

**Sanitation/Environmental Code
of Lyon County, Kansas**

Chapter 5

Animal Control

5-1.0 PURPOSE AND INTENT

It is the purpose of this chapter to provide minimum standards for the control and management of domestic and wild animals. K.S.A. 75-5661 gives the Administrative Agency authority to require impoundment of any animal which has bitten a person or another animal.

5-1.1 Title.

This code shall be referred to as the Animal Control Code.

5-2.0 APPLICABILITY

The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto. Provisions **shall apply to all lands located in unincorporated areas of Lyon County, Kansas.** Such wide application of this code is necessary to protect the health of the inhabitants of Lyon County.

5-3.0 EFFECTIVE DATE

This code shall become effective on the _____ day of _____, 200____.

5-4.0 DEFINITIONS

5-4.1 Animal means any live or dead dog; cat; nonhuman primate; guinea pig; hamster; rabbit; or any other warm-blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes: Birds, rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, and horses not used for research purposes and other farm animals such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.

5-4.2 Cats means the singular or plural as the occasion shall imply and shall mean all kinds, breed, and types of domestic cats.

5-4.3 Dangerous dog means any dog that, according to the records of the animal control authority, has: (a) attacked or inflicted severe injury on a human being without provocation on public or private property; (b) attacked, inflicted severe injury or killed a domestic animal without provocation while off the owner's property; or (c) been previously found to be potentially dangerous, the owner has been notified in writing, and the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

A dog shall not be considered a "dangerous dog" if the threat, injury or damage was sustained by a person who was:

- 1) committing a willful trespass or other tort upon the premises occupied by the dog's owner; or
- 2) observed tormenting, abusing or assaulting the dog at that time or in the past.

5-4.4 Dogs means the singular or plural as the occasion shall imply and shall mean all kinds, breeds, and types of domestic dogs.

- 5-4.5 Domestic** means the singular or plural as the occasion shall imply and shall mean all animals normally recognized as tame and kept for pleasure such as, but not limited to: dogs, cats, pot bellied pigs, owned ferrets, and birds such as cockatiels and parakeets. Domestic animals shall also mean animals raised on a farm or ranch and used or intended for use as food, fiber or in any utilitarian manner such as cattle, goats, hogs, horses, poultry, sheep, ostrich, emu, rhea's, and domesticated deer. For the purpose of this definition the term deer shall mean any member of the Family Cervidae.
- 5-4.6 Domesticated Wild Animal** means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions but is maintained on a farm, ranch, or in any facility under the care of humans. This term includes, but is not limited to, animals such as: deer, opossum, mink, armadillos, squirrels, and wolves.
- 5-4.7 Exotic animal** means any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
- 5-4.8 Farm animal** means any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.

5-4.9 Inherently vicious or dangerous animal means any live animal, which, due to its inherent nature, may be considered dangerous to humans and their domestic animals. Appendix D provides a list of animals of particular concern.

5-4.10 Isolated means the separation, for the period of communicability, of infected animals from other animals or humans, in places and under conditions that prevent the direct or indirect conveyance of the infectious agents from those infected to those who are susceptible or who may spread the agent to others.

5-4.11 Owner or harborer: Owner means any person owning any animal within Lyon County, Kansas. Harborer means any person keeping any animal for a period of three (3) consecutive days within Lyon County, Kansas.

5-4.12 Quarantine means to seize, confine, or restrain in custody in order to limit the freedom of movement of healthy animals which have been exposed to or potentially been exposed to a communicable disease.

5-4.13 Vicious or Dangerous Animal means any vertebrate including but not limited to mammals (other than humans), birds, reptiles, and amphibians that attacks or threatens to attack persons or domestic animals.

5-4.14 Wild animal means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, or wolf.

5-4.15 Wild state means living in its original, natural condition; not domesticated.

5-4.16 Zoonoses means diseases spread from animals to humans.

5-5.0 VACCINATION

5-5.1 Rabies Vaccination Required.

All domestic dogs, domestic cats, and ferrets shall maintain a current rabies vaccination.

5-5.2 Vaccination for Zoonoses

All animals shall be vaccinated for appropriate zoonoses as determined by the Kansas Department of Agriculture, Bureau of Animal Health and/or the Kansas Department of Health and Environment. The Administrative Agency has the power to require vaccinations for specific zoonoses determined to present an unusual risk or concern for the health of the public in Lyon County.

5-6.0 RUNNING AT LARGE

5-6.1 Supervision.

It is unlawful for any person owning, harboring or having custody of animals to permit said animals to be off the property of such owner or harborer unless such animals are under the control of some responsible person. (K.S.A. 47-646 – see Appendix D).

5-6.2 Proper care and control.

Owners or harborers of non-farm animals shall exercise proper care and control to prevent such animals from becoming a public nuisance.

A public nuisance shall include activities such as:

- 1) attempting to attack persons or domestic animals;
- 2) attacking and injuring persons or domestic animals;
- 3) damaging public or private property by activities or with excrement;
- 4) scattering of refuse that is bagged or otherwise contained; or,
- 5) any activity threatening or endangering the health or well being of persons or other domestic animals.

Any person, who owns or harbors any animal that (1) meets the definition of a dangerous dog, or (2) is found by the District Court of Lyon County Kansas, or other court of competent jurisdiction, to be or to create a nuisance, as defined above, shall be fined in accordance with Lyon County Sanitation/Environmental

Code Section 1-5.10. Upon a second conviction, the District Judge may order the animal destroyed.

5-7.0 VICIOUS OR DANGEROUS ANIMALS

5-7.1 Harboring Vicious or Dangerous Animals

It is unlawful for any person to keep, harbor or maintain any vicious or dangerous animal as defined in Section 5-4.13.

5-7.2 Inherently Vicious or Dangerous Animals

Harboring and/or owning any inherently vicious or dangerous animal as defined in Section 5-4.9 is prohibited.

EXCEPTIONS ARE:

- 1) Owners who are at least 18 years of age and have obtained and maintain an annual permit from the county allowing that person to own and possess such inherently vicious or dangerous animal. Such person shall be in compliance with any applicable state or federal laws
- 2) Owners or operators of any facility which has been issued or obtains a valid license issued by:
 - a. the United States Department of Agriculture (USDA) (Animal Welfare License), or
 - b. the State of Kansas Department of Wildlife and Parks (KDWP) (Game Breeders Permit), or Wildlife Rehabilitators permit
 - c. the State of Kansas Animal Health Department as a pet shop (KDA) (Pet Shop License), and
 - d. in each case where a state or federal permit or license is required the owners shall also obtain and maintain a valid annual license from the county allowing that owner or operator to

continue to own and possess inherently vicious or dangerous animals.

- 3) Zoos.
- 4) Veterinary clinics in possession of inherently dangerous animals for treatment or rehabilitation purposes.
- 5) Licensed or accredited medical institutions.
- 6) Accredited colleges and universities.
- 7) Any facility accredited by the Association of Zoos and Aquariums (AZA).
- 8) Traveling circuses or carnivals.
- 9) Persons temporarily transporting inherently dangerous animals through the county provided that the transit time is three (3) days or less.

Owners and operators possessing any of the above permits or licenses shall not be required to purchase a county permit but shall register with the county. The Administrative Agency may inspect registered sites.

5-8.0 WILD, DOMESTICATED WILD, AND EXOTIC ANIMALS

5-8.1 Registration of Domesticated Wild or Exotic Animals Required.

It is illegal for any person to harbor or own a wild animal in Lyon County. Domesticated wild or exotic animals within the boundaries of Lyon County and not exempted in Section 5-7.2 shall be registered by the Administrative Agency. K.S.A. 28-1-14 prohibits the possession or sale of skunks, raccoons, foxes, and coyotes,

5-8.2 Inspection.

The Administrative Agency may routinely inspect facilities housing domesticated wild or exotic animals to assure the public health and safety is protected and to assure the adequate and humane housing and restraint of the animals. The

facility shall be maintained in a clean and sanitary manner. 9 C.F.R. pursuant to 7 USC 2131 et seq. shall be used to determine adequate housing and care.

5-8.3 Application to Harbor Domesticated Wild or Exotic Animals

Application to harbor domesticated wild or exotic animals not exempted in Section 5-7.2 shall be made to the Administrative Agency and shall include but not be limited to:

- 1) the type of animal(s),
- 2) the number of animals,
- 3) proof of how the animals were obtained,
- 4) how the animal will be housed to insure adequate and humane housing and restraint,
- 5) proof of health by a licensed veterinarian, and
- 6) proof of vaccination for all diseases as recommended by a licensed veterinarian.
- 7) Two forms of permanent identification are required in the form of a combination of tattooing, ear notching, microchipping, or unusual color or pattern markings. In situations where permanent identification is not possible due to small size or other restrictive situation, written documentation and cage identification shall be maintained and made available for inspection.

5-9.0 RABIES

5-9.1 Rabies - Quarantine or Sacrifice of Animal Required.

Whenever any dog, cat, or ferret has bitten a person, the person bitten or their guardian shall report the same to the Sheriff at once, who shall take up or impound said animal until such incident is reported to the Administrative Agency. The Administrative Agency shall order dogs, cats, and ferrets impounded or quarantined at an approved animal care facility for a period of **not less than ten**

(10) days and until such time as the Administrative Agency finds that such animal shows no evidence of shedding the rabies virus at the time of the bite incident. If the animal is not healthy and it is determined the animal could be suffering from rabies, it shall be forthwith destroyed under the supervision of the Administrative Agency and the head submitted for rabies examination. All costs of quarantine and any required testing shall be at the owner's expense. In all other circumstances not covered by this code, regulations, recommendations and protocols established by the Kansas Department of Health and Environment shall be used to determine the fate of the animal.

5-9.2 Rabies - Protocol Following Exposure or Possible Exposure to Rabies. The Administrative Agency shall follow the protocol described below when a person or their domestic animals have been **exposed or possibly exposed** to an animal species known to be involved in the transmission of rabies. Such protocol shall be followed whether the exposure is from an animal that is owned or unowned.

- 1) Exposure of humans and other animals by dogs, cats, ferrets, cattle, horses, sheep, or other domestic animals will be determined by observing the animals during quarantine, or by submitting the head for testing, or both.
- 2) Exposure of humans and other animals to rabies by exotic animals, wild animals, or domestic/wild animal hybrids will be determined by submitting the head for testing. Any human or animal bitten or scratched by a wild, carnivorous mammal, or a bat, not available for testing will be regarded as having been exposed to rabies.
- 3) In any other situation, regulations or recommendations from the Kansas Department of Health and Environment shall be followed.

5-9.3 Rabies - Quarantine Requirements for Domestic Animals.

- 1) All domestic animals known to have bitten a person or another animal regardless of whether they maintain a current rabies vaccination or whether they are unvaccinated shall be either quarantined or in some cases immediately sacrificed by a licensed veterinarian, at a licensed veterinary hospital, or at a licensed animal care facility. Quarantine shall be according to recommendations and protocols established by this code. In all circumstances not covered by this code, regulations or recommendations and protocols established by the Kansas Department of Health and Environment shall be followed. The length of the quarantine beyond the minimum requirement shall be determined by the Administrative Agency in cooperation with the Kansas Department of Health and Environment. The Kansas State University Rabies Laboratory may also be used in determining the length and conditions of quarantine.
- 2) Vaccinated dogs, cats, and ferrets that have bitten a human shall be isolated at a veterinary hospital or licensed animal care facility for a period of **at least ten (10) days**.
- 3) Unvaccinated domestic animals that have been bitten by a suspected or known rabid animal shall be quarantined for a period of **six (6) months**.
- 4) All dogs, cats, and ferrets and other domestic animals as may be deemed necessary which have been determined to be healthy by the Administrative Agency shall be vaccinated for rabies prior to their release from quarantine.
- 5) If registration of the animal is required by a city or the county, proof of registration shall be submitted upon release.
- 6) For all animals for which a rabies vaccination is required by this code a rabies vaccination is required on release.

- 7) All costs of quarantine, sacrifice of the animal and vaccination shall be at the owner's expense.
- 8) In all situations the Administrative Agency shall require no less than that established by the Kansas Department of Health and Environment.

These requirements shall include but are not limited to: immediate sacrifice; require testing of animals involved in bite incidents.

5-9.4 Rabies - Variance of Requirement for Quarantine at an Animal Care Facility.

Allowing quarantine of animals under the owner's care is **not normal procedure** and shall **not normally be allowed**. However, under certain *unusual* circumstances, the Administrative Agency may allow an animal to remain under quarantine at the owner's home. Such home quarantine shall meet any and all other requirements established by this code and will be allowed only under the following conditions:

- 1) The animal maintains a current rabies vaccination certificate.
- 2) The animal has not been involved in a bite incident in the past.
- 3) The Administrative Agency determines that the owner has proper impoundment facilities as required by this code.
- 4) The owner has complied with any city or county ordinances that may require registration of the animal or pet tags.
- 5) The victim, the victim's family, or the owner of the animal bitten shall receive and sign for printed material describing rabies and possible outcomes of the disease.
- 6) The owner of the biting animal shall receive and sign for printed material describing rabies and possible outcomes of the disease.
- 7) The victim, the victim's family, or the owner of the animal bitten shall provide written permission to the health department allowing the animal

to be restrained at the owner's residence after receiving and signing for written information describing rabies.

- 8) The owner of the biting animal shall agree in writing to abide by requirements as set down by the Administrative Agency on quarantine.

If in the Administrative Agency's opinion the safety of the person bitten cannot be assured by home quarantine, such quarantine at home shall not be allowed. If quarantine at home is allowed, the following conditions in Sections 5-9.5 and 5-9.6 shall be met.

5-9.5 Rabies - Caregivers.

Caregivers shall be capable of understanding the dangers associated with rabies. To assure understanding the Administrative Agency shall:

- 1) Have the authority to approve all caregivers. Caregivers shall be limited to those individuals capable of understanding how serious the disease may be. Caregivers shall be responsible enough to restrict access to the animal by others and to protect themselves. Persons under the age of eighteen (18) years shall not be allowed to care for animals in quarantine.
- 2) Receive signed documentation indicating the caregiver has read and understands how rabies is spread and that rabies is fatal once symptoms occur.
- 3) Recommend that caregivers of animals under long-term (6-month) quarantine receive rabies pre-exposure vaccination.

5-9.6 Rabies - Housing Requirements.

Housing shall provide for safety of the public, the caregiver, and proper care of the animal.

- 1) Housing requirements for domestic animals small enough to be caged, including all dogs, cats, and ferrets, shall meet the following requirements:

- a. The cage shall provide sufficient size to allow the humane care of the animal during isolation. Cage size should be based on the length of the isolation period.
- b. The cage shall be placed in an isolated room, run, or building which does not allow entrance by other people or animals known to carry rabies and which will provide containment in the event the animal escapes from the cage. The outer structure shall be kept locked except when feeding and caring for the animal.
- c. Small animals shall be placed in a cage which is secure on all sides including walls, floors, and ceiling.
- d. Cage openings shall be small enough that the animal can not bite the caregiver through the cage.
- e. The cage shall allow easy feeding of the animal without reaching into the cage or allowing exit of the animal during care. Examples of easy access include:
 - Small lockable swinging doors to which the feeding bowls are attached; or
 - Small pass through which can be kept locked when not in use. Bowls fixed with chains or cables so that they may be easily retrieved.
- f. Cage and feeding equipment shall be cleaned by hosing and flushing the cage with an appropriate detergent and disinfectant solution. It shall then be thoroughly rinsed.
- g. Excrement shall be removed from the outer structure frequently enough to prevent the accumulation of feces and food wastes and to reduce disease hazards, pests, insects, and odors.

5-9.7 Rabies - Quarantine of Non-Domestic Animals.

Regulations and recommendations as established by the Kansas Department of Health and Environment shall be followed in the quarantine of all non-domestic animals.

5-9.8 Rabies - Animals Found Not to be Quarantined According the Conditions Set Down by the Administrative Agency.

Any animal found not to be quarantined in the conditions set down by the Administrative Agency shall be immediately impounded for the remainder of the required quarantine period at the owner's expense.

5-9.9 Rabies - General Quarantine.

If at anytime rabies is reported to be in Lyon County, the Board of County Commissioners have the right and power to compel quarantine of all animals during a period to be fixed by said Board of County Commissioners in a notice published in the official paper; and it is unlawful to disobey said notice.

5-10.0 CONTROL OF ZONOTIC DISEASES

In conjunction with other appropriate agencies, the Administrative Agency will participate in controlling outbreaks of zoonotic diseases.

5-11.0 VARIANCE

The Administrative Agency shall have the authority to grant exceptions when reliable data is provided which can justify the exception and which will still protect the health and safety of the public and their domestic animals and not create a nuisance. Such information shall be documented in writing.

This resolution is adopted by the Board of County Commissioners of Lyon County, Kansas this _____th day of _____, 2004.

Chairperson, Lyon County Commission

Member, Lyon County Commission

Member, Lyon County Commission