

ORDINANCE NO. 2022-06

AN ORDINANCE PERTAINING TO VIOLATIONS BY OWNERS OR HARBORERS OF A DOG, PENALTIES AND PROCEDURES,

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PEABODY:

SECTION 1: The Code of the City of Peabody, Kansas ("CPK"), Section 2-106 is replaced and amended to read as follows:

- (a) At the discretion of the police or animal control officer, if the owner or harbinger of the animal can be determined, such animal may, but need not be, seized and impounded, as aforesaid. Upon finding that an animal owner or harbinger is in violation of any of the provisions of this article, the police or animal control officer may issue a notice, complaint or citation to the owner or harbinger that he or she is in violation of this article and the Officer shall specify within said notice what the owner or harbinger must do to come into compliance with this article.
- (b) A notice, complaint, or citation issued for a dog running at large will impose upon the owner or harbinger a fine as described below:
 - (1) First Offense: \$50;
 - (2) Second Offense: \$100;
 - (3) Third and Subsequent Offense: \$250.
 - (4) If said dog destroys the property of another while running at large, the Municipal Judge may consider restitution as an additional dispositional option.
 - (5) For the purposes of this section, "offense" refers to the number of running at large events by the owner or harbinger, and not the number of dogs.
- (c) Upon a third or subsequent offense of any provision of this article, the owner or harbinger shall be required to:
 - (1) Appear before the Municipal Court; and
 - (2) Take whatever action necessary to bring the dog within full compliance of this Article, including but not limited to vaccinations and licensing; and
 - (3) Have an identification microchip implanted in the dog traceable to the current owner or harbinger, and registered with the City of Peabody; and
 - (4) Have the dog surgically sterilized by a licensed veterinarian within thirty days at the owner or harbinger's own expense.
 - (5) The Judge of the Municipal Court has and maintains the discretion, upon a showing of good cause, to:
 - (A) Release the dog back to the owner prior to the completion of the above-listed provisions; and


- (B) To waive any of the above-listed provisions, or to impose additional conditions as he or she deems appropriate.
- (6) For the purposes of this Section, the number of prior offenses refers to the owner of the dog, and not the specific dog; given, however, that the number of prior offenses shall not be considered if such prior offense was older than five years on the date of the current violation was found to have occurred.
- (d) The Judge of the Municipal Court may also, among other conditions or requirements for any violation of this Section, order the dog be removed from the City Limits or for the owner or harbinger to be prohibited from owning, keeping, or harboring a dog within the City Limits if the Judge determines the owner, keeper, or harbinger is continuously, negligently, or intentionally allowing their animal to run at large, or that said owner or harbinger is a Habitual Violator as defined in Section § 2-101.

APPROVED AND PASSED BY THE GOVERNING BODY OF THE CITY OF PEABODY, KANSAS, this _____
25th day of July, 2022.



Thomas Spencer, Mayor

ATTEST:



Taylor Ensminger, City Clerk