

(Published In *The Iola Register*, September __, 2014)

GENERAL ORDINANCE 3438

AN ORDINANCE BY THE CITY OF IOLA REGULATING THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS.

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

Section 1: Chapter 10 Animals, Section 14 *Tethering of animals* is added to the Iola Municipal Code:

Sec. 10-14. Tethering of animals. It shall be unlawful to continuously tether an animal for more than 1 continuous hour, except that tethering of the same animal may resume after a hiatus of 3 continuous hours.

- a. For the purpose of tethering an animal, a chain, leash, rope, or tether shall be at least 10 feet in length, and not less than 3 times the length of the animal from tip of nose to base of tail.
- b. A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to tether an animal shall not weigh more than 1/8 of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered.
- c. Animals shall be tethered in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other man made or natural obstacles.
- d. It is unlawful to attach chains or other tether restraint implements directly to an animal without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal. Use of a choke or pinch type collar for tethering is prohibited.
- e. Continuous tethering of an animal may be permitted by the animal control officer for a limited period of time, that being 30 days, during special circumstances such as repair or replacement of a fence, or temporary custody of an animal. In addition, after the adoption of this ordinance, any citizen that currently tethers an animal will be given the same 30 day period of time to come into compliance with the requirements of this ordinance.

Section 2: Chapter 10 Animals, Section 4 *Keeping animals near residences of others* of the Iola Municipal Code is repealed and replaced with the following:

Sec. 10-4. – Keeping animals near residences of others. It shall be unlawful for any person to keep on any private premises in the city, or to feed and care for any such animal therein on any lot or in any enclosure or building located within 200 feet of the dwelling house or residence of any person other than the owner or keeper of such animals; except for the keeping and caring for registered domesticated dogs, cats, or other permitted animals. Permitted domesticated animals may be kept in enclosures that abide by existing setback and other requirements.

Section 3: Chapter 10 Animals, Section 7 *Proper maintenance of animal yard structures and pen required* of the Iola Municipal Code is changed to read as follows:

Sec. 10-7. – Proper maintenance of animal yard structures and pen required.

- (a) 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.
- (b) Excrement shall be removed daily from any pen or yard area where animals are kept, and if such excrement is stored on the premises of any animal owner, it shall be stored in adequate containers with flytight lids.
- (c) All animal pens and yards shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present.
- (d) All premises on which animals are kept shall be subject to inspection by the animal control officer or police officer. If the animal control officer determines from such inspection that the premises are not being maintained in a clean and sanitary manner, the animal control officer shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on such owner prior to filing a complaint in municipal court. 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.
- (e) Animal pens must be adequately sized. Adequate size shall be based on the length of the animal being held. Space must be three times the length of the animal squared; i.e. a dog measuring 3 ft in length would require a pen that is at least $(3 \text{ ft} \times 3)^2 = 81 \text{ sq ft}$. Pens must be constructed in a workmanlike manner and must comply with all accessory structure setback requirements.
- (f) Animals held in a pen either full-time or for short durations, shall be provided with shade and protection from weather.

Section 4: Chapter 10 Animals, Section 10 *Running at large* is changed to read as follows:

Sec. 10-10. – Running at large. It shall be unlawful for the owner of any animal to permit such animal to run at large within the city at any time. Any animal shall be deemed running at large when such animal is not inside a residence structure, secure fence or pen, on a leash held by a person capable of controlling such animal or tethered as permitted under section 10-14 of the Iola Municipal Code in such a manner as to prevent its getting onto public rights-of-way or another's property. This section shall not apply to dogs being obedience trained, or to cats, which shall, however, be kept under reasonable restraint to prevent such nuisance activities as prohibited in section 10-8.

Section 5: Chapter 10 Animals, Section 87 *Care of animals; acts of unlawful cruelty* is changed to read as follows:

Sec. 10-87. – Care of animals; acts of unlawful cruelty. It shall be unlawful cruelty to animals for any person to own any animal and:

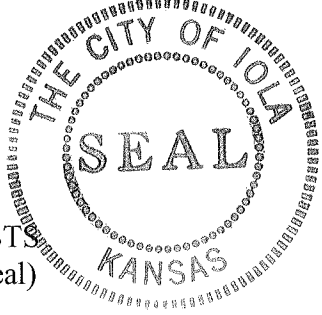
- (a) Fail to provide such sufficient and wholesome food, potable water, shade and protection from the weather, which shall include a structurally sound, accessible, weatherproof enclosure with adequate bedding, opportunity for exercise, veterinary care when needed to treat injury or illness, unless the animal is instead humanely euthanized, or other care as is needed for the health or well-being of such kind of animal. The weatherproof enclosure shall be of sufficient size to allow the animal to turn about freely, stand, sit, and lie in a comfortable, normal position and to walk in a normal manner. The interior height of the enclosure shall be at least 6 inches higher than the tallest animal housed in the enclosure.
- (b) Abandon or leave any animal in any place. For the purpose of this section, the term "abandon" means for the owner or keeper to leave any animal without demonstrated or apparent intent to recover or to resume custody; leave any animal for more than 12 hours without providing for adequate food, potable water, and shelter for the duration of the absence; or turn out or release any animal for the purpose of causing it to be impounded; or
- (c) 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.

Section 6: Violation and Penalty: Any person found to be in violation of this General Ordinance 34___, shall upon conviction be guilty of a class C offense. Persons found guilty of a class C offense may be sentenced to confinement for up to 30 days and may be sentenced to pay a fine of up to \$500.

Section 7: REPEAL: All ordinances in conflict herewith are hereby repealed.

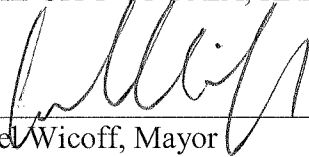
Section 8: This ordinance shall take effect and be in force from and after its publication in the Iola Register as provided by law.

PASSED by the City Council and signed by the Mayor this 8th day of September 2014.



ATTESTS
(City seal)

THE CITY OF IOLA, KANSAS



Joel Wicoff, Mayor



Roxanne Hutton, City Clerk

Summary

On September 8, 2014, the City of Iola, Kansas adopted Ordinance 3438 amending Chapter 10 Animals, Sections 14, 4, 7, 10, and 87 *Keeping of animals* to restrict tethering of animals to 1 hour at a time with a 3 hour hiatus from being tethered after each hour and addresses pen and enclosure requirements.

A complete copy of this ordinance is available at City Hall, 2 W. Jackson Ave., Iola, Kansas or may be viewed on the City's website at www.cityofiola.com. This summary has been certified by Robert E. Johnson II, Iola City Attorney.