

RESOLUTION 2005-31

A RESOLUTION AMENDING AMENDED RESOLUTION 2000-4 PROHIBITING THE OWNERSHIP, POSSESSING, KEEPING, OR HARBORING OF CERTAIN ANIMALS WITHIN JEFFERSON COUNTY, KANSAS OUTSIDE THE CORPORATE LIMITS OF ANY CITY.

WHEREAS, the Board of County Commissioners of the County of Jefferson, Kansas has determined that it is necessary to prohibit the ownership, possession, keeping, or harboring of certain animals within Jefferson County in order to preserve the public health, safety and welfare; and

WHEREAS, the Board of County Commissioners of the County of Jefferson, Kansas is authorized to enact legislation designed to protect the health, safety and welfare of the citizens of Jefferson County; and

WHEREAS, the Board of County Commissioners of the County of Jefferson, Kansas also finds the need to establish regulations governing the ownership of animals allowed outside the corporate limits of any city; and

WHEREAS, K.S.A. 19-101 et seq. Authorizes the Board of County Commissioners of the County of Jefferson, Kansas to adopt such regulations pursuant to its home rule powers.

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

Section 1.0: Definitions. As used in this resolution:

- (A) "Domesticated" shall mean bred for and adapted to living dependently within a household or to use as a product of livestock as defined in K.S.A. 47-1001(b)& (k), et seq., as amended.
- (B) "Humane" shall mean manner of care including, but not limited to protection, from harm, providing of shelter with adequate protection from the elements, ventilation, sanitation, and appropriate food and potable water consistent with the requirements and habits of the animal's species, type, size, age and condition.
- © "Officer" shall mean County Animal Control Officer, and/or County, State or Federal Law Enforcement Officer.
- (D) "Own" or "Owning" shall mean to keep, maintain, possess, control, sell, trade, or buy.
- (E) "Owner" shall mean the person who owns, keeps, harbors, or possesses an animal or specified animal.
- (F) "Temporarily" shall mean a period of less than two (2) weeks.

Section 2.0: Owning Certain animals prohibited:

It shall be unlawful for any person(s) to own, within the unincorporated areas of the county, any animal except as excluded in Section 3.0 of this resolution.

Section 3.0: Animals excluded from prohibition:

- (A) Animals excluded from prohibition are:

- (1) Domestic dogs, except those hybridized with wild canines, said term "wild canine" includes but is not limited to wolves, coyotes, and foxes;
- (2) Domestic cats, except those hybridized with wild felines;
- (3) Domesticated rodents;
- (4) Domesticated European ferrets;
- (5) Rabbits;
- (6) Birds, except for species protected by state or federal law;
- (7) Nonvenomous snakes under eight (8) feet in length, except that such snakes shall be required to be maintained on the owner's premises or property;
- (8) Nonvenomous lizards;
- (9) Turtles, except for species protected by state or federal law;
- (10) Amphibians other than those protected by state or federal law;
- (11) Fish;
- (12) Invertebrates, other than those protected by state or federal law;
- (13) Livestock;
- (14) Any animal in the ownership of a veterinary clinic operated by a licensed veterinarian;
- (15) Any non-exempted animal in the ownership of a person designated and licensed as an animal rehabilitator by the Kansas Wildlife and Parks for such animal;
- (16) Any animal in the ownership of a person temporarily transporting such animal through the unincorporated areas of the county, including but not limited to a circus, menagerie and/or an animal exhibition following local, state, and federal laws in transporting such animal's;
- (17) Any animal in the ownership of a bona fide medical institution or accredited educational institution recognized professional or scholar conducting scientific research who is in compliance with any applicable requirement of the State of Kansas and/or United States government, or publicly owned zoological park or park system, licensed by the State of Kansas and/or the United States government; and/or
- (18) Any animal temporarily owned by a facility licensed by the Kansas Animal Health Department for the purpose of impounding, sheltering, or caring for animals.

Section 4.0: Grandfather clause:

4.1 On or before the effective date of this resolution, persons who own, keep, harbor, or possess any prohibited animal as defined above, except those referred to in Section 3.0, are exempted from the prohibitions contained herein, provided, however, such persons have complied with the permit requirements set forth in Section 5.0, forty-five (45) days after the effective date of this act. However, offspring of existing prohibited animals born after the effective date of this resolution and gestation period will fall under Section 2.0 of this resolution.

4.2 Persons under Section 4.1 will not be allowed to obtain new prohibited animals after the effective date of this resolution.

Section 5.0: Permit required:

5.1 No person as described in Section 4.0 shall own, keep, or harbor any animal prohibited by this resolution without first obtaining a permit from the county clerk.

5.2 Applications for exotic or captive wild animal permits by those grandfathered in shall be made to the county clerk upon forms provided by the county clerk and setting forth such information as necessary to properly implement the provisions of this resolution. Each application must contain, but shall not be limited to, the name of the owner, harborer, keeper or possessor of the animal, his or her street address, mailing address, telephone number, location of animal confinement, and verification of insurance as described in Section 6.0 of this resolution. Such application forms shall be completed by the applicant and submitted to the county clerk for review and approval. Payment of the permit fee shall accompany the application. The county clerk shall have the sheriff's department review and approve the application if a confinement facility is required under paragraph 5.6 below. The permit shall constitute consent by the applicant to any reasonable scheduled or unscheduled inspection of the animal and its shelter by the animal control officer or any county, state, or federal law enforcement officer.

5.3 The permit fee shall be determined by the Board of County Commissioners as deemed necessary and be per animal.

5.4 All persons and institutions listed must insure that all animals and animal quarters conform to all applicable rules or regulations promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state or by any rule or regulation promulgated by any agency of department as authorized by Kansas State statute. All animals shall be kept in a clean and sanitary condition and so maintained as to limit objectionable odors; and insure that all animals are maintained in quarters which are adequately constructed so as to prevent their escape.

5.5 All canine hybrids and feline hybrids shall be securely confined indoors or in a securely enclosed and locked pen or kennel. Such pen, kennel, or structure must have secure sides and secure top attached to the sides. All structures used must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to confine such animals must comply with all Jefferson County, Kansas zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. This Section 5.5 shall apply to any licensed animal breeder licensed by the State of Kansas and/or the United States government.

5.6 All persons and institutions listed in Sections 3.0 (A) (14), (15), (16), (17), (18) and Section 4.0 must be properly licensed, if so required, by any rule or regulation

promulgated under the authority of federal statute enacted by the United states, or by any statute enacted by the state or by any rule or regulation promulgated by any agency or department as authorized by Kansas State statute.

Section 6.0: Insurance:

6.1 The owner or custodian of any permitted animals 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 permitted animal. Any persons obtaining a permit may be required to possess such insurance policies as the Board of County Commissioners may from time to time deem necessary to preserve the public health, safety and welfare of the citizens of Jefferson County. Such person shall produce evidence of the required insurance upon request of the county clerk, animal control officer, or any county, state, or federal law enforcement officer.

Section 7.0: Enforcement:

7.1 Confiscation. The county may bring an action to seek confiscation of a prohibited animal in the district court. The district court judge may order the immediate confiscation of the prohibited animal by county sheriff upon a finding that the animal poses an immediate danger to the public or itself. Upon conviction of a person for owning an animal prohibited by this resolution, the district court judge shall order the county sheriff to confiscate the animal. The sheriff may delegate the actual confiscation to the Kansas Department of Wildlife and Parks or to any appropriately licensed animal rehabilitation or care facility. Any animal confiscated pursuant to this provision shall be transferred to an appropriately licensed animal rehabilitation or care facility. The district court judge may order the animal released to the owner upon a showing that the animal will be transferred to an appropriately licensed animal rehabilitation or care facility or to a location outside the county where such animal may be legally kept. If the owner fails to make such a showing within fourteen (14) days of the confiscation of the animal, the court shall order the animal to be disposed of by the rehabilitation or care facility in such manner as the director of such facility sees fit. If the animal is sold by the facility, the proceeds of the sale shall be first used to pay all expenses incurred by the facility in confiscating, housing, caring for, and disposing of the animal; then for payment of any fines or court costs which remain unpaid; and then the balance shall be paid to the owner.

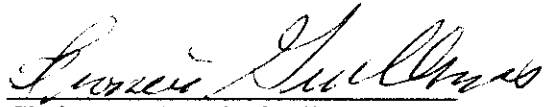
7.2 Criminal Penalty. Any person convicted of violating the provisions of this resolution shall be fined not less than Fifty and No/100 dollars (\$50.00) nor more than Five Hundred and No/100 dollars (\$500.00) per animal and they may be incarcerated up to ten (10) days in the county jail, and upon any second or subsequent conviction shall be fined not less than one Hundred and no/100 dollars (\$100.00) nor more than One Thousand and No/100 Dollars (\$1,00.00) per animal and they may be incarcerated up to thirty (30) days in the county jail. Each consecutive day's violation shall constitute a separate offense. Each animal that is owned, possessed, kept, or harbored in which there is non-compliance with the terms of this resolution, a separate violation shall arise.

Section 8: Effective date:

8.1 This resolution 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 26th day of September, 2005.

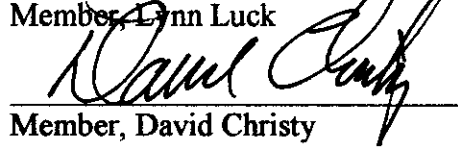
Board of County Commissioners



Chairman, Francis Grollmes



Member, Lynn Luck



Member, David Christy



ATTEST:

By: 
County Clerk