

RESOLUTION 97-32

A RESOLUTION PROHIBITING THE OWNERSHIP OF CERTAIN VICIOUS DOGS; IMPOSING CERTAIN INSURANCE REQUIREMENTS; PROVIDING PENALTIES; AND AUTHORIZING THE DISPOSITION OF CERTAIN VICIOUS DOGS.

WHEREAS, the Board of County Commissioners of Jefferson County, Kansas, has met on multiple occasions with county officials, veterinarians and other concerned citizens of Jefferson County to discuss the problem of vicious dog control;

WHEREAS, K.S.A. 19-101 et seq. authorizes the Board to adopt such regulations pursuant to its home rule powers.

WHEREAS, subsection (a)(5) of K.S.A. 1985 Supp. 19-101a provides that in exercising its powers of local legislation and administration authorized by such section the home rule powers of cities shall not be superseded or impaired without the consent of the governing body of each city within the county which may be affected;

WHEREAS, based on the information, opinions and technical information provided to the Board, the Board deems it advisable to adopt certain regulations governing the ownership of vicious dogs; and

WHEREAS, the regulations adopted by this resolution have been determined by the Board to be reasonable and responsive to the needs and problems with vicious dogs in Jefferson County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS:

Section 1. Definitions. (a) "Vicious Dog," as used in this resolution, shall mean and include any dog which by virtue of its breeding, training, characteristics, behavior or other factors the owner or custodian thereof knows or has reason to know has a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings.

(b) Rebuttable Presumption. There shall be a rebuttable presumption that a pit bull dog is a vicious dog. "Pit bull dog" shall mean:

- 1 The bull terrier breed of dog;
- 2 The Staffordshire bull terrier breed of dog;
- 3 The American pit bull terrier breed of dog;
- 4 The American Staffordshire terrier breed of dog; or
- 5 Dogs of mixed breed or of other breeds other than above listed, which breed or

mixed breed is commonly known as pit bulls, pit bull dogs or pit bull terriers.

Section 2. Insurance. The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than fifty thousand dollars (\$50,000) per incident insuring said person against any claim, loss, damage or injury to any human being resulting from the acts of such dog. Such person shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. This section shall not apply to dogs kept by law enforcement agencies.

Section 3. Ownership of Certain Vicious Dogs Prohibited. It shall be unlawful to keep, harbor, own or in any way possess any vicious dog which either:

- (a) attempts to attack, bite or otherwise do bodily harm to a human being; or
- (b) attacks, bites, or otherwise does bodily harm to a human being.

This section shall not apply to either (1) dogs kept by law enforcement agencies or (2) dogs used to guard or protect public or private property or persons thereon and which have acted in the

manner described in this section on the property of the owner or custodian of such dog.

Section 4. Penalty. A person who has been convicted of violating either section two (2) or three (3) may be sentenced to a fixed term of confinement in the county jail not to exceed six (6) months. In addition to or instead of confinement, any such person may be sentenced by the court to pay a fine not exceeding \$1,000. Any person convicted of violating section three (3) also may be ordered by the court to make full or partial restitution to any individual who has suffered bodily injury as the result of an attack by such person's vicious dog.

Section 5. Disposition of Certain Vicious Dogs. (a) Any public health officer, law enforcement officer, or licensed veterinarian, or any officer or agent of a duly incorporated humane society, may take into custody any dog suspected of being kept by its owner or custodian in violation of section three (3). When a law enforcement agency takes custody of such dog, the agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian for boarding, treatment, or such other care deemed necessary.

(b) Any vicious dog kept in violation of section three (3) may be ordered by the court destroyed in a humane manner when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings. If the court does not order destruction of the dog, the court shall allow the owner or custodian thereof no more than 48 hours to remove the dog from Jefferson County. Failure to remove such dog within the time allowed by the court shall constitute a separate violation of section three (3).

(c) Any person convicted of a violation of section three (3) shall be assessed as costs all expenses for the care, treatment, boarding or other expenses necessitated by the seizure of any dog for the protection of the public, including all expenses for the humane destruction of such dog by order of the Court.

Section 6. Effective Date. This is an ordinary home rule resolution and shall take effect and be in force within the unincorporated area of Jefferson County, Kansas from and after its publication once in the official County newspaper. Upon the effective date of the adoption of a resolution by the governing body of any city in Jefferson County consenting to the operation of this resolution within the corporate limits of such city, this resolution shall take effect and be in force therein.

ADOPTED this 15th day of September, 1997.

BOARD OF COUNTY COMMISSIONERS  
JEFFERSON COUNTY, KANSAS

/s/William K. Rhodes, Chairman

/s/Charlie Geist

/s/Francis Grollmes

ATTEST:/s/Shirley Walbridge, County Clerk