

**ORDINANCE NO. DAC-3329**

**AN ORDINANCE RELATING TO ANIMALS IN THE CITY OF OVERLAND PARK, KANSAS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 6.04.010, 6.04.020, 6.04.030, 6.04.035, 6.09.025, 6.10.010, 6.10.020, 6.10.030, 6.10.040, 6.10.050, 6.10.060, 6.10.070, 6.10.080, 6.10.090, 6.10.100, 6.10.110, 6.10.120, 6.10.130, 6.10.140, 6.10.150, 6.10.160, 6.10.165, 6.10.166, 6.10.168, 6.10.170, 6.10.180, AND 6.10.190 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:**

**Section 1.** Overland Park Municipal Code Section 6.04.010 is hereby amended to read as follows:

**6.04.010 License Fee.**

There shall be an annual license fee imposed upon the owners of each dog and cat of the age of six months or over, attaining such age during the license year. The license fee shall be as follows:

1.\$20.00 per animal that is not spayed or neutered. 2.\$10.00 per animal that is spayed/neutered or microchipped 3. \$5 for an animal that is spayed/neutered and microchipped.

In no event shall a license be issued for a dog or cat without proof of current rabies vaccination.

The license year shall be from January 1st through December 31st of each year. The fee shall be due and payable before June 30th of each year.

Animals shall be licensed within 30 days after being brought into the City or attaining six months of age.

Failure to pay the license fee within times prescribed herein constitutes a violation of this Section. The license fee for those animal's subject to licensing for six months or less of the license year shall be prorated at half the yearly amount.

**Section 2.** Overland Park Municipal Code Section 6.04.020 is hereby amended to read as follows:

**6.04.020 Penalty for Overdue License Fee.**

If the license fee required by 6.04.010 is not paid within the times provided in that section, a \$20 penalty will apply in addition to the normal license fee beginning July 1.

**Section 3.** Overland Park Municipal Code Section 6.04.030 is hereby amended to read as follows:

**6.04.030 Registration - Tags.**

The owner, keepers or harborers of any dog or cat shall cause the same to be registered at the office of the City Clerk. The registration book shall contain the name and address and telephone number of the animal's owner, keeper or harborer, the animal's breed, name, sex, whether spayed or neutered, whether microchipped, color and description and such other information as may be deemed necessary. Subject to the provisions of 6.04.060, the City Clerk or authorized assistant, shall upon payment of the license fee, issue a suitable tag, bearing a number and stating the year for which the tag is issued.

**Section 4.** Overland Park Municipal Code Section 6.04.035 is hereby amended to read as follows:

**6.04.035 Violation of 6.04.030 - Penalty.**

Every person who is convicted of a violation of 6.04.030 shall be punished by imprisonment for not more than 30 days or by a fine in the amount of \$50 for the first violation within the period covered in the current licensing year and the preceding licensing year; \$100 for the second violation within said period; \$150 for a third violation within said period; \$200 for a fourth violation within said period; and \$500 for a fifth and subsequent violation within said period; or by both such fine and imprisonment. Provided, however, no person shall be eligible for a parole or suspension of any part of said fine, except that portion of any fine or combination of fines that are assessed from the same set of operative facts that exceed \$200 may be suspended for not less than 12 months on the condition the violator have no further violations of the animal control laws during that period.

**Section 5.** Overland Park Municipal Code Section 6.09.025 is hereby amended to read as follows:

**6.09.025 Abuse and Neglect of Animals.**

- A. No owner, keeper or harborer of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry, and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise. This requires that an owner must offer some freedom from continuous chaining, stabling and tethering. The area where animals are kept must also be kept free from unsanitary conditions and vermin-harboring debris.
- B. **Tethering.** For the purposes of this Section, “tethering” is the use of a chain, leash, tie, tether, rope or other device to restrain any animal to an inanimate object. It shall be unlawful to tether any animal in a manner that is inhumane, cruel, or detrimental to its welfare.

In addition to the above general requirements, the tethering of a dog shall be subject to the

following conditions:

- a. Dogs shall not be tethered outside except between the hours of 7:00 a.m. and 7:00 p.m., and in no such instance shall a dog be tethered for more than 30 minutes without supervision.
  - b. Dogs shall not be tethered without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether without securing the animals water supply so that it cannot be tipped over by the tether.
  - c. Dogs shall not be tethered in an open area where it can be teased or provoked by persons or in an area that does not provide the dog protection from attack by other animals.
  - d. Dogs shall not be tethered in an area where bare earth is present and no steps have been taken to prevent the area from becoming wet and muddy in the event of precipitation.
  - e. Any device used for the purpose of tethering a dog shall provide the dog at least ten feet in which to run.
  - f. Any device used for the purpose of tethering a dog shall not be of a weight that inhibits the free movement of the dog within the area tethered.
  - g. Dogs shall be tethered in such a manner as to prevent injury, strangulation or entanglement on fences, trees or other man made or natural obstacles.
  - h. It is unlawful to attach chains or other tether restraint implements directly to a dog without the proper use of a collar, harness, or other device designed for that purpose and all such tethering devices shall be made from a material that prevents injury to the animal.
- C. No person shall offer to give or give a live animal as a prize or as a business inducement or any other form of gratuity.

**Section 6.** Overland Park Municipal Code Section 6.10.010 is hereby amended to read as follows:

**6.10.010 Definitions.**

For the purposes of this chapter "**dangerous animal**" means and includes:

- A. Any mammal, amphibian, fish, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics would constitute a danger to human life, physical well-being, or property, including but not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is 20 pounds or more, foxes, elephants, alligators, crocodiles, and snakes which are venomous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup including, but not limited to, boa constrictors, Madagascar ground boas, green and yellow anacondas, Cuban boas, Indian pythons, reticulated pythons, African rock pythons, Amethystine pythons, Boelen's pythons and all members of the family pythonidae that exceed six feet in length.
- B. Any dog or cat having a disposition or propensity to attack or bite any person or animal

without provocation is hereby defined as a "dangerous animal." For the purposes of this chapter, where the official records of the Chief Animal Control Officer or City Clerk indicate a dog or cat has bitten any person or persons, it shall be prima facie evidence that said dog or cat is a dangerous animal.

- C. Any Dog or Cat having been previously determined by any other City or Municipality to be a dangerous or vicious animal shall be prima facie evidence that said dog or cat is a dangerous animal.

**Person** includes any natural person, association, partnership, organization or corporation.

**Section 7.** Overland Park Municipal Code Section 6.10.020 is hereby amended to read as follows:

**6.10.020 Prohibition.**

Except as provided in 6.10.030 and 6.10.040, no person shall own, keep, or harbor any dangerous animal in the City of Overland Park.

**Section 8.** Overland Park Municipal Code Section 6.10.030 is hereby amended to read as follows:

**6.10.030 Exceptions; Permit and Registration Requirements.**

Any person or organization which falls into one of the following subsections shall be permitted to own, harbor or have charge, custody, control, or possession of any animal described in 6.10.010(A) hereof, provided the person or organization has first secured a permit under 6.10.070; shall also be required to register their animals in accordance with the provisions of this ordinance and Title 6 of the Overland Park Municipal Code:

- A. The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.
- B. The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.
- C. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
- D. Commercial establishments possessing such animals for the purpose of sale or display.
- E. The keeping of a dangerous dog as defined in 6.10.010(B) or(C) herein, shall be subject to the following mandatory requirements:
  - 1. *Leash and Muzzle.* No person shall permit a dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all dangerous dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
  - 2. *Confinement.* All dangerous dogs shall be securely confined indoors or in a securely

enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house dangerous dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

3. *Confinement Indoors.* No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. *Signs.* All owners, keepers or harborers of dangerous dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
5. *Insurance.* All owners, keepers or harborers of dangerous dogs must, within ten (10) days of the effective date of this ordinance, provide proof to the City Clerk of public liability insurance in a single incident amount of \$300,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. At the time of initial registration, the owner, keeper or harborer must present proof to the City Clerk of the required insurance. At the time of subsequent registration, the owner, keeper or harborer must show proof of insurance for the present registration period and proof that there was insurance coverage throughout the period of the prior registration year. In the event said liability insurance is canceled, lapsed, or for any other reason becomes non-enforceable, said owner, keeper, or harborer shall be in violation of the provisions of this ordinance and subject to the penalties provided herein.
6. *Identification Photographs.* All owners, keepers or harborers of dangerous dogs must within ten (10) days of being designated such provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.
7. *Reporting Requirements.* All owners, keepers or harborers of dangerous dogs must, within ten (10) days of the incident, report the following information in writing to the City Clerk as required hereinafter:
  - a. The removal from the City or death of a dangerous dog
  - b. The new address of the dangerous dog or owner should the owner move within the corporate City limits.
8. *Microchipping.* All owners of a dangerous dog must provide proof of microchipping to the City Clerk within 10 days of being designated such.
9. *Failure to Comply.* It shall be unlawful for the owner, keeper or harborer of a dangerous dog to fail to comply with the requirements and conditions set forth in

this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal and the permit providing for the keeping of such animal resulting in the immediate removal of the animal from the City or provide proof that the animal has been humanely euthanized by its owner to the City.

- F. The keeping of any snakes of the species boa constrictors, Madagascar ground boas, green and yellow anacondas, Cuban boas, Indian pythons, reticulated pythons, African rock pythons, Amethystine pythons, Boelen's pythons and all members of the family pythonidae that exceed six feet in length; provided, these animals shall be kept under the following mandatory conditions.
1. In consideration of the right of the public not to be unexpectedly exposed to snakes, these animals will not be openly displayed in a public setting outside of established forums for such practices to include herpetological shows, educational displays, pet stores and other special displays whereby members of the public are forewarned that a snake(s) may be displayed in the open.
  2. Snakes shall be transported in a manner that precludes escape. At a minimum snakes shall be placed in a sturdy cloth bag free of holes or tears and the bag placed in a box or similar container. The box or container must be locked or sealed during transportation.
  3. Snakes shall be housed in secure cages with hinged tops or doors or a sliding glass front which includes a locking mechanism. The cage shall be kept in a room modified to prevent snake escapes and which has a door which shall be kept shut or locked when not occupied by the owner.
  4. Snakes requiring permits shall not be sold to minors.
  5. Pet stores or other vendors or sellers of snakes requiring permits are required to provide a copy of this ordinance to all prospective purchasers of such snakes.
  6. Snakes will not be fed or in any fashion provided any live or living creature while observable by any member of the public or in any manner which may otherwise violate the humane laws of the City.
  7. It shall be unlawful and a violation of this subsection for any person to not comply with the standards set forth herein.

**Section 9.** Overland Park Municipal Code Section 6.10.040 is hereby amended to read as follows:

**6.10.040 Exemptions.**

The provisions of this Chapter shall not apply to the transportation of such animals through this City. Also, the provision of this Chapter shall not apply to the keeping of a service dog to accommodate an individual with a disability recognized by the Americans with Disabilities Act (ADA), provided the owner keeper or harborer of the dog can provide reliable verification of the training and use of the dog as a service dog.

**Section 10.** Overland Park Municipal Code Section 6.10.050 is hereby amended to read as follows:

### **6.10.050 Notice of Keeping Dangerous Animals.**

Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal in violation of this chapter in the City, the Chief Animal Control Officer or their authorized deputy shall forthwith cause the matter to be investigated; and if after investigation the facts indicate that such person named in the complaint is in fact the owner or is keeping or harboring any such dangerous animal in the City, shall forthwith send written notice to such person requiring such person to safely remove said animal from the City within five days of the date of said notice. Notice as herein provided shall not be required where such dangerous animal has previously caused serious physical harm or death to any person or has escaped and is at large in which case the Chief Animal Control Officer shall cause said animal to be immediately seized and impounded, according to the provisions of 6.10.060, or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

**Section 11.** Overland Park Municipal Code Section 6.10.060 is hereby amended to read as follows:

### **6.10.060 Seizure and Impounding of Dangerous Animals.**

The Chief Animal Control Officer or their authorized deputy shall forthwith cause to be seized and impounded any dangerous animal, where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to 6.10.050. Upon a seizure and impoundment, said animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.

If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the Chief Animal Control Officer may render said animal immobile by means of tranquilizers or other safe drugs; or if that is not safely possible, then said animal may be killed.

**Section 12.** Overland Park Municipal Code Section 6.10.070 is hereby amended to read as follows:

### **6.10.070 Permit Required.**

- A. No person under 6.10.030 owning, harboring, or having charge, custody, control or possession of any animal described in 6.10.010 hereof, shall allow such animal to remain within the City unless and until they have first secured a permit to do so and complies with all terms and conditions of such permit; and, in addition thereto, such animal shall at all times be so confined, controlled and restrained in such manner so the life, limb or property of any person lawfully entering such premises shall not be endangered.
- B. Failure to obtain a permit when required by subsection A after written notification by the Chief Animal Control Officer or their authorized deputy shall be adequate grounds for said officer or deputy to impound said animal until a permit is obtained. If no permit is obtained within ten days, said animal will be subject to summary destruction.

**Section 13.** Overland Park Municipal Code Section 6.10.080 is hereby amended to read as follows:

**6.10.080 Issuance of Permit.**

Except as hereinafter provided, no person under 6.10.030 shall have, keep, maintain, or have in their possession or under their control within the City any animal described in 6.10.010 hereof without first applying to and receiving a permit from the City Clerk; provided, no permit shall be granted except with such conditions attached as shall, in the opinion of the person or agency approving such permit, reasonably insure the public health, safety and general welfare, and in any event no permit shall be granted for any animal at any particular location except upon an explicit finding by the Chief Animal Control Officer or an authorized deputy that the issuance thereof will not be contrary to the public health, safety and general welfare.

**Section 14.** Overland Park Municipal Code Section 6.10.090 is hereby amended to read as follows:

**6.10.090 Application for Permit.**

An application for any permit required pursuant to this chapter shall be made to the City Clerk in writing and upon a form furnished by the City Clerk. Said application shall be verified by the person who desires to have, keep, maintain or have in their possession or under their control, in the City, the animal for which a permit is required, and shall set forth the following:

- A. Name, address and telephone number of the applicant.
- B. The applicant's interest in such animal.
- C. The proposed location, and the name, address, and telephone number of the owner of such location, and of the lessee, if any.
- D. The number and general description of all animals for which the permit is sought.
- E. Any information known to the applicant concerning vicious or dangerous propensities of all such animals.
- F. The housing arrangements for all such animals with particular details as to safety or structure, locks, fencing, etc.
- G. Safety precautions proposed to be taken.
- H. Noises or odors anticipated in the keeping of such animals.
- I. Prior history of incidents involving the public health or safety involving any of said animals.
- J. Proof of insurance to cover those who may be injured or killed by said animal.
- K. A statement, signed by the applicant, indemnifying the City and its agents and employees for any and all injuries that may result from said animal.
- L. Any additional information required by the Chief Animal Control Officer at the time of filing such application or thereafter.

**Section 15.** Overland Park Municipal Code Section 6.10.100 is hereby amended to read as follows:

**6.10.100 Permit Fee.**



The fee for a permit application shall be \$20 for one dangerous animal plus an additional \$5 for two or more dangerous animals. The total fee shall not exceed \$25 for any one permit application and is nonrefundable. Said fee shall be payable to the City Clerk at the time of filing the permit application. Accretions by natural birth shall not require additional permits during the period of a valid permit.

**Section 16.** Overland Park Municipal Code Section 6.10.110 is hereby amended to read as follows:

**6.10.110 Temporary Permits; Powers of Animal Control Officer.**

The Chief Animal Control Officer may, following application for a permit and pending final disposition of the same, grant a temporary permit for the maintenance within the City of any such animal upon such conditions as the Chief Animal Control Officer shall, in their sole discretion, require when, in their opinion, there is no reasonable doubt as to the consistency thereof with the public health, safety and general welfare, but no such animal shall be otherwise kept or maintained within this city or permitted to occupy any premises within this city except while such a regular or temporary permit is in full force and effect; Provided, however, that any law enforcement officer or the Chief Animal Control Officer, or an authorized deputy, shall take possession of any animal described under 6.10.010 for which a permit has not been issued and keep the same until the proper permit has been secured by the owner or keeper thereof and shall release the same to the owner or keeper when all fees and costs have been paid and all laws and permit conditions complied with.

**Section 17.** Overland Park Municipal Code Section 6.10.120 is hereby amended to read as follows:

**6.10.120 Term and Renewal of Permits.**

No permit required by this chapter shall be granted for a period in excess of one year. An application for renewal of any permit shall be made not less than 45 days prior to the expiration thereof, and shall be accompanied by the same fee as required upon making the original application.

**Section 18.** Overland Park Municipal Code Section 6.10.130 is hereby amended to read as follows:

**6.10.130 Inspections, Investigations, and Issuance of Renewal Permits.**

Prior to the annual renewal of any permit issued hereunder and at least once not more than six months after the issuance of any such permit or after its renewal, the Chief Animal Control Officer or their designated representative shall inspect the premises subject to such permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this chapter. In addition, the animal control officer shall investigate the past history of the permit holder to determine whether during the past permit period the permit holder was in compliance with all of the conditions specified in this chapter. The investigation may include a

review of department records and interviews with the permit holder and neighbors. If the Chief Animal Control Officer determines during any such inspection and investigation that any of the conditions therein specified are being violated or have been noted during the past permit period, the Chief Animal Control Officer shall recommend denial of a renewal of any such permit, and/or shall recommend revocation of such permit in the event that such violation is not corrected within such period of time as determined by the Chief Animal Control Officer. Upon completion of the investigation and review process provided herein, the Chief Animal Control Officer shall recommend to the City Clerk that the dangerous animal permit be renewed or that the renewal application be denied. If the recommendation is to deny the permit, the basis for the denial shall be included in the recommendation report.

**Section 19.** Overland Park Municipal Code Section 6.10.140 is hereby amended to read as follows:

**6.10.140 Revocation and Suspension of Permits.**

The City Clerk, upon recommendation of the Chief Animal Control Officer may, for good cause, revoke any permit or modify any terms or provisions thereof and may, in the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, suspend any permit or portion thereof without hearing, for a period not to exceed 30 days. Failure to comply with any of the provisions of this chapter shall be considered good cause for revocation or suspension of a permit.

**Section 20.** Overland Park Municipal Code Section 6.10.150 is hereby amended to read as follows:

**6.10.150 Commercial Establishments.**

- A. Commercial establishments possessing such animals for the purpose of sale or display may replace the same with others of the same kind, but the number of each shall not be in excess of the number thereof allowed by the terms of such permit. Such establishments may, in the discretion of the Chief Animal Control Officer, be granted a permit for those such numbers of each kind of animal as do not exceed the maximum number such establishment estimates will be maintained by it in this City at any one time during the period of the permit. Such permit shall require the immediate notification of the Chief Animal Control Officer upon the acquisition of any animal having a prior history of any incident involving the public health or safety, or resulting in any bodily injury or property damage.
- B. Upon the sale of any dangerous animal, said commercial establishment shall immediately send notification of said sale along with the name and address of the buyer, the method of transporting the animal, the path of travel of such transportation, and the destination to the Chief Animal Control Officer.

**Section 21.** Overland Park Municipal Code Section 6.10.160 is hereby amended to read as follows:

**6.10.160 Appeals; Fees.**

- A. Any person aggrieved by or dissatisfied with any of the following decisions, rulings, actions or findings may, within ten days thereafter, file a written notice or statement of appeal from said decision, ruling, action or finding to the Overland Park Municipal Court for an administrative hearing thereon.
  - 1. The determination that an animal is dangerous;
  - 2. The denial of a permit;
  - 3. The denial of a renewal of a previously issued permit;
  - 4. The revocation of a previously issued permit; and
  - 5. The temporary suspension of any permit or portion thereof.
- B. An administrative fee of \$10.00 shall be paid to the Municipal Court Clerk and is required for each appeal to the Municipal Court, and no appeal shall be set for hearing until such fee has been paid.
- C. The filing of an appeal under this subsection shall not stay any action taken pursuant to this chapter.

**Section 22.** Overland Park Municipal Code Section 6.10.165 is hereby amended to read as follows:

**6.10.165 Appeals, Administrative Hearing.**

The hearing on the appeal provided for in 6.10.160 shall be conducted by an Overland Park municipal court judge who will sit as an administrative judge for purposes of this chapter. The sole issue for determination shall be whether decisions, rulings, actions, or findings of the Chief Animal Control Officer and/or the City Clerk were within the scope of their authority, supported by substantial evidence, and not arbitrary nor capricious in nature. The Court shall make specific findings of fact and conclusions of law in each case.

**Section 23.** Overland Park Municipal Code Section 6.10.166 is hereby amended to read as follows:

**6.10.166 Subpoena Power.**

Pursuant to its role as administrative judge, the Court is empowered to hold hearings, subpoena witnesses, take the testimony of any person under oath and in connection therewith, to require the production of any evidence relating to any matter being heard. In the case of the refusal of any person to comply with any subpoena issued hereunder or to testify in any matter regarding which they may be lawfully questioned, the Court may order such person to comply with such subpoena and testify; and failure to obey the Court's order may be punished by the court as contempt.

**Section 24.** Overland Park Municipal Code Section 6.10.168 is hereby amended to read as follows:

**6.10.168 Appeal; District Court.**

Any aggrieved party may appeal the decision and findings of the Overland Park municipal court judge pursuant to K.S.A. 60-2101(d) (1984 Supp.). However, the filing of an appeal under this

subsection shall not stay any action taken pursuant to this chapter.

**Section 25.** Overland Park Municipal Code Section 6.10.170 is hereby amended to read as follows:

**6.10.170 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

**Section 26.** Overland Park Municipal Code Section 6.10.180 is hereby amended to read as follows:

**6.10.180 Violations and Penalties.**

Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in the Overland Park Municipal Court be fined a sum not less than \$200 and not more than \$1,000. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. Should the defendant refuse to remove the dog from the City, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

**Section 27.** Overland Park Municipal Code Section 6.10.190 is hereby amended to read as follows:

**6.10.190 Costs to be Paid by Responsible Persons.**

Any reasonable costs incurred by the Chief Animal Control Officer in seizing, impounding, confining or disposing of any dangerous or wild animal, pursuant to the provisions of 6.10.050, 6.10.060, 6.10.070 or 6.10.110 shall be charged against the owner, keeper, or harbinger of such animal and shall be collected by the City Clerk.

**Section 28.** Existing Overland Park Municipal Code Sections 6.04.010, 6.04.020, 6.04.030, 6.04.035, 6.09.025, 6.10.010, 6.10.020, 6.10.030, 6.10.040, 6.10.050, 6.10.060, 6.10.070, 6.10.080, 6.10.090, 6.10.100, 6.10.110, 6.10.120, 6.10.130, 6.10.140, 6.10.150, 6.10.160, 6.10.165, 6.10.166, 6.10.168, 6.10.170, 6.10.180, AND 6.10.190 are hereby repealed.

**Section 29.** This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this 20th day of September 2021.

APPROVED by the Mayor this 20th day of September, 2021.

**CITY OF OVERLAND PARK, KANSAS**

(SEAL)

(s) Carl Gerlach  
Carl Gerlach, Mayor

ATTEST:

(s) Elizabeth Kelley  
Elizabeth Kelley, City Clerk

APPROVED AS TO FORM:

(s) Eric Blevins  
Eric Blevins, Senior Assistant City Attorney