

ORDINANCE NO.
2005-1

AN ORDINANCE REGULATING THE KEEPING OF DOGS WITHIN THE CITY OF MULBERRY, KANSAS, AND APPROVING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF MULBERRY, CRAWFORD COUNTY, KANSAS.

BE IT ORDANINED by the governing body of the City of Mulberry, Kansas:

SECTION 1: KEEPING AND HARBORING DOGS DEFINED:

Any person who shall allow any dog(s) to habitually remain or to lodge or to be fed within his/her home, store, yard, enclosure or place of business shall be deemed and considered as keeping and harboring said dog(s) within the meaning of this article.

SECTION 2: DOG LICENSING:

It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog(s) within the corporate limits of the City of Mulberry without first having obtained a dog tag from the City Clerk, and without having paid the yearly registration fee, to-wit:

- (a) Three (\$3.00) dollars of a neutered or spade female.
- (b) Four (\$4.00) dollars on whole or unspade female.

Such registration shall expire 365 days from when the registration was last purchased.

SECTION 3: RABIES SHOTS REQUIRED:

Any owner, keeper or harbinger of any dog is required to give the dog is required to give the dog rabies shots and furnish proof thereof. Any person caught abandoning dogs within the city limits shall be fined accordingly.

SECTION 4: LICENSE TAX TO BE COLLECTED BY THE CITY CLERK:

Said license tax shall be paid to the City Clerk, who shall keep a record thereof stating the date of payment, description of the dog(s), and the name of the person paying such tax.

SECTION 5: DOGS RUNNING AT LARGE:

It shall be unlawful for the owner, keeper, harbinger or any person having the care, custody or control of any dog, to permit such dog to run at large within the City, or to permit any vicious nature to run at large at any time of the year, or to be on any of the streets, alley or other public grounds.

SECTION 6: IMPOUNDING OF DOGS RUNNING AT LARGE:

Any dog found running at large shall be impounded by the City Police office. Any impounded dog not redeemed as hereinbefore provided shall be destroyed or otherwise disposed of by the City Police forty-eight (48) hours from the impounding of such dog.

SECTION 7: BAN ON PIT BULLS:

It shall be unlawful to keep harbor, own or in anyway possess within the City limits of Mulberry, Kansas: Any dog which has the appearance and characteristic of being predominately of the breds of Bull Terrier, Stafford Shire, Terrier, American Pit

bull Terrier, American Stafford Shire Terrier, any bred commonly known as Pit Bull Terriers, or a combination of any of these breeds.

SECTION 8: BAN ON KENNELS:

There shall be a ban on kennels. No kennels shall operate in the City limits of Mulberry, Kansas. A kennel is defined as any household having more than five (5) dogs.

SECTION 9: VICIOUS ANIMALS:

- (a) **PROHIBITED:** It shall be unlawful for any person to keep, possess, or harbor a vicious animal within the City. Impoundment of animals whose owners have been cited for violation of this Section shall be at the discretion of the City Police. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the City Police Officer or his/her agent to impound such animal.
- (b) **DEFINED:** For purposes of this chapter a vicious dog shall include:
 - 1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - 2) Any animal which attacks a human being or domestic animal without provocation;
 - 3) Any animal owned or harbored primarily or apart for the purpose of fighting or any animal trained for fighting;
 - 4) Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of an official duty.
- (c) **COMPLAINT:** Whenever a sworn complaint is filed in the Municipal Court against the owner of that animal alleging that such animal is vicious and in violation of this section, the Municipal Judge shall hold a hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this hearing at least one (1) week prior to the hearing. In making a determination, the Municipal Judge shall consider the following:
 - 1) The seriousness of the attack or bite;
 - 2) Past history of the attack or bite;
 - 3) Likelihood of attacks or bites in the future;
 - 4) The condition and circumstances under which the animal is kept or confined;
 - 5) Other factors which may reasonably relate to the determination of whether or not the animal is vicious.

The Municipal Judge shall order the impoundment, the muzzling in accordance with sub-section (d) and or the confinement of the animal accused of being in violation of this section in a manner and location that will insure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling or otherwise safe confinement is not possible or prior court orders to restrain such animal have gone unheeded, the Municipal Judge may order the animal immediately destroyed.

- (d) **VIOIOUS DOGS TO BE MUZZLED:** It shall be the duty of every owner, keeper or harbinger of any dog in the City of Mulberry, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the City, to keep the same muzzled with a good and sufficient wire or other muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made with the court as whether the dog is vicious or not. Any person owning, keeping or harboring any dog within the City limits contrary to this Section shall be guilty of a violation of this Code.
- (e) **IMMEDIATE DESTRUCTION:** Nothing in this Chapter shall be construed to prevent the City Police Officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including the immediate destruction of any vicious animal without notice to the owner.
- (f) **RELEASE OF:** If a complaint has been filed in the Municipal Court against the owner of an impounded dog for a charge under this Section, the animal shall not be released except on Order of the Municipal Judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this Chapter the Municipal Judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the Animal Shelter, Surrender of an animal by the owner thereof to the City Police Officer does not relieve or render the owner immune from the decision of the Court, nor to the fees and fines, which may result from a violation of this Section.

SECTION 10. PENALTIES:

Any person violating any of the provisions of this Ordinance shall be deemed guilty of misdemeanor, and shall, upon conviction be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars, for the first offense, and not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each and every subsequent offense, and may be confined nor more than thirty (30) days in the Crawford County Jail for each and every subsequent offense.

SECTION 11. EFFECTIVE DATE:

The Ordinance shall take affect and in full force after its passage by the Governing Body and approved by the Mayor and publication in the official City newspaper.

Adopted by the Governing Body and approved by the Mayor of Mulberry, Kansas, this 11th day of July 2005.

/s/ Kevin Medlin, Mayor

ORDINANCE NO. 98-2

BE IT ORDAINED by the Governing body of the City of Mulberry, Kansas, that Ordinance No. 98-2 is repealed.

/s/ Kevin Medlin, Mayor

ORDINANCE 2007-8

AN ORDINANCE AMENDING ORDINANCE 98-2 IN PART, SAID ORDINANCE NO. 98-2 PROVIDES FOR THE REGULATING AND KEEPING OF DOGS WITHIN THE CITY LIMITS OF MULBERRY AND APPROVING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MULBERRY, KANSAS

SECTION 1. AMENDMENT.

SECTION 2. DOG LICENSING of Ordinance No. 98-2 is hereby deleted and in its place and stead shall be inserted the following language:
It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog within the corporate limits of the City of Mulberry without first having obtained a dog tag from the City Clerk and without having paid the yearly registration fee of five dollars(\$5.00). Such registration shall expire 365 days from when the registration was last purchased.

SECTION 2. REAFFIRMATION.
ORDINANCE NO. 98-2 is hereby reaffirmed in all other respects.

SECTION 3. EFFECT.

This Ordinance shall take effect on its passage and publication once in the official City paper.

PASSED BY the Council of the City of Mulberry, Kansas, and approved by the Mayor on this 9th day of October, 2007.

/s/ Ralph Bartley, Mayor

ATTEST:

/S/ Janice Gilbert, City Clerk

ORDINANCE 2010-10

AN ORDINANCE AMENDING ORDINANCE 2007-8 IN PART, SAID ORDINANCE NO. 2007-8 PROVIDES FOR THE REGULATING AND KEEPING OF DOGS WITHIN THE CITY LIMITS OF MULBERRY AND APPROVING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MULBERRY, KANSAS

SECTION 1. AMENDMENT.

SECTION 2. DOG LICENSING of Ordinance No. 2005-03 is hereby deleted and in its place and stead shall be inserted the following language:

It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog within the corporate limits of the City of Mulberry without first having obtained a dog tag from the City Clerk and without having paid the yearly registration fee of five dollars(\$5.00). Such registration shall expire 365 days from when the registration was last purchased.

ORDINANCE NO. 2005-01 is hereby reaffirmed in all other respects.

This Ordinance shall take effect on its passage and publication once in the official City paper.

PASSED BY the Council of the City of Mulberry, Kansas, and approved by the Mayor on this 11th day of May, 2010.

Randy Jones, Mayor

ATTEST:

Tammy Wyland, City Clerk

ORDINANCE NO. 2021 - 03

AN ORDINANCE AMENDING ORDINANCE 2005-01 IN PART, SAID ORDINANCE 2005-1 PROVIDES FOR REGULATING THE KEEPING OF DOGS WITHIN THE CITY OF MULBERRY, KANSAS; REVOKING ORDINANCES NUMBERED 98-2, 2007-8, AND 2010-10; REAFFIRMING ORDINANCE 2013-02, IN THE CITY OF MULBERRY, COUNTY OF CRAWFORD, STATE OF KANSAS.

Be it ordained by the Governing Body of the City of Mulberry, Kansas:

SECTION 1. DELETION. Section 2 relating to Dog Licensing of Ordinance No. 2005-1 is hereby deleted and in its place and stead shall be inserted the following:

SECTION 2: YEARLY DOG LICENSING AND YEARLY RABIES SHOTS REQUIRED. It shall be unlawful for any person, farm, or corporation to own, keep, or harbor any dog within the corporate limits of the City of Mulberry, Kansas, without first having obtained a yearly dog tag from the City Clerk and without having paid the yearly registration of fee of five dollars (\$5.00) for each dog; and further, when applying for the year registration fee for any dog, provide a current yearly rabies vaccination certificate for each such dog being registered. Regardless of whom the registration fee for a dog is purchased, it shall expire on the same date that the rabies vaccination for such dog expires.

ORDINANCE NO. 2005-1 as previously amended by Ordinance No. 2013-02 is hereby re-affirmed in all other respects.

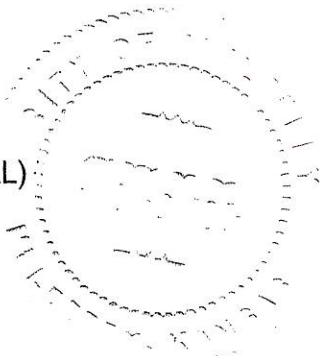
SECTION 3: REPEAL OF CONFLICTING ORDINANCE. Ordinances numbered 98-2, 2007-8, and 2010-10 are hereby repealed and of no further force and effect.

SECTION 4: PUBLICATION. This ordinance shall be published once in the official City of Mulberry's newspaper.

SECTION 5. EFFECTIVE DATE OF ORDINANCE. Ordinance No. 2021-03 shall take effect upon its publication.

ADOPTED AND APPROVED by the City Council of the City of Mulberry, Kansas, this 10th day of October, 2021.

(SEAL)



Hallace E. Willey
Hallace E. Willey, Mayor

ORDINANCE NO. 2005-03

AN ORDINANCE AMENDING ORDINANCE NO. 2005-01 IN PART, SAID ORDINANCE NO. 2005-01 BEING AN ORDINANCE REGULATING THE KEEPING OF DOGS WITHIN THE CITY OF MULBERRY, KANSAS, AND APPROVING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF MULBERRY, CRAWFORD COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MULBERRY, KANSAS THAT SECTION 2 AND SECTION 8 OF ORDINANCE 2005-01 SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION 2. DOG LICENSING: It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog(s) within the corporate limits of the City of Mulberry without first having obtained a dog tag from the City Clerk, and without having paid the yearly registration fee, to-wit:

- (a) Ten (\$10.00) dollars for a neutered male or spade female.
- (b) Fifteen (\$15.00) dollars on a whole male or unspade female.

Such registration shall expire 365 days from when the registration was last purchased.

SECTION 8. BAN ON KENNELS: There shall be a ban on kennels. No kennels shall operate in the City limits of Mulberry, Kansas. A kennel is defined as any household having more than three (3) dogs.

ORDINANCE NO 2005-01 IS HEREBY REAFFIRMED IN ALL OTHER ASPECTS.

This Ordinance shall take effect on its passage and publication once in the official City papers.

Passed and Approved at Mulberry, Kansas this 9 day of Sept., 2005.

Kewin Miller
Mayor

ATTEST:

Janice Gilbert
Janice Gilbert
City Clerk