

RESOLUTION 2006-07

A RESOLUTION REGARDING THE CONTROL OF DANGEROUS ANIMALS IN THE UNINCORPORATED AREAS OF BARTON COUNTY, KANSAS, AND RESCINDING RESOLUTION 1996-16, A RESOLUTION REGARDING THE CONTROL OF DOGS IN THE UNINCORPORATED AREAS OF BARTON COUNTY AND AMENDING AND SUPERSEDING RESOLUTION 1982-4, ADOPTED JULY 1, 1996

WHEREAS, it is a principle duty of the Board of County Commissioners of Barton County, Kansas, to assure the safety of the citizens of the County; and

WHEREAS, it is essential that the Commission take measures to insure that citizens are protected from dangerous animals.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County Kansas, that:

1. Barton County Resolution 1996-16, A Resolution Regarding the Control of Dogs in the Unincorporated Areas of Barton County and Amending and Superseding Resolution 1982-4, Adopted July 1, 1996, is hereby rescinded.
2. This Resolution is applicable to all unincorporated areas of the County.
3. Dangerous Animals, Defined.
 - a. It shall be unlawful for any person to keep, possess or harbor dangerous animals in the unincorporated areas of the County.
 - b. For purposes of this Resolution, the term "dangerous animal" shall be interpreted as follows:
 - i. Any animal with a known propensity, tendency or disposition to attack, unprovoked, any person or other animal; or to cause injury to or to otherwise endanger the safety of human beings or domestic animals;
 - ii. Any animal which attacks a human being or domestic animal without provocation.
 - iii. Any animal owned or harbored for the purpose of fighting any other animal trained for fighting, or
 - iv. Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack any law enforcement officer while such officer is engaged in the performance of official duty.
 - c. Harborer shall be interpreted to mean a person who allows any animal to remain or lodge or be fed habitually within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.
4. Immediate destruction. Nothing in this Resolution shall be construed to prevent the Sheriff or any other law enforcement officer from taking whatever action is necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.
5. Procedure. The Sheriff or other law enforcement officers may issue notices to appear to the owner or harborer of an animal which the Sheriff or officer deems may be dangerous, whether such determination is made by personal observation or based on a complaint by a citizen or citizens.

6. Penalties. Violations of the provisions of this Resolution shall be punishable as a Class B misdemeanor. Further, the presiding judge, if the judge deems it to be appropriate, may order the dangerous animal impounded and destroyed at the expense of the owner of the dog.

FURTHER, this Resolution shall be published once in the official County newspaper and take effect upon publication of same.

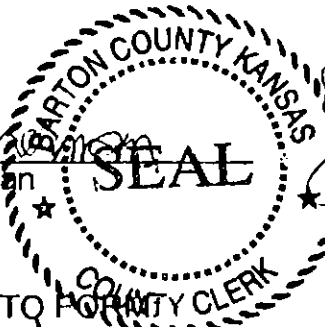
Adopted this 27th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS

Betty Chlumsky
Betty Chlumsky, Chair

ATTEST:

Donna Zimmerman
Donna Zimmerman
County Clerk



Jennifer Scharz
Jennifer Scharz, Commissioner

Rick Scheufler
Rick Scheufler, Commissioner

APPROVED AS TO FORM BY
Richard A. Boeckman
Richard A. Boeckman,
County Counselor

Kenny Schremmer
Kenny Schremmer, Commissioner

Joe Wilson
Joe Wilson, Commissioner