

**SUMMARY OF PROPOSED CHANGES TO
OLATHE MUNICIPAL CODE TITLE 8
AND SECTION 9.14.020, PERTAINING TO ANIMALS**

The proposed ordinance would amend 27 sections in Title 8 and 1 section in Title 9 of the Olathe Municipal Code (“OMC”), add 6 new sections to Title 8, and also repeal 6 sections in Title 8. The following table provides a section-by-section explanation of the proposed ordinance.

Ordinance Section	OMC Section	OMC Section Title	Explanation of Amendments
<i>Chapter 8.02: General Provisions</i>			
1	8.02.020	Definitions	• Clarify definition of “at large” and make it more harmonious with definition of “control”; • Add definition of “confinement” to clarify use of the term in Title 8; • Remove redundant terms from the definition of “domestic animal”; • Clarify definition of “enclosure”; • Add definition of “service animal” and remove existing definition of “work dog”; • Add definition of “shelter” to clarify use of the term in Title 8 and establish minimum requirements; and • Make non-substantive edits to standardize phrasing and style.
<i>Chapter 8.04: Animal Control Officer</i>			
2	8.04.020	Duties	Move provisions regarding Powers from 8.04.030 to this section and clarify that exercise of such powers is subject to constitutional requirements.
<i>Chapter 8.06: Licenses</i>			
3	8.06.040	Rabies Inoculation Required	Add ferrets to this section in accordance with state law.
4	8.06.050	Certificate of Vaccination	Add ferrets to this section in accordance with state law.
5	8.06.070	License Fee; Exemption	Update service animal terminology and adjust proof requirement per Americans with Disability Act.

6	8.06.080	License Period; Authority to Issue	Clarify license purchase locations.
7	8.06.090	Licenses Issuance	Clarify acceptable proof of current rabies inoculation.
8	8.06.100	License Tags	Clarify that collars are not required for cats (can be dangerous or slip off) and remove outdated OMC reference.
<i>Chapter 8.08: Proper Care of Animals</i>			
9	8.08.010	Responsible Animal Care	Add detail regarding proper temperature protection and remove excreta provision that is being combined into another section.
10	8.08.020	Cruelty to Animals	Most updates to this section are to harmonize certain provisions with state law and to remove means of committing this offense that are now felonies under state law (leaving the Municipal Court without jurisdiction). A provision regarding duties upon striking an animal are being moved to a new separate section. The penalty provision is updated to reflect state law felony provisions when a person commits a second or subsequent offense.
11	8.08.021	Illegal Animal Ownership	Create tiers so that the prohibited ownership period reflects the different levels of criminal penalty for each offense. Add provision applicable to new reckless animal owner declarations. Add provision to reset the original prohibited ownership period if a person commits this offense after being declared a reckless animal owner.
12	8.08.040	Custody of Animal; Disposition...	Updates to more closely follow state law regarding custody and ownership of animals that clearly show evidence of cruelty to animals.
13	8.08.090	Pens, Yards or Runs	Provisions regarding odors and flies are being combined into unsanitary conditions section.
14	8.08.095	Chaining, Tethering or Picketing of Dogs	Add provision requiring dog tether to be continuous and not combined, because combined tethers can be dangerous to the animal. Remove a provision regarding access to shade that is being covered by amendment to 8.08.010.
15	8.08.130	Dead Animals Removal or Disposition	Update to reflect operational needs of Animal Care and Control to no longer handle animal removal from commercial establishments.

16	8.08.150 (new)	Striking of Animal with Motor Vehicle; Duties	New section created for this existing provision that is being removed from the cruelty to animals section.
<i>Chapter 8.10: Animal Nuisances</i>			
17	8.10.010	Nuisance Prohibited	Standardize terminology; remove provisions now being included in the unsanitary conditions section; and remove references to sections being repealed or changed to a mandatory court appearance.
18	8.10.015 (new)	Reckless Animal Owner	This is a new concept for the OMC, borrowed from several other Kansas municipalities, that provides a tool to address owners of animals responsible for violations arising from six separate incidents within a three year period. Such owners would be prohibited from owning or keeping an animal for three years.
19	8.10.020	Excrement	Provisions regarding unsanitary conditions would be moved to this section from elsewhere in Title 8.
20	8.10.050	Injury to Property	Expand so that the provisions apply to any domestic animal that causes property damage, not just dogs and cats.
21	8.10.080	Strays	Expand to include any domestic animal except dogs or cats.
22	8.10.085 (new)	Relinquishment of Animals Running at Large	New section created for this existing provision that is being removed from 8.12.050.
23	8.10.100	Animals Biting or Scratching Persons...	Update to reflect current state requirements and animal control best practices regarding reporting and confinement of animals who bite, scratch, or attack a person.
24	8.10.110	Dangerous or Vicious Dogs	Update time for appeal to align with state law. Allow a dog to be impounded upon probable cause of viciousness without an additional showing of threat of serious harm. Require a hearing to be held within 30 days instead of scheduled within 60 days. Adjust warning sign provisions and remove micro-chipping provisions to reflect current operations. Time annual reviews from compliance verification instead of dangerous dog declaration. Remove a provision allowing removal of a vicious dog from the City, because other cities will not accept such animals.

<i>Chapter 8.12: Impoundment, Redemption and Adoption</i>			
25	8.12.010	Impounding, Redemption and Disposition of Animals...	Narrow this section to authorizing the impoundment of animals running at large, that have bitten a person or other animal, or that are suspected of disease. Move provisions regarding voluntary relinquishment, owner notification, time to claim, procedure for claiming, and fees to new sections.
26	8.12.012 (new)	Voluntary Relinquishment and Impoundment	New section containing existing voluntary relinquishment provision from 8.12.010 and clarifying that notice and waiting provisions for reclamation do not apply.
27	8.12.014 (new)	Protective Impoundment	New section containing provisions moved from 8.08.050 and updated to reflect current operating procedures.
28	8.12.016 (new)	Notice to Owners of Impoundment; Holding, Redemption, and Disposition of Impounded Animals	New section containing provisions moved from 8.12.010. Provisions are updated to add e-mail as an acceptable method of notice; allow notification of the owner at the time the animal is taken into custody, if the owner is present; and to simplify and standardize the time period the owner has in which to claim the animal.
29	8.12.020	General Policy Regarding Adoption	Update to reflect that the Olathe Animal Shelter adopts out other animals besides dogs and cats.
30	8.12.030	Dogs and Cats	Update and reorganize to reflect that the Olathe Animal Shelter adopts out other animals besides dogs and cats.
<i>Chapter 8.14: Enforcement and Penalties</i>			
31	8.14.025	Collection of Fees	Clarify the difference between costs and fees and ensure all costs incurred in caring for animals may be recovered. Remove microchipping reference because the City does not provide this service.
32	8.14.030	Penalties	Clarify that the owner or harbinger of the animal is responsible for penalties and that escalated penalties apply only when the same animal commits the same offense. Double fines for intact animals that are running at large. Provide for a fine and a warning of confiscation for a first failure to contain or

			control a dangerous dog under limited circumstances. Clarify that cruelty to animals is punished as a public offense.
<i>Chapter 9.14: Miscellaneous Provisions</i>			
33	9.14.020	Unlawful Dog Fighting	Remove the offense of unlawful dog fighting because it is now a felony under state law and thus not within Municipal Court jurisdiction. Rename the title to reflect the remaining offenses within this section.
34	N/A	N/A	This section repeals all existing versions of OMC sections being amended by the ordinance. It also repeals the following OMC sections: • 8.04.010 (Position Established) – animal control officers are no longer in the Public Safety Department; • 8.04.030 (Powers) – these provisions are being moved to 8.04.020; • 8.08.050 (Animal Care While Owner Disabled; Procedure) – these provisions are being adjusted and moved to 8.12.014 and 8.12.016; • 8.08.060 (Disposal or Adoption) – these provisions are being adjusted and moved to 8.12.016; • 8.10.030 (Female In Heat) – this situation is being addressed by increasing the fine for intact animals running at large; and • 8.12.050 (Holding Animals at the Shelter; When Required) – subsection (A) is being adjusted and moved to 8.10.085. Subsection (b) is being removed as part of the timing adjustments in Chapter 8.12.
35	N/A	N/A	Effective date