

ORDINANCE 2025-04

An Ordinance regulating the keeping of dogs and other animals 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 OF DOGS DEFINED:

Any person who shall allow any dog(s) or other animals (not to include felines) 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) or animals 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 registration fee of \$5.00 for each dog; and further, when applying for the registration fee for any dog, provide a current rabies vaccination certificate for each 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.

SECTION 3: RABIES SHOTS REQUIRED:

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

SECTION 4: LICENSE FEE TO BE COLLECTED:

Said license fee 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 fee.

SECTION 5: DOGS OR OTHER ANIMALS RUNNING AT LARGE:

It shall be unlawful for the owner, keeper or harborer, or any person having care, custody, or control of any dog or animal, (not including felines) to permit such animal to run at large within the City. All dogs must be leashed when walking on any public property, or public-rights-of ways. Fences (above ground or underground), coops, pens, or tie outs, must be maintained and sufficient to keep any animal from running at large.

Section 6: Animal Waste

- (a) The person in control of every animal shall be responsible for removal of any waste deposited by their animal(s) on the public rights-of way, public property or private property of another.
- (b) It is unlawful for the person in control of an animal to allow such animal to defecate on any public property, private property other than that of the owner or person in control of the animal, The fact that the animal was at large at the time it defecated on any property shall constitute prima facie evidence that the owner or person in control of the animal allowed or permitted the animal to act.
- (c) Exceptions:
 - 1. The owner or person in control of the animal immediately removed and cleaned up such animal's waste.
 - 2. The owner or person in control of the animal has a physical disability or visual impairment and the animal is a service animal trained by an accredited institution to provide assistance to physically disabled or visually impaired persons.

SECTION 7: IMPOUNDMENT: Any dog or other animals, including but not limited to: horses, mules, hogs, cows, sheep, or goats, chickens, ducks, or other fowl, (not to include felines), running at large within the city limits of Mulberry, Kansas shall be impounded by the City Police Officer. Any animal so impounded may be redeemed by the owner thereof upon the payment of any transportation, boarding, and any veterinarian care fees that are charged to the city. Any impounded animal not redeemed as hereinbefore provided shall be destroyed or

otherwise disposed of by the City Police or by their boarding facility forty-eight hours from the impounding of such animal.

SECTION 8: It shall be unlawful to keep, harbor, own or in any way possess with the City limits of Mulberry, Kansas: Any dog which has the appearance and characteristic of being predominately of the breeds of Bull Terrier, Stafford Shire Terrier, American Pit Bull Terrier, or any breed commonly known as Pit Bull, or a combination of these breeds.

SECTION 9: BAN ON KENNELS: There shall be a ban on kennels. No kennels or breeders shall operate in the City limits of Mulberry, Kansas. A kennel or breeder is defined as any household having more than 3 dogs. No household shall have more than 3 dogs at any time.

SECTION 10: 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 section, a vicious animal shall include:

- 1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or other 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, first responder, or Public Works Employee while such officer is engaged in the performance of official duty.

(c) COMPLAINT: Whenever a sworn complaint is filed with the Municipal Court against the owner or harbinger 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 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 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) VICIOUS DOGS TO BE MUZZLED: It shall be the duty of every owner, keeper, or harbinger of any dog in the City of Mulberry, which 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 the Section shall be guilty of a violation of this code.

(e) IMMEDIATE DESTRUCTION: Nothing in the Section shall be construed to prevent the City Police Officer, any law enforcement officer, first

responder, or Public Works Employees from taking whatever action is reasonably necessary to protect themselves or member 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 animal 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 section the Municipal Judge may, upon making a finding that the animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animals to be destroyed in a humane way by the animal shelter or veterinarian, 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.

(g) SECTION 10. PENALTIES:

Any Person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and shall upon conviction be fined not less than \$50 nor more than \$100 for the first offense, and not less than \$100 nor more than \$500 for each and every subsequent offense, and may be confined nor more than 30 days in the Crawford County Jail for each and every subsequent offense. Upon conviction, restitution for any damages, boarding fees, or veterinarian care shall also be ordered.

SECTION 11: REPEAL OF CONFLICTING ORDINANCES. Ordinances numbered 2005-1 2007-8, 2005-1, 2010-01 and 2021-03 are hereby repealed and of no further force and effect.

SECTION 12: 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: cityofmulberryks.com.

Adopted by the Governing Body and approved by the Mayor of Mulberry, Kansas, this 30th day of July 2025.

Patrick Walden

Patrick Walden, Mayor

Attest:

Amy Tucker

Amy Tucker, City Clerk