

(First Published in *The Iola Register*,)

GENERAL ORDINANCE 3524

AN ORDINANCE UPDATING CHAPTER 2, ARTICLE 4 TO THE CODE OF THE CITY OF IOLA, RELATING TO DOGS AND CATS

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

SECTION 1 AMENDMENT. The City does hereby amend Article 4 Section 2-407, 2-408, and 2-410 of Chapter 2 of, the Code of the City of Iola, to read as follows:

Article 4 Section 2-407

(a) The city hereby incorporates Dr. Ian Dunbar's Dog Bite Scale as reproduced herein, to wit:

Level 1. Obnoxious or aggressive behavior but no skin contact by teeth.

Level 2. Skin contact by teeth but no skin puncture. However, maybe skin nicks (less than one-tenth of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against the skin, but no vertical punctures.

Level 3. One to four punctures from a single bite with no puncture deeper than half the length of the dog's canine teeth. Maybe lacerations in a single direction, caused by the victim pulling the hand away or, the owner pulling the dog away. Or gravity (little dog jumps, bites, and drops to the floor).

Level 4. One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. It may also have deep bruising around the wound (the dog held on and bore down) or lacerations in both directions (the dog held on and shook its head from side to side.)

Level 5. Multiple-bite incidents with at least two Level 4 bites or multiple-attack incidents with at least one Level 4 bite in each.

Level 6. Victim dead.

(b) Law Enforcement or Code Enforcement shall be authorized to cite owners of animals that engage in behaviors identified in the Dunbar Dog Bite Scale, and such shall be categorized as follows:

- a. Nuisance animals shall be defined as animals that fall into Level 1 or 2 of the dog bite scale.

- b. Dangerous animals shall be defined as animals that fall into levels 2, 3, or 4 of the Dunbar Bite Scale.
- c. Vicious animals shall be defined as animals that fall into levels 4, 5, or 6 of the Dunbar Bite Scale.
- d. At the hearing in Municipal Court, the City shall have the burden of proof to show by clear and convincing evidence that the animal is dangerous according to subsection (a) and that the animal is being kept or harbored within the city limits. The parties may present relevant evidence at the hearing as to whether the animal is dangerous and the appropriate disposition of the animal.

Article 4 Section 2-408 Dangerous and Vicious Animal

(a) If an animal is adjudicated as a Dangerous Animal, the Court may order any, a combination of, or all of the following dispositions:

- 1. The owner or keeper of the dangerous animal shall be responsible for all costs associated with the identification requirements. All canines in this category shall obtain these identifiers upon the animal reaching 120 days of age.
- 2. Leash and muzzle. No person shall permit a dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than three feet in length. No person shall permit a dangerous dog to be kept on a chain, rope, or another 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 dangerous dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dogs from biting persons or other animals.
- 3. Confinement. The animal may be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in subsection (a) of this section. Such a pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous dogs 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 feet. All structures erected to house dangerous dogs must comply with all zoning and building regulations of the city. All such

structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

No dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such a building of its own volition. In addition, no such animal may be kept in a house or structure when windows are open or screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

4. Dangerous animals shall also have "Dangerous Animal" signs posted on the front and rear of the property. If the dangerous animal is being walked outside the home, it must be restrained on a leash of no longer than three feet in length and of sufficient tensile strength to restrain the animal.
5. The animal owners may be ordered to carry no less than \$250,000.00 liability insurance for each dog deemed dangerous. The owner of said animal shall file a copy of said certificate of insurance with the city, with said copy to reflect the amount of coverage and the dates of coverage.
6. An order requiring the animal to be maintained in excess of 400 feet of any school, park, or public playground.
7. The court may consider evidence of animal rehabilitation or owner training in cases of dangerous animals or may order the same as conditions of any lawful disposition.

(b) An animal that is adjudicated as a Vicious animal, the Court may order any, a combination of, or all of the following dispositions:

1. An animal that is adjudicated as vicious shall not be within the corporate limits of Iola, Kansas.
2. An animal that is adjudicated as vicious may be euthanized or humanely destroyed as a lawful disposition of the municipal court.

Article 4 Section 2-410 Notification of impoundment; breaking into pound.

- (a) Upon the taking of any cat or dog wearing a current city registration or rabies vaccination tag or current microchip, the animal control officer shall notify the owner of such animal of its impoundment and conditions under which the animal can be recovered. Such notice shall be given by telephone or in writing within 48 hours of the impoundment of such animal.

- (b) It shall be unlawful for any person not duly authorized to do so to break open or attempt to break open any enclosure in which dogs or cats are confined or held pursuant to the provisions of the enforcement of this article.
- (c) Upon an allegation of a dangerous or vicious animal, a code enforcement or law enforcement officer shall be authorized to take and impound any cat or dog that is subject to such charge, and such animal shall stay in the impoundment of the city until such matter may be brought before the municipal judge at the next regularly scheduled docket day that such court is in session, at which time the Court shall be authorized to allow for any lawful disposition of the animal pending trial.
1. Reasonable efforts shall be attempted to locate the owner of any animal impounded under this article.
 2. If no owner is identified in a reasonable time period from impoundment, the Court shall have discretion in the disposition of the animal at a regularly occurring docket setting and upon the advice of the city prosecutor and/or city law or code enforcement officers involved in the impound of the animal.

(d) In all such impoundments as contemplated by this section, the costs of the impoundment shall be assessed to the owner of the impounded animal and shall be paid before the animal is released to its owner.

SECTION 2. REPEAL. All ordinances and parts of ordinances in conflict herewith are hereby repealed accordingly.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force after its passage and publication as provided by law.

PASSED and **APPROVED** by the City Council and **SIGNED** by the Mayor this 12th day of February 2024.

CITY OF IOLA, KANSAS


Steven French, Mayor

Attest:


Roxanne Hutton, City Clerk



(Summary first published in the Iola Register, , 2024)

ORDINANCE NO. 3524 SUMMARY

On February 12, 2024 the City of Iola, Kansas adopted Ordinance 3524 Revising Article 4 Section 2-407, 2-408, and 2-410 of Chapter 2 of, the Code of the City of Iola Animal Control and Regulations.

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