



CITY OF COUNCIL GROVE • 205 UNION STREET • PO BOX 313  
COUNCIL GROVE, KS 66846 • 620-767-5417 • COUNCILGROVE.COM

City Council Agenda  
February 6, 2024  
5:30 P.M. - City Hall

WELCOME AND CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PUBLIC COMMENT PERIOD

Items not already on the agenda may be brought before the Governing Body. People must sign in to be eligible. (Three-minute maximum time limit). After three minutes, items will then be voted on to see whether to place the item on the next agenda.

CONSENT AGENDA:

- Minutes from the Previous meeting: Pages 2 – 4
- Appropriations:
- Cabin Transfers: N/A

Motion:	Seconded:	Action:	Abstention:	Este. Cost:
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OLD BUSINESS:

- Animal Ordinance Discussion: Pages 5 – 19

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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- Animal Control Officer Ordinance 2264: Page 20

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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NEW BUSINESS:

- Kaw Mission Sign Request: City Easement Pages 21 - 22

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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- Council Grove City Lake Park Hay: Sealed Bids

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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- Council Grove City Lake Park Mowing: Sealed Bids

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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- Council Grove Sunnyslope Cemetery Mowing: Sealed Bids

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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- Utilities Department Recommendation: David Siemers Page 23

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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- Schedule Work Session:

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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- Executive Session: Non-Elected Employee

Motion:	Seconded:	Action:	Abstention:	Este. Cost
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Governing Body Comments:

Adjournment:

City Council Meeting Minutes  
January 16, 2024

**WELCOME AND CALL TO ORDER**

Mayor Debi Schwerdtfeger called the regular City Council Meeting to order. Council members present were Jason Booker, Mark Berner, Denise Hartman, Nathan Adams, and Sharon Haun, also present were the City Administrator Nick Jones, Others attending were Jan Sciacca, Angie Schwerdtfeger,

**PLEDGE OF ALLEGIANCE**

**INVOCATION:**

Denise Hartman

**PUBLIC COMMENT PERIOD**

N/A

**CONSENT AGENDA**

Councilperson Jason Booker made a motion to approve the Consent Agenda as presented in the packet. Councilperson Sharon Haun seconded the motion. Motion Carried 6 – 0. The consent agenda consisted of:

- Jan. 2, 2024, Minutes
- Jan. 2, 2024, to Current Appropriations.

**OLD BUSINESS**

• **Proposed Animal Ordinance Discussion:**

Discussion was held regarding the proposed animal ordinance. Councilperson Denise Hartman had concerns with limiting the number of dogs someone could have and thought the city should put more responsibility on the owner instead of limiting the number of dogs. Councilperson Nathan Adams asked about the public slaughter ordinance and discarding of animal carcasses. Administrator Jones said the ordinance did not allow for hanging a carcass in the open cleaning it and that is must be done in a closed in area out of public view. As for the carcass, Councilperson Adams said that Superior Systems would not take the remains and wondered how to dispose of them. Administrator Jones said he would relay the concerns to the City Attorney who was absent from the meeting.

**NEW BUSINESS**

• **Morris County Court House Parking Proposal:**

City Administrator Nick Jones presented to the Council a request from Morris County seeking approval to add additional parking along with ADA parking. The new parking area will be in front of Court House on High 56. Joe Palic and KDOT have approved the project. The new parking area will also lower the speed limit in the area to 20mph. After discussion Councilperson Jason Booker made a motion to approve the request from Morris County. The motion was seconded by Councilperson Denise Hartman. Motion carried 5 – 0

• **Appointment of City Committees: Mayor Schwerdtfeger**

Council President Mark Berner read the Committee appointment list for Mayor Schwerdtfeger as she was under the weather but present for the meeting. President Berner read through the list below and asked for a motion to approve the Committee Appointments for 2024. A motion was made by Councilperson Jason Booker to approve the appointments. The motion was seconded by Councilperson Sharon Haun. Motion carried 5 – 0

- Public Works - Utilities: Sean Honer, Mark Berner
- Public Works - Roads & Parks: Jason Booker, Sean Honer
- Police & Fire: Sharon Haun, Mark Berner
- Parks & Rec: Nathan Adams, Denise Hartman, Steve White, Jim Crosby, Jeff Blosser, Jackie Mills
- Office: Jason Booker, Mark Berner
- Council President: Mark Berner
- GMDC: Nick Jones
- Chamber Rep: Sharon Haun
- Flint Hills Regional Rep: Sharon Haun
- Sales Tax Grant: Jason Booker, Mark Berner, Angie Schwerdtfeger, Dawn Palmquist, Mark Brooks

- City Economic Development: Jason Booker, Debi Schwerdtfeger, Nathan Adams, Jesse Knight, Cody Catlin, Tracy Henry, Angie Schwerdtfeger, Zoey Bond, Rick Hemmy,
- City Lake, City Lake Advisory & City Lake Sewer: Nathan Adams, Sean Honer
- Historic Sites: Mark Brooks, Sharon Haun, Denise Hartman, Zoey Bond, Nathan Adams, Ken McClintock
- Riverwalk: Sharon Haun, Mark Brooks, Debi Schwerdtfeger, Denise Hartman, Jesse Knight, Julie Hower, Daryl Bryant, Scott Allen, Mike Luce, Tim Tyner, Angie Schwerdtfeger, Cheryl Hayes, Jeff Blosser
- July 4<sup>th</sup>: Nathan Adams, Mark Berner, Sean Honer, Nick Jones
- Blighted Structure: Denise Hartman, Sean Honer
- Comp Plan: Jason Booker, Denise Hartman, Zoey Bond, Vern Hay
- Santa Fe Trail Bicentennial Task Force: Sharon Haun, Zoey Bond, Denise Hartman
- City Lake Annexation Committee: Mark Berner, Denise Hartman, Jason Booker, Sharon Haun, Debi Schwerdtfeger, Sean Honer, Nathan Adams
- Planning and Zoning Commission: Trent Siegle, Andy Benning, Vern Hay, Kelly Judd, Jason Zeigler, Jim Crosby, John Steinkuhler, Taylor Adams
- Building and Trades Board: Dave Blythe, Ron Wooden Jeff Blim, Jason Ziegler, Rick Farr, Faron Adams

- **T-Mobile Hometown Grant program:**

City Administrator Nick Jones Nick Jones requested permission from the City Council to apply for the T-Mobile Hometown Grant which is due by March 31, 2024. Administrator Jones said the grant is up to \$50,000 and the work must be completed in a 12-month period once awarded the grant. Administrator Jones contacted architect Ben Moore to get an estimate on replacing the roof with period specific roofing. Mr. Moore's estimated that it would cost anywhere between \$25,000 to \$30,000 for the roof and another \$7,000 to \$10,000 for guttering and downspouts. Other work would also need to be completed but Mr. Morris said the \$50,000 would cover the cost of replacing and repairing the roof. Councilperson Nathan Adams inquired if only a portion of the grant was received would the city be committed to accepting the grant. Administrator Jones said the city can decline the grant if awarded for less than what was requested. After discussion Councilperson Denise Hartman made a motion to allow Administrator Jones to move forward with applying for the T-Mobile Grant. The motion was seconded by Councilperson Sharon Haun. Motion carried 5 – 0

- **Schedule Work Session:**

Discussion was held regarding possible Work Session on January 25<sup>th</sup>. Some of the Council members had conflict. Administrator Jones will work with the Mayor to come up with alternate days.

### **GOVERNING BODY COMMENTS**

- **Mayor Debi Schwerdtfeger** – N/A
- **Councilperson Mark Berner** – N/A
- **Councilperson Denise Hartman** – Thanked the city crews for taking care of the roads.
- **Councilperson Sean Honer** – Absent
- **Councilperson Nathan Adams** – N/A
- **Councilperson Sharon Haun** – Thanked the city crews for cleaning off the roads
- **Councilperson Jason Booker** – N/A
- **City Attorney Brian Henderson** – Absent
- **Assistant City Attorney Molly Priest** – Absent
- **City Administrator Nick Jones** – Informed the Council about the CDBG roadshow taking place on February 1. From 9:30am to 12:30pm in Junction City. Administrator Jones also informed the Council that bids would be placed in the paper next week for mowing at Sunnyslope Cemetery, Council Grove City Lake Park and for bids for the City Lake Hay Crop.
- Mayor Debi Schwerdtfeger asked for a motion to adjourn. Councilperson Sharon Haun made a motion to adjourn. Councilperson Denise Hartman seconded the motion. Motion carried 5 – 0

ATTEST:

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Nick Jones

City Administrator

## Article 1. General Provisions

### 2-101. Definitions.

Whenever in this chapter, the following terms are used, they shall have the following meanings:

- (a) Animal: Any and all types of animals, domesticated and wild, male and female, single and plural.
- (b) Fowl: Any and all fowl, domesticated and wild, male and female, single and plural.
- (c) Keeping or harboring: Any person who shall allow any animal or fowl to habitually remain or to be lodged or fed within his house, store, yard, enclosure or place.

(Code 1980)

**For the purposes of this chapter, the following terms, phrases, words and derivations shall have the meanings given herein unless otherwise specifically defined:**

**Animal: Any vertebrate (to include, but not limited to, mammals, birds, reptiles, and amphibians) whether classified as wild or domesticated, other than humans.**

**Domestic Animal (Nonfarm): An animal, usually tame, commonly kept in a home by a family or household, including, but not limited to, dogs, cats, hares and rabbits, rodents and reptiles, birds, and other animals which are commonly sold at pet stores.**

**Domestic Animal (Farm): Horses, mules, donkeys, goats, sheep, swine, fowl, including ducks, geese, turkeys and chickens, cattle, buffalo and other animals commonly found on farms.**

**Feral Cat: A cat that is free roaming and has no apparent owner.**

**Small Animal: Any animal except swine, dairy cows, beef cattle, goats, sheep or other large domestic farm animals of similar size.**

**Sterilized Cat: A cat that has been made infertile by surgical procedure, or one that has been certified by a licensed veterinarian as being naturally infertile.**

**Large Animal: Any dairy cows, beef cattle, horses, buffalo, sheep, goats and any other large domestic farm animal of similar size.**

**Own: Means and includes own, keep, harbor or have charge, custody or control of an animal.**

█ **2-102. Stray animals.**

It shall be unlawful for the owner or keeper of any animal or fowl to permit the same to run at large within the city or to be picketed or herded upon the streets, alleys or public grounds of the city.

(R.O. 1958, Sec. 3-101)

█ **2-103. Taking up animals.**

Police officers shall take up animals running at large and keep them in a safe place temporarily until the owner or keeper may be found. The city shall be entitled to receive the actual cost of feeding and keeping such animals. Any animals taken up whose owner cannot be found shall be reported to the sheriff of the county to be disposed of as provided by law.

(R.O. 1958, Sec. 3-102)

█ **2-104. Keeping animals.**

No person shall keep any animal except dogs or cats on any lot or in any enclosure or building in the city located within 100 feet of any dwelling house or residence of any person, except the owner or keeper. Nothing herein shall be construed to prevent animals from being transported into or through the city or to be kept within any public stockyards herein.

(R.O. 1958, Sec. 3-103; Code 1988)

**(a) Domestic Nonfarm Animals**

**(1) It shall be unlawful to keep, cause to be kept, harbor or maintain any domestic nonfarm animal in a residential zone of the city in any manner contrary to the provisions of this article or any other provision of the city code or zoning regulations.**

**(2) It shall be unlawful to keep more than three (3) domestic nonfarm animals 16 weeks of age or older for the purposes of breeding, raising, or as pets unless such animals are kept solely within the residence of the owner. This provision shall not apply to a licensed kennel, animal shelter, animal clinic, animal hospital, animal foster home, or community cat caregiver.**

**(b) Domestic Farm Animals.**

**(1) It shall be unlawful to keep, cause to be kept, harbor, or maintain any domestic farm animal in a residential zone of the city without a permit. Any person wishing to keep a domestic farm animal in a residential zone of the city may make application for a domestic farm animal permit. Such permit shall be issued only after an inspection of the premises and a finding of fact to the effect that the permitting requirements have been met.**

**(2) The following permit requirements must be met and verified by inspection prior to the issuance of a domestic farm animal permit:**

a. Existing or planned animal and fowl pens conform to the requirements of Sec. 6-5. Farm animals and fowl must remain fully enclosed in pens on owners' or keepers' property at all times.

b. No animal nuisance exists or shall be created.

c. No more than one large farm animal per acre shall be permitted, with a minimum lot size of one acre required for a large animal.

d. No more than four (4) chickens shall be permitted per lot. No roosters shall be permitted.

e. No swine shall be permitted.

f. No more than four (4) animals in total shall be permitted per lot, including domestic farm and nonfarm animals.

g. Commercial farm operations are prohibited.

h. Slaughtering is prohibited.

i. Offspring of animals authorized by this section but in excess of the permitted number may remain on the property until the age of weaning in the case of mammals, or the age of maturity in the case of fowl. In no event shall an adult rooster remain on permitted property.

j. Persons applying for a domestic farm animal permit for rented property must provide a letter or written statement from the landlord granting permission to house farm animals on the property.

(3) Application for farm animal permit will be to the city clerk and a permit fee shall be paid at the time of making such application. An annual permit fee in the amount of fifty dollars (\$50.00) is initially established.

(4) The city clerk shall, upon receipt of an application for permit, cause the city officer or employee designated by the city manager to conduct the investigation as required hereby and if the result of such investigation meets the requirements of this section shall issue the permit. In the event of a denial of such permit the city clerk shall immediately notify the applicant by first class mail and the applicant shall then have ten (10) calendar days in which to appeal such determination to the property maintenance appeal board of the city. The property maintenance appeal board shall determine whether such permit should be issued and if so, under what conditions the keeping of such animals will be authorized under the provisions of this section. Any permit issued under the provisions of this section may be revoked or canceled by the property maintenance appeal board at any time during the term

thereof; provided, that such officer or employee as designated by the city manager shall first send a notice to the permittee outlining the violation of this chapter determined to be in existence with respect to the property and notifying the permittee that if such violations are not abated within ten (10) days of such notice, such matter will be brought before the property maintenance appeal board, at a date and time to be set and identified in the notice, for determining whether to revoke or cancel the permit as in its judgment will best serve and protect the public health and welfare of the city. Any permits issued shall be issued for a period of one year. No new permit may be issued without reapplication and inspection as provided herein.

■ **2-105. Keeping swine.**

It shall be unlawful to keep any hogs or swine within the city.

(R.O. 1958, Sec. 3-104)

■ **2-106. Nuisances.**

No animal may be kept in the city under any condition constituting a nuisance and the city board of health shall be authorized to abate any animal nuisances as provided by law.

(R.O. 1958, Sec. 3-105)

It shall be unlawful for the owner or harbinger of any animal to cause, permit or fail to exercise proper care and control to prevent such animal from performing, creating, or engaging in an animal nuisance. Any animal found acting in a way forbidden by this article in the determination of the animal control officer shall hereby be declared a nuisance, and its owner or harbinger shall be subject to citation.

**Sec. 6-5. Animal Or Fowl Pens:**

(a) It shall be unlawful to maintain any stable, shed, yard, pen or other place in which animals or fowl shall be kept in such a manner as to be or become offensive to those residing in the vicinity or annoying to the public.

(b) Any pen, coop or other building upon a lot used for the purpose of confining or housing the animal must be constructed of such material and in such manner that they can be kept clean and sanitary at all times.

(c) Animal enclosures must provide adequate space for each animal, both horizontally and vertically, to be able to make normal postural and social adjustments and provide adequate freedom of movement.



(d) Enclosures and fencing must be secure to hold the animals and must be kept in good repair.

(e) No debris, garbage, water, excrement, or any other potential health hazard shall be allowed to accumulate.

(f) Fencing for the keeping of domestic farm animals shall meet the following additional requirements:

(1) Fencing shall not be closer than twenty-five feet (25') from the front lot line.

(2) The primary housing for large animals shall not be less than seventy-five feet (75') from the lot line and not less than one hundred feet (100') from any neighboring dwelling.

(3) Chicken coops and runs shall be constructed in such a way as to keep chickens fully enclosed. Chickens must remain inside enclosures at all times. Chicken enclosures must meet the following additional requirements:

a. Enclosures shall have a minimum of twelve (12) square feet per chicken, not to exceed fifty (50) square feet in total.

b. Enclosures shall be located fully within the back yard of the owner or keeper of the chickens. Enclosures shall not be located in the front yard or side yard.

c. Chicken enclosures shall not be closer than ten feet (10') from the lot line and shall not be closer than fifty feet (50') from any dwelling, church, school, or business structure other than that of the owner or keeper.

(g) If an authorized public officer determines that a violation of this section exists, the officer may file a complaint with the Municipal Court for such violation. Each day that any violation of this Article continues shall constitute a separate offense.

ALL FENCING MUST COMPLY WITH THE PROVISIONS OF ARTICLE 14 OF CHAPTER 4 – 'FENCES' OF THESE ORDINANCES UNLESS OTHERWISE AUTHORIZED BY THE COUNCIL

NOTE: (Chicken portion may be moved to the fowl section – Article 4)

**2-107. Animal control officer.**

(a) There is hereby created the position of animal control officer who is to be considered as a part-time employee of the city.

(b) The animal control officer shall be paid compensation in the amount of \$300 per month.

(c) The city shall provide the kennels, the noose and the gloves, however, the animal control officer is to provide the vehicle for transporting the animals which are picked up to the kennels.

(d) The animal control officer will respond to calls from police officers and shall be under the supervision of the chief of police for the city.

(Ord. 1811, Secs. 1:4)

**FERAL CATS:** Any cat that the animal control officer believes is a feral cat may be humanely trapped, medically evaluated, sterilized, vaccinated, ear tipped, and returned to the location in which it was found. Previously captured and released feral cats which have been recaptured may be immediately released unless they are in need of medical care.

█ **2-108. Noisy animals.**

(a) The keeping or harboring of any animal or fowl by which loud, frequent and habitual barking, howling, yelping, mewling, roaring or screeching shall disturb the peace of any neighborhood or area is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal, animals, or fowl, to abate the condition, and if he or she fails to do so, the City may abate it taking up impounding and or destroying of the animal or fowl at the expense of the owner.

(b) Any person violating this section shall be subject to a fine not less than \$50.00 no more than \$200.00.

(Ord. 1952; Code 2019)

█ **2-109. Public slaughtering.**

(a) It shall be unlawful to publicly slaughter or butcher a domestic or wild animal or fowl within the corporate limits of the City of Council Grove, Kansas. This prohibition shall apply whether the animal was alive at the time of the act or whether the animal was dead upon being brought into the city. This section shall not apply to commercial slaughter houses.

(b) It shall be unlawful to publicly display a dead, slaughtered or butchered domestic or wild animal or fowl within the city limits of the City of Council Grove, Kansas.

(c) The penalty for violation of this section shall be a fine of \$100. 00 per occurrence. Each and every day upon which a violation occurs shall be deemed a separate violation of this section.

(Ord. 1897; Code 2019)

## Article 2. Dogs

█ **2-201. Annual dog tax; receipts and tags.**

Every person owning, keeping or harboring any dog of the age of six months or more, on or after March 1 of each odd numbered year shall pay to the City a tax for each and every dog owned, kept or harbored, as follows:

(a) For each spayed or neutered dog, the sum of \$5.00 per registration period;

- (b) For each dog not spayed or neutered the sum of \$10.00 per registration period;
- (c) Dog registration shall be valid until the next required registration;
- (d) No refunds shall be issued by the city clerk.

In the event that any dog of the above age, or any dog which attains the age of six months at any time during the calendar year is brought into the City after March 1, the aforesaid tax shall be immediately due and payable by the owner, keeper or harbinger thereof; provided that for the purpose of this action any person who permits a dog to remain on the premises of such person for a period of more than three days shall be determined to be the owner, keeper or harbinger of the dog.

(Ord. 1603, Sec. 1; Ord. 1826; Ord. 2137; Code 2019)

#### **2-202. Receipts, tags.**

The city clerk shall issue a receipt for all such taxes paid and shall issue a license tag or plate for each dog. The city clerk shall annually secure a sufficient number of dog tags or license plates for the above purposes which shall be numbered consecutively and shall show the year for which it is issued and the name or first initial of the city. It shall be the duty of the owner or person paying the tax to affix the tag to the collar of the dog in a manner so that the tag may be readily seen by the police officers of the city; and it shall be the further duty of such owner or person to see that the collar and tag are constantly worn by the dog.

(Ord. 1603, Sec. 2; Ord. 1826; Code 2019)

#### **2-203. Duty of city clerk; record of dogs.**

The city clerk is hereby authorized to secure the number of suitable tags properly stamped or marked thereon the information required by this article. The receipt issued by the city clerk at the time of paying the tax shall show the name of the person paying the tax, the number of dogs of each sex for which the tax is paid and the number of tags issued. The city clerk shall keep a suitable record to show the information contained in the receipt and the description of the dog taxes. The money so received shall be paid to the city treasurer and credited to the general operating fund of the city.

(Ord. 1603, Sec. 3)

#### **2-204. Annual notice.**

Each year, on or before the 15th day of February, it shall be the duty of the city clerk to publish a notice of the requirements of this article in the official city newspaper. The notice shall be published one or more times and shall notify the owners or harborers of dogs in the city that the annual dog tax will be due and payable on or before March 1. The other information as may be pertinent may be included in the notice.

(Ord. 1603, Sec. 4)

#### **2-205. Running at large prohibited.**

It shall be unlawful for the owner, keeper, or harbinger of any dog to permit such dog to run at large in the City at any time. Any dog shall be presumed to be running at large, and the owner shall be presumed to have permitted it to be at large when found off the premises of the owner, keeper or harbinger of such dog. Provided however there shall be defense for a person charged under this section if such dog was running at large if it was upon the premises of the owner of the property with the owner's consent or that such dog

was held upon a lease, chain, rope or harness by its master or keeper or was controlled in some other manner that effectively restrained the dog from interfering with, damaging or injuring the person or property of others. It shall be lawful for any Police Officer or Animal Control Officer of the City of Council Grove to pursue and capture such dog running at large. If the dog appears to be vicious or if it appears that the dog cannot be captured without endangering some person, the Officer or Animal Control Officer is authorized to use that force reasonable and necessary to restrain or kill the dog.

(Ord. 1778, Sec. 2; Ord. 1832; Code 2019)

#### **2-206. Impounding of dogs; duty of police officers.**

It shall be the duty of the police officers of the city or the city dog catcher as may be directed by the governing body to take up and impound and provide food and water for dogs which may be found in the city not provided with and wearing the license tag or plate required by this article, or if at any time found running at-large in the city contrary to this article. Whenever an impounded dog is wearing a tag or plate, the officer so impounding the dog shall immediately notify the person to whom the number is issued by the city clerk.

(Ord. 1603, Sec. 6)

#### **2-207. Destroying dogs.**

Any dog remaining in the dog pound for three days after notification of the owner or after publication of notice in the official city newspaper in the case of dogs without license tags, shall be destroyed or otherwise disposed of if the dog is not redeemed. If for any reason, the city shall be temporarily without a dog pound or place suitable for use of such, the city police shall be authorized to destroy any dog running at-large after making a reasonable inquiry to determine the ownership of the same and after allowing the owner, if found, a reasonable opportunity to redeem the dog.

#### **Impoundment, Euthanasia, And Sterilization Of Animals:**

(a) Any animal found by the animal control officer to be kept or maintained in violation of the terms of this chapter shall be impounded in the manner provided by law. In addition to any fine or penalty provided for violating the provisions of this chapter, the owner or person in possession of the animal shall pay a twenty dollar (\$20.00) per day impoundment fee for all or any part of a day during which the animal is confined in the animal shelter, plus any other applicable animal shelter fees.

(b) Any animal which upon the second finding by the municipal court to be a nuisance may be ordered euthanized. Additionally, any animal that is found to be vicious by the municipal court shall be ordered to be euthanized within forty eight (48) hours. The owner or person who was in possession of the animal at the time such animal was impounded shall prevent euthanasia or disposal of the animal by posting cash security in an amount sufficient to pay for the animal's care and keeping during the appeal of the euthanasia decision.

(Ord. 1661, Sec. 1)

**2-208. Redeeming dog; fees.**

Any person desiring to redeem an impounded dog shall do so upon payment as follows:

(a) The owner or owners of any dog with a current dog license issued by the City is to be fined for the following offenses for permitting his or her dog to run at large, to wit: First offense - \$25.00, second offense - \$50.00, subsequent offenses - \$75.00. The amount is to be paid to the City, in addition thereto the owner or owners of the dog are required to pay any veterinary fees so that the dog is properly vaccinated, and the cost imposed for the impounding of the dog.

(b) The owner or owners of any dog without a current dog license issued by the City to be fined for the following offenses for permitting his or her dog to run at large, to wit: First offense - \$50.00, second offense - \$75.00, subsequent offenses -\$100.00.

(c) In all cases, any person redeeming an impounded dog shall pay to the city clerk the actual cost incurred by the City for the taking and impounding of the dog, plus \$20.00.

(d) The owner or owners of such dog shall have the option of paying the amount without filing of any legal action in municipal court of the City. In the event that the owner or owners fail to pay the fees as set forth herein, then a complaint may be filed in the municipal court. If a complaint has been filed, then the following fines are to be imposed by the municipal court upon finding of the owner or owners guilty of such offense to wit: First offense - \$75, second offense - \$100, and third offense - \$150, in addition thereto the court costs and also the cost for impounding of the dog including fees for vaccinations or shots.

(e) Before any dog shall be released from impoundment, it will be necessary for the owner, harborer or keeper to purchase a current city dog tag, if not previously done, and pay the impounding fee and furnish the receipt from the veterinarian showing that the dog has been vaccinated for rabies.

(f) Upon the owner, keeper or harborer furnishing information as set forth herein, paying the cost of the dog tag, a receipt showing the vaccination and the impounding charges, the city clerk shall then issue a release which will be furnished to the person in charge of impounding the dog authorizing the dog to be released. No dog is to be released until a release slip has been obtained from the office of the city clerk authorizing a release of the dog so impounded.

(Ord. 1787, Sec. 3; Ord. 1839; Ord. 2137; Code 2019)

**2-209. Breaking pound.**

It shall be unlawful for any person other than a duly authorized officer or employee of the city to break open or attempt to break open the pound or to take or let out any dog placed therein by any officer of the city or to make any attempt to take from an officer or dog catcher of the city any dog taken up by him or her under the provisions of this article or in any manner interfere with or hinder any officer of this city in catching or taking up any dog.

(Ord. 1603, Sec. 10)

**2-210. Muzzled dogs.**

The mayor is hereby authorized whenever in his or her opinion the safety of the public is threatened by an epidemic of rabies among dogs, to issue a proclamation requiring all persons owning or keeping dogs in the city to muzzle the same or to confine the dog to the premises of the owner or keeper. Any dog which

appears in any public place without being securely muzzled may be killed by any police officer. Any proclamation issued under this section shall be published at least once in the official city newspaper.

(Ord. 1603, Sec. 14)

**2-211. Dogs at risk.**

Should any dog's health or welfare be deemed at risk due to inappropriate care by its owner or harborer, the police officers or dog catchers for the City are directed to take up and impound such dog.

(Ord. 2137; Code 2019)

**2-212. Harboring of dogs.**

(a) The purpose of this section is to provide protection to dogs from persons who have been proven to be inattentive, negligent or intentionally cruel to dogs.

(b) No person may harbor a dog if such person has:

- (1) been convicted of cruelty to animals under any municipal ordinance or state statute, or
- (2) has on four occasions, in any one year period, had any dog impounded for running at large, or
- (3) has, at any time after the enactment of this section (Ordinance No. 2025), failed to claim from impound, any dog they harbor.

(c) No person shall be issued dog tags for any dog if they are ineligible to harbor a dog under this section.

(d) Any person who harbors a dog in violation of this act shall be fined not less than \$100.00 nor more than \$500.00, and shall have their dogs removed from their possession, impounded and destroyed at their expense.

(Ord. 1832; Ord. 2025; Code 2019)

**2-213. Nuisances.**

Any person who keeps or harbors any dog shall prevent such dog from being a nuisance. A dog shall be considered a nuisance if it: damages, soils, defiles or defecates on private property other than its keepers or harbors or on public right of ways or recreation areas unless such waste is immediately removed and properly disposed of by its keeper or harborer, or if it causes unsanitary, dangerous or offensive conditions, causes a disturbance from making loud and excessive barking or by howling, whining or other noise making tending to disturb the peace and quiet of the City or its habitants or chases vehicles or molests, attacks or interferes with persons or domestic animals on property other than property of its harbor or keeper. There shall be a rebuttable presumption that a nuisance is created if any person keeps or harbors more than five dogs exceeding five in number or over the age of 90 days upon any premises within the City of Council Grove unless such premises are licensed as a kennel by the City of Council Grove.

(Ord. 1832; Code 2019)

**2-214. Dangerous dogs.**

(a) Any person who keeps or harbors a dangerous dog shall keep such dog confined, except as set forth hereafter. "Confined" as that term as used in this section shall mean such dog is securely kept indoors or is securely enclosed and locked in a locked pen or run area. Said pen or run must be locked with a key or combination lock whenever such dog or dogs are within the structure. Said pen or dog run areas must have sides 8' in height or be secured over the top. If the pen or dog run area has no bottom secured to the sides, the sides must be embodied into the ground not less than one foot in depth.

(b) Any person keeping or harboring a dangerous dog at any time said dog is not confined shall ensure such dog is securely muzzled and restrained with a chain having a minimum strength of 300 pounds and not exceeding five feet in length.

(c) Any person keeping or harboring a dangerous dog shall display in a prominent place on the premises where the dog is kept a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign shall be posted on the pen or run of such animal.

(d) As used in this section dangerous dog shall mean and include:

- (1) Any dog which is known to its keeper or harborer or reasonably should be known to its keeper or harborer to have a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (2) Any dog which has attacked a human being or domestic animal without provocation;
- (3) Any dog kept or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting;
- (4) Any dog not owned by a governmental or law enforcement unit used primarily to guard public or private property;
- (5) Any dog caught running at large, two times or more.

In addition to any penalties the Court may prescribe for violation of this section, if the Court finds, after notice to the keeper or harborer and an opportunity for hearing, that such dangerous dog represents a continuing threat or serious harm to human beings or other domestic animals, the Court may order such animal destroyed.

(Ord. 1603, Sec. 13; Ord. 1832; Code 2019)

**Any person violating this section shall be subject to a fine not less than \$50.00 no more than \$200.00.**

**2-215. Authority to declare animal dangerous.**

The Court shall have the authority to declare an animal dangerous because of the inherently dangerous nature of the animal as to persons, its history of attack or wounding of other animals, the nature or breed of the animal and the seriousness of these attacks or wounds and its potential to inflict wounds in the future and to take into consideration any past acts or conduct of such animal

(Ord. 1832; Code 2019)

**2-216. Destruction of nuisance or dangerous animals.**

The Municipal Court may cause any dangerous animal or an animal declared to be a nuisance to be ordered to be destroyed. Any animal ordered destroyed by the Court is to be destroyed within 48 hours.  
(Ord. 1832; Code 2019)

**2-217. Abandonment.**

It shall be unlawful for any person to bring within the City Limits any dog, cat or other animal and abandon the same such as to allow it to run at large.  
(Ord. 1832; Code 2019)

### Article 3. Pit Bull Dogs

**2-301. Pit bull dogs; keeping prohibited.**

It shall be unlawful to keep, harbor, own or in any way possess within the city limits of the city, any pit bull dog.

However, any pit bull dog registered with the city on the date of publication of Ordinance No. 1677 shall be kept within the city subject to the standards and requirements set forth in this article.  
(Ord. 1677, Sec. 1)

**2-302. Pit bull dog defined.**

Pit bull dog is defined and means:

- (a) The bull terrier breed of dog;
- (b) Staffordshire bull terrier breed of dog;
- (c) American pit bull terrier breed of dog;
- (d) The American Staffordshire terrier breed of dog;
- (e) Dogs of mixed breed or other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
- (f) Any dog which has the appearance and characteristic of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers or a combination of any of these breeds.

(Ord. 1677, Sec. 1; Ord. 1888; Code 2019)



**2-303. Requirements of keeping of registered pit bulls.**

The provisions of section 2-301 of this article are not applicable to owners, keepers or harborers of pit bull dogs registered with the city on or before the date of publication of Ordinance No. 1677. The keeping of such dogs, however, shall be subject to the following standards:

(a) Leash and Muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.

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

(c) Confinement Indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. In addition, no animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Signs. All owners, keepers or harborers of registered pit bull dogs within the city shall within 10 days of the effective date of this article display in a prominent place on their premises a sign easily readable by the public using the words "Beware of dog." In addition, a similar sign is required to be posted on the kennel or pen of the animal.

(e) Insurance. All owners, keepers or harborers of registered pit bull dogs must within 10 days of the effective date of this article provide proof to the city clerk of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of the animal. The insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is first given to the city clerk.

(f) Identification Photographs. All owners, keepers or harborers of registered pit bull dogs must within 10 days of the effective date of this article provide to the city clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(g) Reporting Requirements. All owners, keepers or harborers of registered pit bull dogs must within 10 days of the incident, report the following information in writing to the city clerk as required hereinafter:

- (1) The removal from the city or death of a registered pit bull dog;
- (2) The birth of offspring of a registered pit bull dog;

(3) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(h) Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of the dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of the dog to persons who do not reside within the city.

(i) Animals Born of Registered Dogs. All offspring born of pit bull dogs registered with the city must be removed from the city within six weeks of the birth of the animal.

(j) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited by section 2-301 of this article is in fact a dog subject to the requirements of this section.

(k) Failure to Comply. It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the city to fail to comply with the requirements and conditions set forth in this article. Any dog found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of the animal resulting in the immediate removal of the animal from the city.

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

(Ord. 1677, Sec. 3)

## Article 4. Fowl and Chickens

### ■ 2-401. Keeping of fowl.

Except as provided by section 2-402, no person shall keep more than one (1) fowl within the City Limits of the City of Council Grove, Kansas. Any such fowl shall be kept in an enclosure not closer than 100 feet from the dwelling house or residence of any person, except the owner or keeper.

(Ord. 1958; Code 2019)

**2-402. Keeping of chickens.**

(a) Except when prohibited by subdivision covenants, conditions and restrictions, it shall be lawful for person(s) to keep, permit or allow domesticated chickens within the corporate limits of the City under the following terms and conditions:

- (1) No more than four hens shall be allowed for each single family dwelling. No chickens shall be allowed in multi-family complexes included duplexes.
- (2) No roosters shall be allowed.
- (3) There shall be no outside slaughter of chickens.
- (4) All chickens must be kept at all times in a secure enclosure.
- (5) Enclosures must be in backyards and must be situated at least 3 feet from the edge of the property line of any neighbor or any public right of way, and at least 25 feet from any neighbor's home.
- (6) Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
- (7) All chicken feed must be stored in a rat proof container.
- (8) Persons wishing to keep chickens within the City must obtain a permit from the office of the City Clerk. The location of the chickens shall be inspected annually by the City Clerk or his designated agent. Chicken keepers must pay a \$20.00 annual fee.
- (9) If the keeper of the chickens is not a property owner, written consent of the property owner is required before a permit will be issued.

(b) It shall be unlawful for any person to permit or allow any chicken(s) to run at large within the corporate limits of the City of Council Grove.

(c) This section shall not be effective at the Council Grove Lake Park.

(d) This section is specific to chickens and section 2-401 remains in effect regarding other fowl, including guineas.

(e) Any person violating the terms and conditions of this section shall be fined not less than \$50.00 nor no more than \$250.00. Additionally, the Municipal Judge shall have the authority to order and cause the destruction of any excessive number of hens and any roosters.

(Ord. 2171; Code 2019)

**ORDINANCE NO. 2264**

AN ORDINANCE AMENDING SECTION 2-107 OF THE CODE OF THE CITY OF COUNCIL GROVE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. That Section 2-107 of the city code is hereby amended to read as follows:

**2-107. Animal control officer.**

- (a) There is hereby created the position of animal control officer who is to be considered as a part-time employee of the city.
- (b) The animal control officer shall be paid compensation in the amount of \$450 per month.
- (c) The city shall provide the kennels, the noose and the gloves, however, the animal control officer is to provide the vehicle for transporting the animals which are picked up to the kennels.
- (d) The animal control officer will respond to calls from police officers and shall be under the supervision of the chief of police for the city.

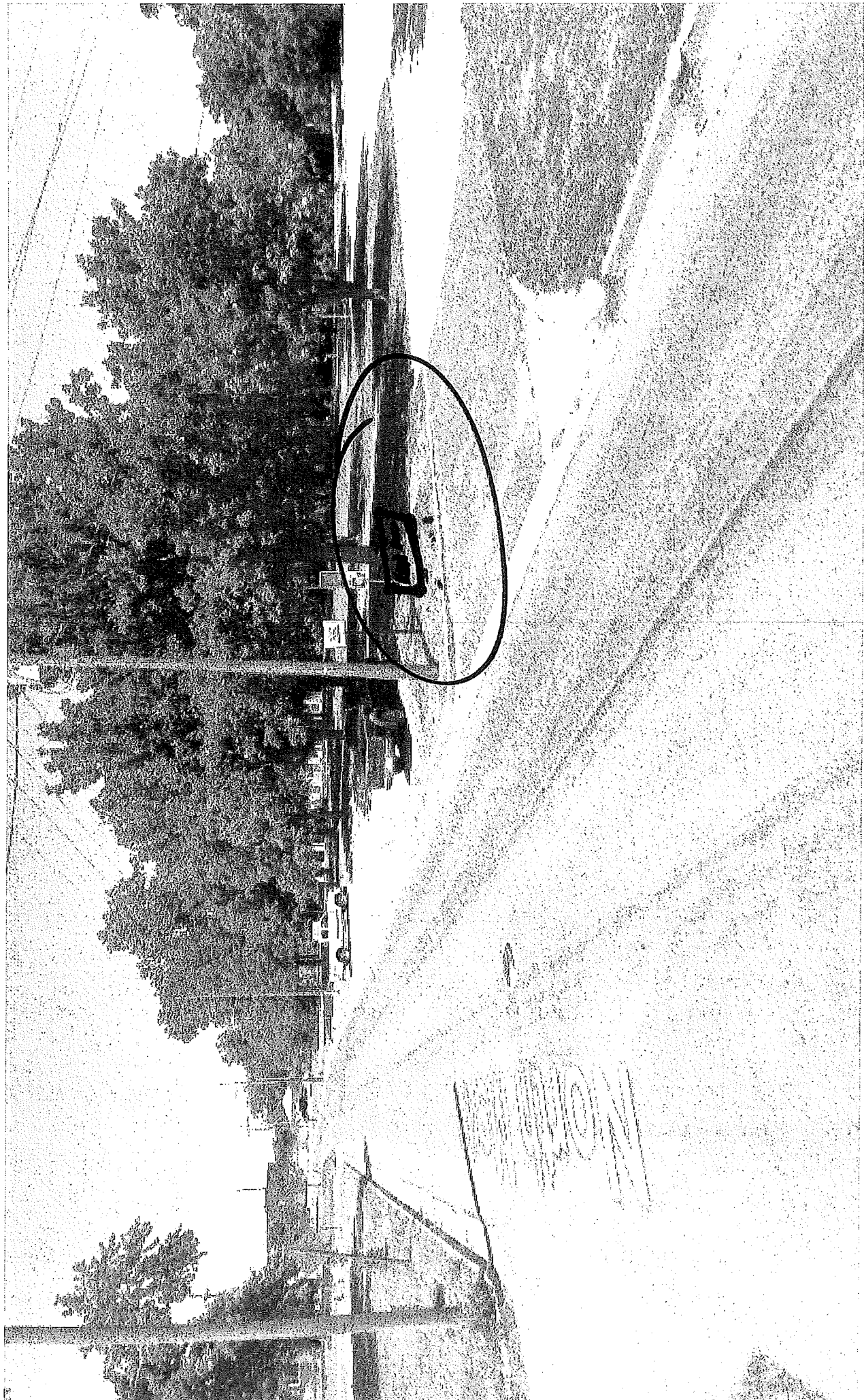
Section 2. EFFECTIVE DATE. This Ordinance shall take effect upon its publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF FEBRUARY 2024.

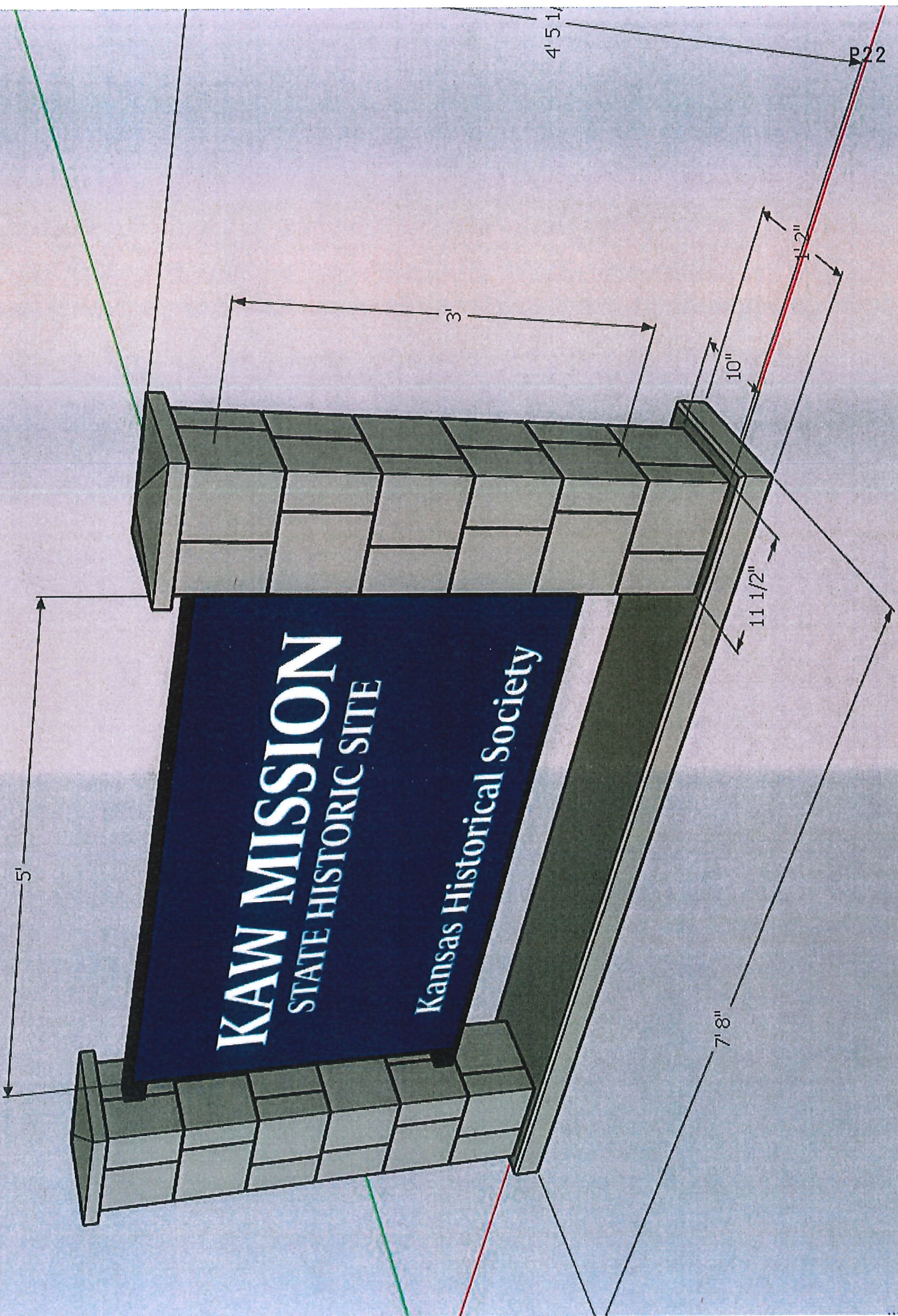
\_\_\_\_\_  
Debi Schwerdtfeger, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk











CITY OF COUNCIL GROVE · 205 UNION STREET · PO BOX 313  
COUNCIL GROVE, KS 66846 · 620-767-5417 · COUNCILGROVE.COM

### Utilities Committee Recommendation

The Utilities Committee recommends a pay increase for David Siemers of \$1.50 for successfully passing his Kansas Class 1 Wastewater Operator Certification in accordance with Resolution 101822-01

#### 4.1 Increase rates based on advanced Certification

A. Unless otherwise addressed herein, rate increases based on advanced certification shall be approved on a case-by-case basis as recommended by the department head and approved by the city administrator.

B. Specific Department Certification Rate Increases:

Public Utilities Certifications (Certifications as recognized by the Kansas Department of Health and Environment)

Kansas Class I Water Operator	\$1.50 Increase
Kansas Class II Water Operator	\$1.50 Increase
Kansas Class I Wastewater Operator	\$1.50 Increase
Backflow Prevention	\$1.50 Increase