. The insurance may be in the form of a special liability policy or a standard homeowners or renters insurance policy from a Kansas licensed insurer which does not have a policy of limiting or excluding coverage due to pit bull dogs or Rottweiler dog ownership.

Identification Photographs. All owners, keepers or harborers of pit bull dogs and Rottweiler dogs shall make available the dog during the special permit process in order to allow the City to obtain digital photographs of the registered animal for identification purposes.

Reporting Requirements. All owners, keepers or harborers of specially permitted pit bull dogs and Rottweiler dogs shall, within ten (10) days of the occurrence, report the following information in writing to the City.

The removal from the city limits or death of a specially permitted pit bull dog or Rottweiler dogs.

The birth of offspring of the specially permitted pit bull dog or Rottweiler dogs.

The new address of the premises where the pit bull dog or Rottweiler dogs is kept or harbored should the owner move within the city limits.

Animals Born to Specially Permitted Dogs. All offspring born of pit bull dogs and Rottweiler dogs specially permitted with the City must be removed from the city limits within six (6) weeks of their birth.



Sec. 2-905. Sale or Transfer of Ownership Prohibited.

No person shall sell, barter or in any other way transfer ownership of a pit bull dog or Rottweiler dogs to any person within the city limits unless the recipient person is an adult permanently residing in the same household and on the same premises as the owner issued the special permit.

Sec. 2-906. Duty of Owners: Failure to Comply.

The purpose of the requirements in this ordinance governing pit bull dogs and Rottweiler dogs is to prevent attacks, injuries or deaths by mandating use of control methods. It is the positive duty of any owner of a pit bull dog or Rottweiler dogs to take all necessary steps to comply with this ordinance. It is unlawful for the owner of a pit bull dog or Rottweiler dogs within the city limits of Beloit to fail to comply with the provisions of this ordinance.

Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. Failure to comply shall also be considered good cause for the revocation of any license or special permit issued allowing for the keeping of the subject dog, resulting in the immediate removal of the animal from the City.

Sec. 2-907. Costs to be paid by responsible persons.

Any reasonable costs incurred by the City in seizing, impounding, confining or disposing of any pit bull dog or Rottweiler dogs pursuant to the provisions of this ordinance shall be charged against the owner of such animal and shall be subject to collection by any lawful means.

Sec. 2-908. Administration and Enforcement.

It shall be the duty of the city administrator, through the enforcement authority to administer and enforce the provisions of this ordinance. The city administrator shall have authority to establish reasonable administrative regulations, policies and procedures as needed to effectively carry out the spirit and intent of this ordinance.

Sec. 2-909. Penalties.

Wherever in this ordinance 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 ordinance shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment for a period not exceeding one (1) year, or by both fine and imprisonment, at the discretion of the court. Each day any violation of this ordinance continues shall constitute a separate offense.