

(Ordinance Summary published in The Hillsboro Star-Journal on Apr 26, 2023 and the full text of the Ordinance made available at <https://cityofhillsboro.net> for a minimum of one (1) week from the date of publication)

ORDINANCE NO. 1366

AN ORDINANCE OF THE CITY OF HILLSBORO, KANSAS AMENDING CHAPTER 2, ARTICLE 2, SECTION 2-208 OF THE CODE OF THE CITY OF HILLSBORO, KANSAS.

WHEREAS, the governing body of the City of Hillsboro, Kansas (the "City") has previously adopted Chapter 2, Article 2, Section 2-208 of the Code of the City of Hillsboro, Kansas (the "Code"), which contains provisions regarding confinement of dogs; and

WHEREAS, the City finds it necessary to amend Chapter 2, Article 2, Section 2-208 of the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HILLSBORO, KANSAS:

Section 1. Chapter 2, Article 2, Section 2-208 shall be amended and replaced and shall read as follows:

2-208. Dogs shall be confined.

All dogs must be confined to the residential property of the owner, keeper or harborer of said dog; provided, dogs may be taken off the residential property of the owner, keeper or harborer when:

(a) on a leash, no longer than 10 feet in length and the leash and animal are under the control of a responsible person. Whether a person is responsible shall be determined by giving due consideration to the size and temperament of the animal; provided, all dogs determined to be vicious and registered as vicious animals under the provisions of this chapter shall be muzzled when off the residential property of the owner, keeper or harborer and shall be under the control of an adult; or

(b) the dog is confined in a cage or within the enclosed interior of a motor vehicle; provided, it is a violation of this Section for a dog to be transported in the open bed of a truck unless restrained in a cage, on a leash or by other means that will prevent the animal from jumping or falling off the vehicle.

For the purposes of this Section "confined to the residential property of the owner, keeper or harborer" shall mean, but not be limited to mean, confined either inside the residential structure of the owner, keeper or harborer, or if outside the residential structure of the owner, keeper or harborer, the dog shall be physically restrained on a chain or leash or within a suitable fence or

other proper method of physical restraint from which it cannot escape or endanger public safety outside the suitable method of confinement; provided:

(a) If the dog is in the physical presence of its owner, keeper, or harborer and on its owner's, keeper's or harborer's property and under the demonstrated direct and immediate voice control of its owner, keeper or harborer, it shall be considered confined to the residential property of its owner, keeper or harborer. It shall not be considered confined to the residential property of the owner, keeper or harborer, if the dog is off the property of the owner, keeper or harborer, whether it is under the demonstrated direct and immediate voice control of its owner, keeper or harborer or not.

(b) Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. The collar may be controlled manually by a person or automatically in a predetermined manner. Dogs confined to residential property of the owner, keeper, or harborer, by an electronic fence or an electronic collar, shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the municipal court shall be confined by an electronic fence or an electronic collar. All owners, keepers or harborers of dogs who use an electronic fence shall clearly post their property to indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Electronic collars may not be used to control a dog when it is off its owner's, keeper's or harborer's property.

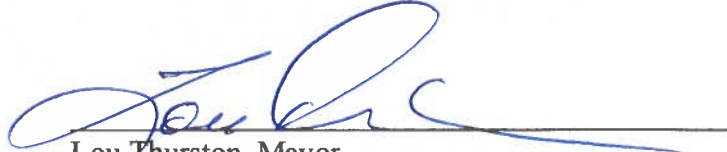
Section 2. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

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PASSED, ADOPTED AND APPROVED by the Governing Body of the City of Hillsboro,
Kansas this 18th day of April, 2023.



CITY OF HILLSBORO, KANSAS


Lou Thurston, Mayor

ATTEST:


Danielle Bartel, City Clerk