

RESOLUTION NO. 222-2019

Date Adopted: 10-9-2019

Date Effective: Upon Publication _____

**A RESOLUTION AMENDING VARIOUS PROVISIONS WITHIN CHAPTER 5
OF THE SEDGWICK COUNTY CODE AND ADDING
PROVISIONS REGARDING THE TETHERING OF ANIMALS**

WHEREAS, the Board of County Commissioners adopted the Sedgwick County Animal Code (codified as Chapter 5, Sec. 5-1, et seq. of the Sedgwick County Code) on December 2, 1992 with Resoluion No. 270-1992; and

WHEREAS, numerous amendments to the Sedgwick County Animal Code have been approved by the Board of County Commissioners since its adoption; and

WHEREAS, the Board of County Commissioners see fit to amend the Sedgwick County Animal Code as follows.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AMENDS THE SEDGWICK COUNTY CODE AS FOLLOWS:

SECTION 1. AMENDMENT TO SECTION 5-1 OF THE SEDGWICK COUNTY CODE:

Sec. 5-1 of the Sedgwick County Code is amended to state as follows:

Sec. 5-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means for any owner or harborer to leave an animal in any place without making reasonable provisions for its proper care or without a demonstrated or apparent intent to recover or resume custody. This includes leaving any animal in a vehicle during extreme weather conditions as determined by the animal control officer and a heat index chart.

*Animal means any vertebrate or invertebrate organism of the kingdom *Animalia*, such as, but not limited to, dogs, cats, cattle, horses and other equines, buffalos, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated, except man.*

Animal care advisory board means the board established and appointed by the board of county commissioners, as indicated within sections 5-51 through 5-55 of the Code. The term "animal care advisory board" also includes any subcommittee(s) to whom the advisory board might delegate certain functions.

Animal control officer means the director of the county department of animal control and/or that person's designee, or any other person or agency designated by the board of county commissioners to enforce the provisions of this chapter.

Applicant means a person at least eighteen (18) years of age who has filed a completed application that has not yet been acted upon by the director.

Approved location means a location approved by the Animal Control Director, with such location being subject to the provisions of this Code that pertain to inherently dangerous animals.

At large means the act of an animal which constitutes:

- (1) Being off property of the owner; and/or
- (2) Not being effectively physically restrained on a chain or leash or not being kept in a suitable fence or by or in another means of physical restraint from which the animal can escape; or
- (3) In the case of an inherently dangerous animal, not being properly restrained as required by subsection 5-228(b)(1)m. and subsection 5-228(c)(1)l. of this Code.

Attack means violent or aggressive physical contact or attempted violent or aggressive physical contact.

Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin caused by any animal which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

Completed license application means an inherently dangerous animal license application form that is submitted with all required information and that is accompanied by all required documents.

Cruelty to animals is defined within Sec. 5-191.

Dangerous animal is defined within section 5-163.

Director means the director of the county department of animal control and/or that person's designee, which shall include law enforcement officers.

Enclosure means a fence, cage or structure which forms an enclosed area intended to prevent the entry of members of the public into such enclosure, and intended to confine a dangerous or inherently dangerous animal. Such enclosure shall be designed to prevent a dangerous or inherently dangerous animal from escaping from the enclosure and shall have a secure top attached to all sides and one (1) or more of the following:

- (1) The sides shall be embedded or buried two (2) feet into the ground;
- (2) The sides must be secured into a concrete pad or slab; or
- (3) The sides must be securely attached to a wire bottom.

Such enclosure shall be locked and shall provide adequate lighting and shelter from the elements and shall be kept in a clean and sanitary condition.

Enclosures for inherently dangerous animals shall be subject to more stringent requirements as set forth herein.

Farm animal means an animal raised on a farm or ranch and used or intended for use as food or fiber.

Fowl means all animals that are included in the zoological class *Aves* .

Habitual nuisance animal means any animal determined to be such by the director after a hearing as provided in section 5-162, and which is based on the animal's owner having been convicted three (3) times in a twelve-month period of harboring a nuisance animal when each of the three (3) convictions relates to the same animal.

Harbor means to keep, to maintain, to have in one's possession, to have under one's control or to allow any animal to habitually remain or lodge or to be fed or to be given shelter or refuge within a person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, property or any other premises which a person owns, has possession or control of or on which the person resides.

Health officer means the director of the Sedgwick County department of health or his authorized representative, including any employee of the Sedgwick County department of health.

Inherently dangerous animal means an inherently dangerous mammal and/or an inherently dangerous reptile.

Inherently dangerous mammal is any live member of the *canidae*, *felidae*, or *ursidae* families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and which include:

- (1) *Canidae*, including any member of the dog (*canid*) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).
- (2) *Felidae*, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*) .
- (3) *Ursidae*, including any member of the bear family, or any hybrids thereof.

Inherently dangerous reptile is any live member of the class *reptilia* which is:

- (1) Venomous, including, but not necessarily limited to, all members of the following families: *Helodermidae*; *Viperidae*; *Crotalidae*; *Atractaspidae*; *Hydrophilidae*; and *Elapidae*.
- (2) A "rear fanged" snake of the family *Colubridae* that are known to be dangerous to humans, including, but not necessarily limited to, all members of the following families: *Dispholidus typus*; *Thebtonis kirtlandii*; and *Rhabdophis spp.*
- (3) Of the family *Boidae* (boas and pythons); specifically the following species: *Python reticulatus*; *Eunectes sp.*; *Python sebae*; and *Python molurus*.
- (4) A member of the order *Crocodylia* (crocodiles, alligators and caiman).

Inhumane treatment is defined within Sec. 5-193.

License holder or licensee means a person at least eighteen (18) years of age who has a valid inherently dangerous animal license and is in compliance with all provisions of the inherently dangerous animal article of this Code.

Notice means written notice to the owner of an animal which:

- (1) Is mailed or hand-delivered to the owner's address of record on the license issued to that owner for the licensed animal;
- (2) Is mailed or hand-delivered to the owner's address as ascertained from any other public record;
- (3) Is mailed to an address which has been ascertained by personal observation of an animal control officer to be a premises or building at which the owner may be contacted;
- (4) Has been tacked, taped or attached upon or to the owner's premises or dwelling, if such can be ascertained; or
- (5) Has been left with a person of suitable age and discretion at such owner's premises or dwelling.

If the owner is not known, notice shall be published in the official county newspaper at least one (1) week prior to any hearing regarding the animal.

Nuisance is defined within Sec. 5-161(a).

Nuisance animal is defined within Sec. 5-161(b).

Owner means any person who:

- (1) Has a right of property in an animal;

- (2) Keeps or harbors an animal;
- (3) Has an animal in that person's care;
- (4) Acts as a custodian of an animal;
- (5) Licenses a dog in compliance with article III of this chapter; and/or
- (6) Obtains a vaccination certificate or veterinarian's confirmation for a dog and/or cat in compliance with article IV of this chapter.

Additionally, any person who knowingly permits a dog or cat to remain on or about any premises occupied by that person shall be considered the owner of such dog or cat.

Person means an individual, organization, partnership or corporation.

Shelter means a structure or housing, with insulation, that provides dry protection from all elements of the weather.

Shift cage means a cage in which an inherently dangerous animal may be placed without physical contact between the animal and any person to permit safe feeding, cleaning, cage repair or other separations.

Take up means to put into physical custody and impound at an animal shelter or veterinary hospital.

Tether means attaching a leash, rope, chain, lead or other similar apparatus or device to the body of an animal and an inanimate or immovable object for the purpose of confining the animal or limiting the movement of the animal.

Trained personnel means an individual, at least eighteen (18) years of age, who is an employee, volunteer, family member and/or owner who has received training according to the provisions of the inherently dangerous animal article.

Traveling circus means a circus that harbors one (1) or more inherently dangerous animals in the unincorporated area of the county for not more than two (2) weeks in any calendar year, that does not own real property in the unincorporated area of the county that is used for a purpose associated with said circus, and that does not have its primary place of business in the county.

Trespass means entering or remaining without consent upon property other than the property of the owner.

Unincorporated area means outside the corporate limits of any city.

Vaccination certificate means a written document issued and signed by a veterinarian which attests to the rabies vaccination of a particularly described dog or cat and which contains the number of the metallic vaccination tag issued to such dog or cat.

Veterinarian means a doctor of veterinary medicine currently licensed by the state.

Veterinarian's confirmation means a written statement, issued and signed by a veterinarian, which attests that rabies vaccination of a particularly described dog or cat would be injurious to the animal because of its age or health.

Wild animal means a living mammal or marsupial which is normally found in the wild.

SECTION 2. AMENDMENT TO SECTION 5-5 OF THE SEDGWICK COUNTY CODE:

Sec. 5-5 of the Sedgwick County Code is amended to state as follows:

Sec. 5-5. - Animal pickup fees; violations; penalty.

- (a) *Request for animal pickup.* Any citizen requesting county animal control to pickup dead animal(s) from private property for disposal, to pickup and deliver live animals to the Wichita Animal Shelter for humane euthanasia, or the pickup of nuisance, dangerous, or biting animal shall pay fees assessed as follows:
- (1) A fee of twenty-nine dollars (\$29.00) per dead animal removed from private property by county animal control shall be paid by the person requesting the pickup, which fee shall be paid to the county within ten (10) calendar days of the pickup.
 - (2) A fee of twenty-nine dollars (\$29.00) per animal for pickup by county animal control of a living animal for humane euthanasia and disposal requested by the owner of the animal shall be paid by the owner to the county within ten (10) calendar days of the pickup.
 - (3) A fee of thirty-nine dollars (\$39.00) shall be assessed by county animal control to the owner of any nuisance, dangerous, or biting animal captured, controlled and transported by county animal control to the Wichita Animal Shelter. This fee shall be paid to the county by the owner of the animal prior to the animal's release from the Wichita Animal Shelter and shall be in addition to fees charged by the Wichita Animal Shelter.
 - (4) Requests for pickup of multiple dead animals shall be handled by the director of the county animal control department. The frequency of such pickups and the fees charged shall be at the discretion of the director. However, such fees shall not be in excess of twenty-nine dollars (\$29.00) per dead animal.
 - (5) The director shall have the authority to determine the size of animals which the county will pickup up of based upon the capabilities, equipment and facilities available for use.
 - (6) Any animal that comes into the custody or control of Sedgwick County Animal Control that is not acceptable to be placed with the Wichita Animal Shelter may be delivered by the director or designee to a proper facility, as determined in the sole discretion of the director or designee. The charges of the facility, including daily fees or pickup fees, wholesome food, potable water, veterinarian care, any procedures deemed necessary for the wellbeing and maintenance of said animal, medical supplies, medications and/or vaccinations shall be the responsibility of the owner/harbinger of the animal. The owner/harbinger shall pay in full the facility and in compliance with the requirements or policies of the facility prior to the animal's release. The facility and/or the director may request the judge of the county court to order the payment of such fees and expenses as part of any proceeding against the owner/harbinger, and the owner/harbinger shall pay the fees, expenses and costs as the court shall direct.
- (b) *Fail to pay pickup fees.* It shall be a violation of this chapter for any person to fail to pay the pickup fee as required in subsections (a)(1) and (2), inclusive, of this section. Fail to pay pickup fees is a class F violation.
- (c) *Fail to pay pickup fees: nuisance, dangerous, or biting animal.* It shall be a violation of this chapter for any person to fail to pay the pickup fee as required in subsection (a)(3), of this section. Fail to pay pickup fees: nuisance, dangerous, or biting animal is a class H violation.

SECTION 3. AMENDMENT TO SECTION 5-37 OF THE SEDGWICK COUNTY CODE:

Sec. 5-37 of the Sedgwick County Code is amended to state as follows:

Sec. 5-37. - Director; duties.

- (a) The director and the director's designee are hereby appointed to serve as code enforcement officers pursuant to K.S.A. 19-101d(b)(2), and shall have the power to sign, issue and execute uniform complaints and notices to appear as is fully set out in the code for the enforcement of county codes and resolutions (K.S.A. 19-4701 et seq.).

- (b) The director and the director's designee shall constitute animal control officers.
- (c) The director shall have the following power and authority:
 - (1) To oversee and direct the enforcement of this chapter and any other animal control resolutions of this jurisdiction through the hiring of personnel, subject to county policy.
 - (2) To designate such employees as code enforcement officers and animal control officers.
 - (3) To administer the licensing and vaccinating of dogs and the vaccinating of cats as required under the provisions of this chapter.
 - (4) To conduct hearings and issue orders pursuant to sections 5-162 and 5-163 of this chapter.
 - (5) To cause the taking up of any nuisance animal and to cause its impoundment until further order of the director.
 - (6) To cause the taking up of any dangerous animal and to cause its impoundment until further order of the director.
 - (7) To cause the investigation of any complaints about or instances of cruelty or inhumane treatment to animals.
 - (8) To cause the picking up and disposal of dead animals and living animals for humane euthanasia upon notification of the location of such animal in the unincorporated area of the county, and in the appropriate circumstances, to cause the waiver of pickup fees.
 - (9) To cause the seizure, impoundment, or taking up, on private or public property, of any animal which has bitten a person or other animal and impound the animal in a veterinary hospital or animal care facility. Such impoundment shall not exceed a period of more than thirty (30) days, during which time the health officer shall determine whether or not such animal is suffering from a disease and, if not, the health officer and the director or the director's designee shall authorize the release of the animal upon payment by the owner of the boarding fee, any costs for such confinement, and compliance with other applicable laws, resolutions and ordinances. The health officer or animal control officer may authorize the confinement of the animal on the owner's premises if the owner produces a current rabies vaccination certificate, and the owner is otherwise in compliance with other applicable laws, resolutions and ordinances. To be considered current, the expiration date of the rabies vaccination certificate shall be less than twelve (12) months from the date of the bite alleged, and the date of the rabies vaccination and the identification of the animal shall be recorded on the rabies vaccination certificate.
 - (10) To cause the taking up of any animal subjected to inhumane treatment for purposes of impoundment, veterinary care or humane euthanasia.
 - (11) To cause the pickup/take up of any inherently dangerous mammal or inherently dangerous reptile for purposes of impoundment, veterinary care or humane euthanasia, and to determine the disposition thereof.
 - (12) To inspect the premises where any inherently dangerous mammal or inherently dangerous reptile is harbored at any time between 7:00 a.m. and 9:00 p.m. daily for the purpose of determining whether the harborer is in compliance with the provisions of this chapter.

SECTION 4. AMENDMENT TO SECTION 5-69 OF THE SEDGWICK COUNTY CODE:

Sec. 5-69 of the Sedgwick County Code is amended to state as follows:

Sec. 5-69. - Procedure for obtaining a license.

(a) *Obtaining a license from a veterinarian.* The director shall provide suitable license forms to veterinarians practicing in the county. The license form shall be designed to receive information regarding:

- (1) The dog's physical description;
- (2) The date of rabies vaccination from its vaccination certificate, or a separately attached veterinarian's confirmation (which veterinarian's confirmation shall not excuse or invalidate the requirement that all dogs be licensed as described in sections 5-66 and 5-67);
- (3) The metallic vaccination tag number;
- (4) The owner's name, address and telephone number;
- (5) A statement to be signed by the owner that the dog has never been previously determined, declared or adjudged to be a dangerous or vicious animal in the county or in any other jurisdiction, and such other information as may be deemed necessary by the director; and
- (6) The appropriate license fee payment and indication of receipt thereof by the veterinarian.

The license form shall be completed by the veterinarian at the time of vaccination or preparation of veterinarian's confirmation. The veterinarian's signature thereon shall serve as verification of administration of the required vaccination, and the license form shall be distributed as indicated thereon. The dog owner may pay the appropriate license fee to the veterinarian, who shall mark the license form with the veterinarian's assigned "paid" stamp, or the dog owner may pay the appropriate license fee to the director. The license form shall be considered invalid unless the entire license form is completed and a veterinarian's confirmation is attached in appropriate cases, the license fee is paid and the license form and license fees are received by the director. The veterinarian shall send the completed license form and license fee received to the director, who shall deposit the license fee in the county general fund. The director shall maintain official records of the licenses issued. The director shall provide postage-paid, pre-addressed envelopes to the veterinarians for their use in forwarding the license form, veterinarian's confirmation, if any, and license fee to the director.

(b) *Obtaining a license from the director.* An owner may also obtain a license by providing the following information to the director:

- (1) The dog's physical description;
- (2) A verification of rabies vaccination by presenting the dog's vaccination certificate or by presenting a veterinarian's confirmation (which veterinarian's confirmation shall not excuse or invalidate this requirement that all dogs be licensed as described in sections 5-66 and 5-67);
- (3) A verification of the metallic vaccination tag number by presenting the dog's vaccination certificate;
- (4) The owner's name, address and telephone number;
- (5) A statement to be signed by the owner that the dog has never been previously determined, declared or adjudged to be a dangerous or vicious animal in the county or in any other jurisdiction, and such other information as may be deemed necessary by the director; and
- (6) The appropriate license fee payment and indication of receipt thereof by the director.

The director shall receive subsections (1) through (6), inclusive, and the director shall thereupon complete the license form and shall sign the license form. The license form shall be considered invalid unless the entire license form is completed and a veterinarian's confirmation is attached in appropriate cases, the license fee is paid, and the license form and license fee are received by the director. Upon completion of the license form, the director shall deposit the license fee into the county general fund. The director shall maintain official records of the licenses issued.

(c) *Licensing of dogs previously determined, declared or adjudged dangerous or vicious.* The owner of any dog which has previously been determined, declared, or adjudged dangerous or vicious by the

director or by any other authorized person in another jurisdiction as provided in section 5-162 shall be required to obtain the animal's license from the director in the manner described in subsection (b) of this section and shall be prohibited from obtaining the license from a veterinarian. The director shall write upon the face of the license issued, clearly and obviously, " *Dangerous Dog* ." In addition, the owner shall be required to provide to the director at the time of making application for such license either:

- (1) Proof of homeowner's, renter's or other insurance acknowledging the ownership of such animal previously determined, declared or adjudged to be dangerous or vicious and demonstrating that such animal's subsequent acts are insured by such policy and with such policy listing the Sedgwick County Animal Control Department as an entity to be notified ten (10) days in advance if the policy is cancelled for any reason; or
- (2) A surety bond in the amount of three hundred thousand dollars (\$300,000.00) written to cover any acts of such animal previously determined, declared or adjudged to be dangerous or vicious, which bond shall list the Sedgwick County Animal Control Department as an entity to be notified ten (10) days in advance if the surety bond is cancelled for any reason.

Upon notification to the director of cancellation of a policy of insurance or of a surety bond, the director shall make an investigation into the current condition of the dog.

SECTION 5. AMENDMENT TO SECTION 5-161 OF THE SEDGWICK COUNTY CODE:

Sec. 5-161 of the Sedgwick County Code is amended to state as follows:

Sec. 5-161. - Nuisance animals; maintaining a nuisance.

(a) *Nuisance defined.* Nuisance means the maintenance of animals so as to cause discomfort to occupants of other premises by reason of offensive odors, insects or infestations, rodents, noise, nonconfinement or safety hazards. Maintaining larger domestic animals, including but not limited to bovine cattle, horses, hogs, sheep and goats, in accordance with each of the following standards shall not be deemed to be a nuisance:

- (1) Providing at least ten thousand (10,000) square feet of fenced open space per animal if the animal shelter or enclosure is within three hundred (300) feet of any dwelling on adjoining premises, provided that this distance shall be five hundred (500) feet for hogs;
- (2) Maintaining the animals within a fenced enclosure;
- (3) Cleaning the domestic animal shelters at least once each week or as often as necessary to prevent or control odors and fly breeding; provided, however, that this shall not apply to grazing areas;
- (4) Disposing of collected fecal material and other solid organic waste at a sanitary landfill or fertilizer processing plant or by proper disposal on land used for agricultural purposes;
- (5) Storing grain or protein food in tightly covered, rodent-proof, metal containers or rodent-proof bins;
- (6) Maintaining the premises free of rodent harborage;
- (7) Using anticoagulant rodenticides for the control of rodents and organophosphorus insecticides for the control of flies, or providing other effective chemical means for the control of rodents and flies;
- (8) Using soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings;

- (9) Constructing and maintaining animal shelters and enclosures, including fences, by the use of dimension materials or other effective means so as to prevent domestic animals from breaking out or causing a hazard to persons or property;
 - (10) Storing refuse in proper containers or in a manner approved by the health officer, and disposing of such refuse at least once each week or as frequently as may be required by the health officer;
 - (11) Storing solid waste accumulated from the cleaning of domestic animal shelters in metal or plastic containers with tightfitting metal or plastic lids and disposing of such solid waste at least once each week; and
 - (12) Providing proper drainage so that there is no accumulation of rainfall or liquid waste.
 - (13) Furthermore, no animal may be declared a nuisance if, at the time of any potential nuisance activity, the animal was being teased, tormented, abused, or assaulted. No animal may be declared a nuisance if the animal was protecting or defending a human being and/or their property within the immediate vicinity of the animal from an attack or assault.
- (b) *Nuisance animal defined.* Nuisance means any animal that has acted in such a manner as to constitute any one (1) or a combination of the following:
- (1) Trespassing to the property of a person other than the owner, or in the case of an inherently dangerous animal, trespassing to property other than the approved location;
 - (2) Threatening the safety of a person or other animal at a place other than on the property of the owner, or in the case of an inherently dangerous animal, threatening the safety of a person or other animal either at or away from the approved location;
 - (3) Molesting any passerby or chasing a passing vehicle, including a bicycle;
 - (4) Attacking any other animal;
 - (5) Causing injury to any person;
 - (6) Threatening or causing a condition which endangers public health or the health of other animals, whether through its behavior or physical condition;
 - (7) Damaging public or private property;
 - (8) Being at large;
 - (9) Being in season and not being confined or enclosed as to prevent impregnation;
 - (10) Being ridden on public property in a manner that obstructs, impedes or interferes with vehicular or pedestrian traffic;
 - (11) Interfering with or impeding refuse or trash collection by ripping, tearing, upsetting or tipping any container of such;
 - (12) Barking, whining or howling in an excessive fashion, which is hereby defined as continuous or untimely so as to disturb the sleep or peaceful enjoyment of an individual who is a neighbor (a neighbor for this purpose is hereby defined as an individual residing in a residence structure which is within one hundred (100) yards of the property on which the animal is kept or harbored), and who will agree to testify if called upon to testify about such matter under oath; and/or
 - (13) Being sick or injured and not receiving such care as is needed for the health or well-being of such kind of animal.
- (c) *Nuisance animals prohibited; impoundment.* The owner of an animal shall prevent such animal from committing a nuisance or being a nuisance animal. An animal control officer is authorized to take up any animal suspected of being a nuisance animal. In accordance with K.S.A. 47-1711, such officer

shall immediately record the color, breed, sex, approximate weight and other description of the animal, the reason for the seizure, the location of seizure, the owner's name and address, if known, the animal's license number, if any, and any other identification number. The animal control officer may order impoundment of a nuisance animal at an animal shelter, and the animal control officer shall notify the owner, provided the owner is known, pending any one (1) or a combination of the following:

- (1) A hearing to determine whether the animal is a habitual nuisance animal, as defined in sections 5-1 and 5-162; or
- (2) A hearing to determine whether the animal is a dangerous animal as defined in sections 5-1 and 5-163..

The animal control officer shall take up an injured or diseased nuisance animal to a veterinarian for treatment, and such costs shall be the responsibility of the owner. A nuisance animal shall not be impounded for more than ten (10) calendar days unless its owner has failed to pay in full all costs and fees associated therewith and has failed to comply with all animal control laws, resolutions and ordinances. If the animal is impounded more than ten (10) days, the director may order the animal to be placed for adoption or humane euthanasia.

- (d) *Persons aggrieved.* Any person who is aggrieved by a nuisance animal may confine the animal on the aggrieved person's property, but shall immediately notify the owner, if known, or the animal control officer if the owner is not known, for pickup and disposition of the animal. In the alternative, any person who is aggrieved by a nuisance animal may notify the animal control officer with the information concerning the nuisance, including the name and address of the owner of such animal, if known. The animal control officer shall investigate the allegations and may take up the animal. If the animal cannot be located and if the owner is known, or if the animal is found on its owner's premises, the animal control officer shall notify the owner that the nuisance actions of the animal must be abated, and upon probable cause the animal control officer may issue a uniform complaint and notice to appear alleging a violation of this chapter.
- (e) *Harboring a nuisance animal.* It shall be a violation for any owner to harbor a nuisance animal, as defined in this chapter. Harboring a nuisance animal is a class G violation. In the event that a nuisance animal causes economic damages to another party, the court may order the owner to pay restitution to such party.
- (f) *Additional acts of nuisance are separate violations.* Any act of nuisance after a complaint is issued to the owner against the same animal or animals alleging a violation of subsection (c) of this section, shall constitute an additional and separate violation. The first complaint after two (2) convictions for violation of subsection (c) of this section issued to the owner within twelve (12) months from the date of the first conviction regarding the same animal or animals, shall subject the owner to the provisions of this article regarding a habitual nuisance animal.
- (g) *Maintaining a nuisance.* It shall be a violation for any owner to maintain a nuisance, as defined in this chapter. Maintaining a nuisance is a class G violation. Whenever an animal control officer has determined that there has been a violation of this subsection, the animal control officer shall give written notice of such alleged violation to the owner, which shall give the owner at least seven (7) days to correct the violation particularized.

SECTION 6. AMENDMENT TO SECTION 5-162 OF THE SEDGWICK COUNTY CODE:

Sec. 5-162 of the Sedgwick County Code is amended to state as follows:

Sec. 5-162. - Habitual nuisance animal.

- (a) *Habitual nuisance animal defined.* A habitual nuisance animal means any animal determined to be such by the director after a hearing as provided in this section. A prerequisite for an animal to be

brought before the director for a hearing is the animal's owner having been convicted three (3) times in a twelve-month period of harboring a nuisance animal with each of the three (3) convictions relating to the same animal.

- (b) *Hearing.* Upon the director's own volition, the director may hold a hearing to determine whether an animal is a habitual nuisance animal. The owner of the animal shall be notified of the time and place of hearing. Witnesses may be called by the director and owner.
- (c) *Determination.* In making a determination, the director may consider whether such owner knowingly permitted such animal to commit acts of nuisance; and whether the animal can be kept in a manner that will prevent nuisance acts in the future and the likelihood thereof. If the director determines that the animal is a habitual nuisance, the director may order that the owner, at the owner's expense, abate the animal's nuisance actions in any one, or in any combination, of the following:
 - (1) That the owner enclose or confine the animal in a manner and location that will ensure that the animal cannot repeat its nuisance actions;
 - (2) That the owner securely tie or chain the animal within an enclosed area;
 - (3) That the owner muzzle the animal;
 - (4) That the owner cause the animal to be examined and treated by a currently licensed veterinarian practicing in the county and that the owner obtain a written statement from the veterinarian that the animal is not threatening or causing a condition which endangers public health or the health of other animals;
 - (5) That the owner prohibit the animal from being on particular parcels of public or private property;
 - (6) That the owner provide an enclosure or an enclosed area for the animal and retain the animal there at all times unless in the owner's custody and securely leashed to the owner;
 - (7) That the owner cause the animal to be spayed or neutered by a currently licensed veterinarian practicing in the county, and that the owner obtain a written statement from the veterinarian that the animal has been spayed or neutered;
 - (8) That the owner cause the animal to be enclosed or be in any enclosure which will prevent impregnation of the animal while it is in season;
 - (9) That the owner is prohibited from riding the animal on public property; and
 - (10) That the owner's license to keep the animal be revoked.

If the director determines at the hearing that none of the methods outlined in this subsection will abate the nuisance action of the animal, the director may order that the animal be relinquished to an animal shelter or pound for adoption or humane euthanasia, or that the animal be humanely euthanized. The director is granted authority to order an animal impounded, at the owner's expense, for not more than ten (10) calendar days from the date of issuance of the director's determination and orders, which shall be the time allowed for the owner to show compliance therewith. At the end of the ten-day period, if the owner has not complied with the director's orders, the director may order the animal made available for immediate adoption or humane euthanasia. If the director determines that the director's orders are not being complied with during the remaining lifetime of the animal determined to be a habitual nuisance, the director shall have the authority, after a hearing, to cause the habitual nuisance animal to be impounded and humanely euthanized.

- (d) *Appeal.* Any owner dissatisfied with any decision of the director of the animal control department made pursuant to this section may appeal such decision within three (3) days, excluding Saturdays, Sundays and holidays, to the board of county commissioners by filing written notice thereof with the county clerk, with copies of the appeal notice to be provided to the director of the animal control department and the county counselor. The appeal shall be taken upon the record to be provided by the animal control department and shall not be a hearing de novo. A quorum of the board shall constitute a sufficient board for the purpose of conducting the appeal hearing.

SECTION 7. AMENDMENT TO SECTION 5-163 OF THE SEDGWICK COUNTY CODE:

Sec. 5-163 of the Sedgwick County Code is amended to state as follows:

Sec. 5-163. - Dangerous animals.

(a) *Dangerous animal defined.* Dangerous animal means any animal determined dangerous by the director after a hearing as provided in this section, and such animal fulfills any one or a combination of the following as the reason(s) the director is bringing such hearing:

- (1) Any animal which when unprovoked, in a vicious or terrorizing manner, approaches any person upon the streets, sidewalks or any public grounds or places in apparent attitude of attack;
- (2) Any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (3) Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property;
- (4) Any animal owned or harbored for the purpose of fighting or any animal trained for fighting; and/or
- (5) Any animal not licensed according to state, county or city law, resolution or ordinance, as required.

Exception: Notwithstanding the definition of a dangerous animal in this section, no animal may be determined dangerous if:

- (1) Any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner of the animal or was committing or attempting to commit a crime; or
- (2) The animal was protecting or defending a human being or another animal within the immediate vicinity of the animal from an unjustified attack or assault.

(b) *Hearing.* Upon the complaint of any person or upon the director's own volition, or upon the issuance of a uniform complaint and notice to appear, the director of the animal control department may hold a hearing to determine whether or not an animal is a dangerous animal as defined in section 5-1. The owner of the animal shall be notified of the time and place of the hearing. Witnesses may be called by the director and owner.

(c) *Determination.* In making a determination, the director may consider any one or all of the following factors:

- (1) The seriousness of the approach, attack or bite;
- (2) The history of attacks or bites;
- (3) Whether the animal had been previously determined, declared or adjudicated to be dangerous or vicious by the director or in any other jurisdiction of which the director has notice or of which the owner has knowledge, and which jurisdiction uses substantially the same standards as the county for determination of a dangerous or vicious animal;
- (4) The conditions and circumstances existing at the time of the approach, attack or bite;
- (5) The conditions under which the animal is kept, enclosed or confined; and
- (6) The status of the animal's license and vaccination, if required under applicable state, county or city law, resolution or ordinance.

(d) *Action by director.* If the director determines that the animal is dangerous, the owner will be required to:

(1) have a microchip implanted into the animal at the owner's expense and the owner will be required to register the microchip with the director;

(2) have such dangerous animal that is a dog wear a muzzle deemed appropriate by the director at any time during which the dog is not on property owned or occupied by the dog's owner;

(3) post a sign provided by the director visible to the public and displayed in a location deemed satisfactory by the director and such sign shall be intended to make the public aware of the presence of the dangerous animal; and

(4) spay or neuter the animal at the owner's expense.

In addition to those items included in (d)(1) through (4) of this section, if the director determines that the animal is dangerous, the director may order that the owner, at the owner's expense, do any one, or any combination of the following:

(5) Enclose or confine the animal in a manner and in a location that will ensure that the animal poses no threat of repeating any act which may result in the animal being declared dangerous on a subsequent occasion; or

(6) If such confinement is not possible or if prior orders have not been heeded, the director may cause the animal to be humanely euthanized.

If the director determines that the director's orders are not being complied with during the remaining lifetime of the animal determined to be a dangerous animal, the director shall have the authority, after a hearing, to cause the dangerous animal to be impounded or humanely euthanized.

(e) *Appeal.* Any owner dissatisfied with any determination or order of the director made pursuant to this section may appeal such order or determination within three (3) days, excluding Saturdays, Sundays and holidays, to the board of county commissioners by filing written notice thereof with the county clerk, with copies of the appeal notice to be provided to the director of the animal control department and the county counselor. The appeal shall be taken upon the record to be provided by the animal control department and shall not be a hearing de novo. A quorum of the board shall constitute a sufficient board for the purpose of conducting the appeal hearing.

(f) *Violations.*

(1) *Harboring a dangerous animal.* It shall be a violation of this chapter for any owner to harbor a dangerous animal. Harboring a dangerous animal is a class G violation.

(2) *Failure to comply with director's hearing orders.* It shall be a violation of this chapter for any owner of any animal that has been determined to be a dangerous animal after a hearing by the director to fail to comply with any and all written orders issued as conditions upon which the owner was allowed to regain physical custody of the animal. Failure to comply with director's orders is a class H violation.

SECTION 8. AMENDMENT TO SECTION 5-191 OF THE SEDGWICK COUNTY CODE:

Sec. 5-191 of the Sedgwick County Code is amended to state as follows:

Sec. 5-191. - Cruelty to animals prohibited.

(a) *Defined.* For purposes of this article, cruelty to animals means:

(1) Intentionally and maliciously killing, injuring, maiming, torturing or mutilating any animal, or setting an animal upon another animal for the purpose causing physical harm to one or more animals;

- (2) Having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
 - (3) Intentionally or recklessly causing physical injury for the purpose of sport, contest, practice or entertainment, other than acts described in section 5-191;
 - (4) Promote, stage, hold, manage, incite, or in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal; or
 - (5) For any owner or harbinger to abandon any animal.
- (b) *Exceptions.* The provisions of this section shall not apply to:
- (1) Normal or accepted veterinary practices;
 - (2) Bona fide experiments carried on by commonly recognized research facilities;
 - (3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. ch. 32 or 47;
 - (4) Rodeo practices accepted by the rodeo cowboys' association;
 - (5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, local or state health officer or licensed veterinarian three (3) business days following the receipt of any such animal at such society, shelter or pound;
 - (6) With respect to farm animals, normal or accepted practices of animal husbandry;
 - (7) The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property; or
 - (8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.
- (c) *Violation.* It shall be a violation of this chapter for any person to commit cruelty to any animal. Committing cruelty to any animal is a class I violation.

SECTION 9. AMENDMENT TO SECTION 5-193 OF THE SEDGWICK COUNTY CODE:

Sec. 5-193 of the Sedgwick County Code is amended to state as follows:

Sec. 5-193. - Inhumane treatment of animals prohibited; violation.

(a) *Defined. Inhumane treatment means any treatment to any animal which constitutes a material deviation from the standard of care which a reasonable person would observe under the same circumstances and which:*

- (1) *Deprives the animal of necessary sustenance, including but not limited to a sufficient supply of food and fresh, potable water supplied in a sanitary manner and at reasonable intervals;*
- (2) *Deprives the animal of proper shelter;*

(3) *Deprives the animal of exercise appropriate to the animal's species except for normal and customary husbandry practices; or*

(4) *Causes the animal to be kept in an unsanitary condition or tethered in such a manner as to cause injury, strangulation, or entanglement of the animal.*

(b) *Violation.* It shall be a violation of this chapter for any person to treat any animal in an inhumane manner or to provide inhumane treatment to any animal. Treating an animal inhumanely is a class H violation.

SECTION 10. AMENDMENT TO SECTION 5-195 OF THE SEDGWICK COUNTY CODE:

Sec. 5-195 of the Sedgwick County Code is amended to state as follows:

Sec. 5-195. - Fighting Animals.

(a) *Fighting animals prohibited.* For purposes of this section, unlawful conduct of animal fighting is:

- (1) Causing, for amusement or gain, any animal to fight with or injure another animal;
- (2) Knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or
- (3) Training, owning, keeping, transporting or selling any animal for the purpose or with the intent of having it fight with or injure another animal.

(b) *Disposition of fighting animals.*

- (1) When a person is cited under this section, any code enforcement officer, public health officer, animal control officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility may take into custody any dog on the premises where the dogfight is alleged to have occurred, and any dog owned, harbored or kept on the premises of any person cited under this section.
- (2) When a code enforcement officer, public health officer, animal control officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility takes custody of a dog under this section, such officer may place the dog in the care of a duly incorporated humane society, animal shelter or licensed veterinarian for boarding, treatment or other care. If it appears to an officer of such humane society or a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely euthanized. Except as provided in subsection (b)(3) of this section, if it appears to the licensed veterinarian familiar with animal fighting, by physical examination that the animal has not been trained for aggressive conduct or is a type of animal that is not commonly bred or trained for aggressive conduct, the county counselor may request that the animal be returned to its owner when the animal is not needed as evidence in a case filed under this section or under section 5-191. The owner, harborer, or keeper of a animal humanely euthanized under this subsection shall not be entitled to damages unless the owner proves that such humane euthanization was unwarranted.
- (3) If a person is convicted of causing or permitting animals to fight or of attending an animal fight under this section, an animal taken into custody pursuant to subsection (b)(1) shall not be returned to such person, and the expenses incurred for the examination, veterinary care, treatment and boarding of such animal prior to conviction of the owner, harborer or keeper shall be assessed to the owner, harborer or keeper. Disposition of such animal shall be in accordance with section 5-191.

(c) *Violations.*

- (1) *Causing or permitting an animal to fight.* It shall be a violation of this chapter for any person to cause or to permit any animal to fight. Causing or permitting an animal to fight is a class H violation.
- (2) *Attending an animal fight.* It shall be a violation of this chapter for any person to attend any unlawful conduct of an animal fight. Attending an animal fight is a class H violation.
- (3) *Harboring an animal after a conviction.* It shall be a violation of this chapter for any person to harbor any animal after a conviction for any violation of this section within five (5) years of the date of such conviction. Harboring an animal after a conviction is a class I violation.

SECTION 11. AMENDMENT TO SECTION 5-196 OF THE SEDGWICK COUNTY CODE:

Sec. 5-196 of the Sedgwick County Code is amended to state as follows:

Sec. 5-196. - Surrendered animal by harborer/owner.

(a) *Defined.* For purposes of the animal code, surrendered animal means:

- (1) Where the name and address of the animal's owner/harbinger is reasonably known to the animal control officer or code enforcement officer, and reasonable notice is provided of the animal being taken into the custody of animal control, any animal subsequently not redeemed by the harbinger/owner from the animal shelter or appropriate facility within six (6) calendar days of the notice, shall be deemed surrendered.
- (2) Where the name and address of the animal's harbinger/owner is not reasonably known to the animal control officer or code enforcement officer, and reasonable notice cannot be provided of the animal being taken into the custody of animal control, any animal subsequently not redeemed by the harbinger/owner from the animal shelter or appropriate facility within three (3) calendar days of the date the animal comes into the custody of animal control, shall be deemed surrendered.
- (3) Where the animal is defined as livestock (cow, ox or other bovine, goat, sheep, horse, ratites, donkey, swine, mule or other animal of similar or larger size) and the name and address of the animal's owner/harbinger is reasonably known to the animal control officer or code enforcement officer, and reasonable notice is provided of the animal being taken into the custody of animal control, any animal subsequently not redeemed by the harbinger/owner from the appropriate facility within ten (10) calendar days of the notice, shall be deemed surrendered. Where the name and address of the livestock's owner/harbinger is not reasonably known to the animal control officer or code enforcement officer, and reasonable notice cannot be provided of the animal being taken into the custody of animal control, any livestock animal subsequently not redeemed by the owner/harbinger from the appropriate facility within ten (10) calendar days of the date the livestock animal comes into the custody of animal control, shall be deemed surrendered.

(b) *Disposition of surrendered animal.*

- (1) *Inhumane treatment/cruelty.* If the animal control or code enforcement officer takes into custody any animal suspected to be inhumanely treated or subjected to animal cruelty, the said officer may request the county court judge to be allowed to place the animal for adoption or humanely euthanize the animal after three (3) calendar days following notification to the owner/harbinger of such surrendered animal, or in the case where notice cannot be provided, after six (6) calendar days after the animal comes into the custody of animal control or in the case of livestock within ten (10) calendar days after the animal comes into the custody of animal control; unless the harbinger/owner files a cash bond with the clerk of the county court, in an amount not less than the cost of care and treatment which is to include daily fees or pickup fees, wholesome food, potable water, veterinarian care, any procedures deemed necessary for

the wellbeing and maintenance of said animal, medical supplies, medications and/or vaccinations deemed necessary for said animal for thirty (30) days, as determined by the director or designee. If the animal remains in the legal custody of the animal control or code enforcement officer for a period exceeding thirty (30) days, after written notice to the owner/harbinger, the officer may request the county court judge to increase the amount of the cash bond to cover the costs for the animal. The increased amount, if any, must be paid in to the county court clerk within three (3) calendar days. If not so paid, the said officer may make proper disposition of the animal or authorize the shelter or authorized facility to make disposition of the animal. The owner/harbinger shall then be deemed to have abandoned the cash bond which shall be paid over to the shelter or authorized facility.

- (2) *Adjudication.* If the harbinger/owner of such animal is adjudicated not guilty or the county court judge after an adjudication of guilty is made, finds that such animal should be returned, such person may redeem the animal within three (3) calendar days. If such animal is not redeemed within three (3) calendar days, then the shelter or authorized facility shall make disposition of the animal. Any proceeds derived from such sale or disposition shall be paid to the shelter or authorized facility. If the harbinger/owner is adjudicated guilty and the county court judge finds the animal should not be returned, the animal control officer or code officer shall make disposition or direct the shelter or authorized facility to make disposition of the animal.
- (3) *Nuisance.* The harbinger/owner of a nuisance animal shall redeem the animal within the time limits set forth in subsection 5-196(a) regardless of the adjudication of the nuisance case. If the animal is not so redeemed and found surrendered, the animal control officer or code officer shall make disposition or direct the shelter or authorized facility to make disposition of the animal.

SECTION 12. THE ADDITION OF SECTION 5-197 OF THE SEDGWICK COUNTY CODE:

Sec. 5-197 is added to the Sedgwick County Code and shall state as follows:

Sec. 5-197. – Tethering of Animals.

(a) It is unlawful for any person to:

- (1) Continuously tether an animal for more than one continuous hour, except that tethering of the same animal may resume after a hiatus of three continuous hours. An animal may not be tethered for a total time period exceeding three hours within any twenty-four-hour period.
- (2) Attach chains or other tether restraint implements directly to an animal without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.
- (3) Tether an animal in any manner that is not consistent with the tethering requirements included within subsection (b) of this section.

(b) When an animal is tethered, the following requirements shall apply:

- (1) A chain, leash, rope, lead or other similar apparatus shall be at least 10 feet in length;
- (2) A chain, leash, rope, collaring device, lead, or any assembly or attachments thereto used to tether an animal shall not weigh more than one-eighth (1/8) of the animal's body weight, or due to weight, inhibit the free movement of the animal within the tethered area;

- (3) Animals shall be tethered in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other man made or natural obstacles;
 - (4) An animal shall be tethered so that the animal has access to shelter from the weather conditions, which includes:
 - a. access to shade or proper shelter when sunlight and heat are likely to cause overheating per the heat index chart; and
 - b. insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit;
 - (5) An animal's water supply shall be secured so that it cannot be tipped over by the tether;
 - (6) An animal shall be tethered in an area where it cannot readily be teased by persons and has reasonable protection from attacks by other animals;
 - (7) If an animal is tethered in an area where bare earth is present, reasonable steps must have been taken to prevent the surface from becoming wet and muddy in the event of precipitation;
 - (8) Any tethering of an animal with an obvious medical condition shall occur in a way that does not aggravate or further degrade the medical condition.
- (c) Exception. The tethering of livestock for purposes of loading, training and/or transport is not unlawful.
- (d) Violation. Any person who violates this section shall be subject to a class H violation.

SECTION 13. AMENDMENT TO SECTION 5-229 OF THE SEDGWICK COUNTY CODE:

Sec. 5-229 of the Sedgwick County Code is amended to state as follows:

Sec. 5-229. - Violations and enforcement.

It shall be considered a violation of this Code for a person to fail to abide by the provisions of this article. Such violation shall cause such person to be subject to one (1) or more of the following enforcement provisions:

- (1) *Revocation of license.*
 - a. A license issued pursuant to this article may be revoked by the director after a hearing conducted by the director to determine whether the license holder is in violation of any provision or provisions of this article.
 - b. If a license is revoked, the owner of the animal(s) which is/are the subject of the license shall transfer ownership of the animal(s) by sale or gift to another person who is in compliance with this article, with the written approval of the director, and provided the other person has or can obtain a license required by this article. In the alternative and with the written approval of the director, the animal(s) can be permanently removed from the county.
 - c. Any license holder who is dissatisfied with a decision of the director made pursuant to this section may appeal such decision within ten (10) days to the board of county

commissioners by filing written notice thereof with the county clerk, with copies of the appeal notice to be provided by the license holder to the director and to the county counselor. The appeal shall be taken upon the record to be provided by the animal control department and shall not be a hearing de novo. A quorum of the board of county commissioners shall constitute a sufficient board for the purpose of conducting the appeal hearing. A majority vote shall be controlling for purposes of upholding or reversing the decision of the director.

(2) *Impoundment; disposition of impounded animals.*

- a. Any inherently dangerous animal which is kept by any person in contravention of this article may be taken up and impounded by the director, an animal control officer, a code enforcement officer or a law enforcement officer for the protection and health of the animal and/or for the protection of the health, safety and welfare of the public. Cost of take-up, impoundment, and care of the animal will be charged to its owner and/or harborer regardless of whether the animal is claimed by or returned to said owner and/or harborer.
- b. If an animal cannot be taken up safely or if proper and safe housing cannot be found for the animal, the director can immediately cause the animal to be destroyed.
- c. The owner and/or harborer of the animal can reclaim the animal only if said owner and/or harborer is in compliance with this article and only after all fines and costs have been paid by the owner and/or harborer. Any other intended disposition of the animal requires the approval of the director.
- d. If no owner or harborer can be located or will claim the animal within three (3) days after impoundment, the director may cause the sale, adoption, donation, or humane euthanization of the animal.

(3) *Criminal proceedings.* Any person who violates any provision of this article may be prosecuted for such violation pursuant to the code for the enforcement of county codes and resolutions (K.S.A. 19-4701 et seq.) and chapter 8 of this Code. Any violation of this article shall be a class I violation with each day's violation constituting a separate offense.

(4) *Other remedies.* The county shall have such other remedies as are and as may be from time to time provided by state or local law.

(5) *Remedies cumulative.* The remedies provided herein shall be cumulative.

SECTION 14. PUBLICATION AND EFFECTIVE DATE.

The Sedgwick County Clerk shall publish this resolution once in the official County newspaper. This Resolution becomes effective upon publication.

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Commissioners present and voting were:

PETER F. MEITZNER	<u>Aye</u>
MICHAEL B. O'DONNELL, II	<u>Aye</u>
DAVID T. DENNIS	<u>Aye</u>
LACEY D. CRUSE	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>

Dated this 9 day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

[Signature]
KELLY B. ARNOLD, County Clerk



[Signature]
DAVID T. DENNIS, Chairman
Commissioner, Third District

[Signature]
PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:

[Signature]
JUSTIN M. WAGGONER
Assistant County Counselor

[Signature]
MICHAEL B. O'DONNELL, II
Commissioner, Second District

[Signature]
LACEY D. CRUSE
Commissioner, Fourth District

[Signature]
JAMES M. HOWELL
Commissioner, Fifth District