

ORDINANCE NO. POC-2502

AN ORDINANCE RELATING TO THE PUBLIC OFFENSE CODE FOR THE CITY OF OVERLAND PARK, KANSAS; ADDING NEW OVERLAND PARK MUNICIPAL CODE SECTIONS 11.28.110 AND 11.28.115.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. Overland Park Municipal Code Section 11.28.110 is hereby added to read as follows:

11.28.110 Harming or killing certain dogs.

- A. Inflicting harm, disability or death to a police dog, arson dog, assistance dog, game warden dog or search and rescue dog is knowingly and intentionally, and without lawful cause or justification poisoning, inflicting great bodily harm, permanent disability or death, upon a police dog, arson dog, assistance dog, game warden dog or search and rescue dog.
- B. As used in this section:
1. "Arson dog" means any dog which is owned, or the service of which is employed, by the state fire marshal or a fire department for the principal purpose of aiding in the detection of liquid accelerants in the investigation of fires.
 2. "Assistance dog" has the meaning provided by K.S.A. 2003 Supp. 39-1113, and amendments thereto.
 3. "Fire department" means a public fire department under the control of the governing body of a city, township, county, fire district or benefit district or a private fire department operated by a nonprofit corporation providing fire protection services for a city, township, county, fire district or benefit district under contract with the governing body of the city, township, county or district.
 4. "Game warden dog" means any dog which is owned, or the service of which is employed, by the department of wildlife and parks for the purpose of aiding in detection of criminal activity, enforcement of laws, apprehension of offenders or location of persons or wildlife.
 5. "Police dog" means any dog which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders.
 6. "Search and rescue dog" means any dog which is owned or the service of which is employed, by a law enforcement or emergency response agency for the purpose

of aiding in the location of persons missing in disasters or other times of need.

C. Upon a conviction for a violation of this section, the court shall assess a fine of not less than \$200 nor more than \$2,500. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed one year. (K.S.A. 21-4318)

SECTION 2. Overland Park Municipal Code Section 11.28.115 is hereby added to read as follows:

11.28.115 Interference with police dogs

A. It shall be unlawful for any person to strike, abuse, tease, harass, or assault any dog being used by the city for the purpose of performing the duties of police dog regardless of whether the dog is on duty or off.

B. It shall be unlawful for any person to interfere with a dog being used by the police department or attempt to interfere with the handler of the dog in such a manner as to inhibit, restrict or deprive the handler of his or her control of the dog.

C. For purposes of this section, "Police dog" shall have the meaning provided in 11.28.110.

SECTION 3. This ordinance shall take effect and be in force from and after its publication in *The Overland Park Sun*, an official City newspaper.

PASSED by the City Council this 12th day of July, 2004.

APPROVED by the Mayor this 12th day of July, 2004.

Ed Eilert, Mayor

ATTEST

Marian Cook
City Clerk

APPROVED AS TO FORM:

Tammy M. Owens
Assistant City Attorney II