

(First Published in the Columbus News Report _____, 2016)

ORDINANCE NO. 1372

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, AMENDING CHAPTER II, ARTICLE 3, SECTIONS 2-306 THROUGH 2-308, AND ESTABLISHING SECTION 2-309 OF THE CITY CODE REGARDING PENALTIES FOR VIOLATIONS CONCERNING THE KEEPING, HARBORING OR OWNING OF PIT BULL DOGS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS.

WHEREAS, the Governing Body of the City of Columbus, Kansas, after due consideration of the matter, finds that updated regulations regarding pit bull dogs provide a more effective method for disposition of such animals.

SECTION 1: That Code 2014, Code 1987 and 5-55 through 5-57, codified at Chapter II, Article 3, Sections 2-306 through 2-308, shall be amended and Section 2-309 shall be established.

SECTION 2: That Chapter II, Article 3 shall be amended as follows:

New Section 2-306. Irrebuttable Presumption. There shall be an irrebuttable presumption that it is unlawful to keep, harbor or own any pit bull dog or any of those breeds prohibited by section 2-301 of this article within the city limits of Columbus, Kansas.

New Section 2-307. Impoundment of Dangerous Animals.

- (a) Any dog defined by this article, which is kept in violation of the standards and requirements of this article, may be taken up and impounded by the Columbus Police Department's authorized agent for the protection and health of the animal, for the protection of the health, safety and welfare of the public, or for it being an animal which is prohibited within the City limits of Columbus, Kansas.
- (b) The cost of take-up, impoundment and care of the animal will be charged to its owner and/or harbinger regardless of whether the animal is claimed by, or returned to, said owner and/or harbinger.
- (c) If an animal cannot be taken up safely or if proper and safe housing cannot be found for the animal, the Columbus Police Department can immediately cause the animal to be destroyed or euthanized in a manner authorized by the statutes of the State of Kansas.
- (d) The owner and/or harbinger of the animal can reclaim the animal only if said owner and/or harbinger is in compliance with this Article and only after all costs have been paid by the owner and/or harbinger. Any other intended disposition of the animal requires the approval of the Chief of Police.
- (e) If the animal is unclaimed by an owner or harbinger after five (5) days' impoundment, or the costs of taking up and impounding the animal remain unpaid, the Chief of Police or authorized agent may cause the sale, adoption, donation or euthanization of the animal.

New Section 2-308. Violations and Penalties. Any person violating or permitting the violation of any provisions of this Article shall upon conviction in municipal court be fined a sum not less than \$200.00 and not more than \$1000.00. In addition to the fine imposed the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. Should the defendant refuse to remove the dog from the city the municipal court judge may find the defendant in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Article continues may be deemed a separate offense. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including sums for shelter, food, handling veterinary care and expert testimony which are necessitated by the person's failure to abide by the provisions of this Article.

New Section 2-309. Severability. If any section subsection, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness or the remaining portions of this ordinance.

SECTION 3: All ordinances, resolutions or policies or parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

SECTION 4: This ordinance shall take effect and be in force from and after passage and publication in the official city newspaper.

PASSED and APPROVED by the Governing body this 4th day of April, 2016.

Dexter Opela
Mayor

ATTEST:

Cherri Chancellor
City Clerk

(seal)