

**ORDINANCE NO. 1335-19**

**AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS, ADDING/AMENDING THE PROVISIONS OF THE VALLEY CENTER CITY CODE BOOK Title 6 - ANIMAL CONTROL REGULATIONS INCLUDING: CHAPTER 6.04 (DEFINITIONS), Chapter 6.10 - CRUELTY TO ANIMALS AND Chapter 6.16 - ANIMALS RUNNING AT LARGE.**

**NOW THEREFORE, BE IT ORDAINED**, by the Governing Body of Valley Center, Kansas:

**Section 1.** 6.04.010 Definitions. As used in this article, the following terms shall have the meanings given in this section:

"At large" means the act of an animal which constitutes:

1. An animal off the premises of its owner, keeper or harbinger and not effectively controlled and restrained by means of a leash, cord, or chain not exceeding ten (10) feet in length or not being kept in a suitable fence or by another means of physical restraint from which the animal can escape.
2. For the purposes of this definition, "the premises of its owner, keeper, or harbinger" shall not include common areas of the grounds of a condominium, townhouse or apartment, and unrestrained animals upon those areas shall be deemed to be running at large.
3. The phrase "effectively controlled and restrained" does not exclude extendable leashes that are maintained at ten (10) feet of length or less. It shall be a question of fact whether an individual, due to age, ability, or attention was able to effectively control and restrain an animal by means of a leash, cord, or chain of any length.

"Picket" or "picketed" means:

An animal is attached by a leash, rope, chain, lead, tether or other similar apparatus or device to another object for the purpose of confining upon the owner's, keeper's, or harbinger's property.

**Section 2.** 6.10.010 - Cruelty to animals.

- E. Cruelty shall include continuous picketing, tethering or chaining as the only means of confinement.

**Section 3,** 6.10.040 - Unlawful tethering or picketing.

- A. It is unlawful to continuously picket a dog for more than one continuous hour.
- B. It is unlawful to repicket a dog, for any length of time, where said dog was previously picketed within the same twenty-four-hour period and where said dog has not been provided with a hiatus from picketing for a period of three continuous hours prior to the repicketing.
- C. It is unlawful to picket a dog for a total time period in excess of three hours in any twenty-four-hour period.
- D. It is unlawful to picket a dog in such a manner or in a location that allows the dog to risk injury, strangulation or entanglement on fences, trees or other manmade or natural obstacle.
- E. It is unlawful to attach chains or other tether restraining implements directly to a dog 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.
- F. It is unlawful to picket a dog on a chain, leash, rope, or tether less than ten feet in length.
- G. It is unlawful to picket a dog using a chain, leash, rope, collaring device, tether, or any assembly or attachment weighing more than one-eighth of the animal's body weight or where the weight of said chain, leash, rope, collaring device, tether, assembly, or attachment inhibits the free movement of the animal within the area picketed.
- H. Violation of this Chapter is a class C violation.

**Section 4.** 6.16.010 - Dogs running at large.

- E. Further, a dog shall not be considered to be running at large when it is unleashed inside a dog park owned or operated by the City of Valley Center. Designation of dog parks shall be made by the city council upon recommendation of the City Administrator.
- F. If the dog is in the physical presence of its owner and on its owner’s property and under the demonstrated direct and immediate voice control of its owner, it shall be considered confined to the residential property of its owner and will not be considered to be at large.
- G. Dogs may be confined to the premises of the residential property of their owner, keeper, or harbinger by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner, keeper or harbinger’s property. The collar may be controlled manually by a person or automatically in a predetermined manner. Dogs confined to residential property of the owner, keeper, or harbinger by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the front yards of an owner, keeper or harbinger’s property. No dog having been found a dangerous animal by the City shall be confined by an electronic fence or an electronic collar.
- H. Failure to contain a dog from running at large is a class C violation.

**PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this 5<sup>th</sup> day of November, 2019.**

First Reading:                      October 15, 2019

Second Reading:                    November 5, 2019

{SEAL}

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Laurie L. Dove, Mayor

ATTEST:

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Kristi Carrithers, City Clerk