

TITLE II

ANIMALS

CHAPTER 1

LIVESTOCK AND FOWL

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2-1-1: Not to Permit to Run at Large

If any person shall willfully suffer or permit any horse, mule, burro, sheep, goat, swine, cow, steer, other livestock, or domestic fowl, to stray or roam at large, within the corporate limits of the Town Of Olathe, he shall, for each and every animal so found at large in said corporate limits, be guilty of a misdemeanor.

2-1-2: Pounds

The Board of Trustees, by motion or resolution, shall determine the location of the pound for use of the Town Of Olathe for impounding stock, dogs, and other animals.

2-1-3: Breaking Pound

Any person or persons, who shall take or attempt to take any animal or animals out of the Town Pound without legal authority, shall be deemed guilty of a misdemeanor.

2-1-4: Restriction on Keeping Certain Animals: Not to run at Large (Ord. 2011-06)

- A. Livestock, poultry, fowl and other animals may be kept within the Town only in the following circumstances:
 - 1. Livestock, poultry, fowl and other animals may be kept in zoning or use districts AA, AB, RR, and R, which allows it as a permitted use,

an approved conditional use, or an approved use subject to review under restricted conditions.

2. Livestock may be kept only at locations throughout the Town where a minimum of one acre, clear of structures, is provided per animal on the premises and animals are kept at least 40 feet from adjacent property.

B. Maintenance Standards:

1. All premises, pens, cages or structures where livestock, poultry, fowl, or other animals are kept shall be kept in a clean, dry and sanitary condition.
2. All premises, pens, cages or structures where livestock, poultry, fowl, or other animals are kept shall be maintained so that the reasonable use of adjacent property is not adversely affected because of unreasonable odors, noise, insects or other nuisance created as a result of the above mentioned animals.

C. Limit on Large Animals:

It shall be unlawful to keep, maintain, harbor or possess on the premises of any one dwelling unit more than 1 large animal per acre. Provided, however, it shall be an affirmative defense to prosecution under this section if a person had more animals and was in possession of them at the premises on the date this ordinance comes into effect.

Limit on Poultry, Fowl and Other Animals:

It shall be unlawful to keep, maintain, harbor or possess on the premises of any one dwelling unit more than 6 (six) chickens, ducks, geese or other poultry, fowl, or small animals.

- D. Animals Not to Run At Large: Animals, livestock, poultry, fowl shall not be permitted to run at large within the Town of Olathe.

E. Enforcement:

1. It shall be unlawful to violate the provisions of this Chapter.
2. Violations of this Chapter are hereby declared to be a nuisance, which may be abated in accordance with law.

2-1-5: To Impound: Fees

The Olathe Police Department shall take up and impound any animal found running at large contrary to the provision of this Chapter, and for such taking up and impounding the Town shall charge for each animal the sum equal to the amount necessary for feeding and caring for such animal while impounded. (Ord. 2009-13)

2-1-6: Citizens may take up animals

It shall be lawful for any citizen of the Town to take up any animal found running at large contrary to the provisions of the Chapter, and immediately deliver the same to the Olathe Police Department, who upon being satisfied as to the animal's being at large contrary to the provisions hereof, shall take such animal and proceed in like manner as if the animal had been taken up in the first instance by the Olathe Police Department. (Ord. 2009-13)

2-1-7: Provisions of Statutes Adopted

The provisions, procedure, and grant of powers of the state statutes authorizing police departments to take up animals running at large contrary to ordinance and the sale thereof, are hereby adopted and accepted by the Town Of Olathe, so far as such acts refer to and affect incorporated towns. (Ord. 2009-13)

2-1-8: Net Proceeds to be paid in Town Treasury

All money arising from such sale or taking up of any such animal or animals shall after deducting the expenses and costs provided for in this Chapter be paid by the Olathe Police Department into the Town Treasury. (Ord. 2009-13)

2-1-9: Owner May Claim Proceeds

At any time within one year after such sale the owner of any stock or animals sold in pursuance of the provisions of this Chapter may make proof before the Mayor of this Town of his ownership and whenever the Mayor shall be clearly satisfied that such claimant was the actual owner of any stock so sold he shall report the same to the Board of Trustees and the Trustees shall direct a warrant to be drawn on the Town Treasury for the amount of money paid to the Treasury by the Olathe Police Department from the sale of such stock or animals proven. If proof of ownership shall not be made within one year from the date of such sale the proceeds shall be forfeited to the Town. (Ord. 2009-13)