

**Book: 556 Page: 206-207**

Receipt #: 39867

Total Fees: No Charge

Pages Recorded: 2

Cashier Initials: KAREN

Date Recorded: 2/3/2020 12:31:42 PM  
0055600206

**RESOLUTION NO. 06-2020**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, PROHIBITING OWNERSHIP OF DANGEROUS DOGS DUE TO THE SERIOUS NATURE OF ATTACKS BY SUCH DOGS.**

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:**

SECTION 1. GENERAL AUTHORITY. K.S.A. 19-101 *et. seq.*, and K.S.A. 19-212 authorize the Board of County Commissioners to transact all County business and perform all powers of local legislation deemed appropriate, and to make all contracts and do all other acts in relation to the property and concerns of the county, necessary to the exercise of its corporate or administrative powers.

SECTION 2. The Board of County Commissioners declare that Pit Bulls pose threat to the safety and welfare of citizens throughout the County, and the regulation of Pit Bulls is a matter of Countywide concern.

SECTION 3. Definitions.

Pit Bull dog is defined to mean:

- (a) The Staffordshire bull Terrier breed of dog:
- (b) The American pit bull Terrier breed of dog:
- (c) The American Staffordshire Terrier breed of dog:
- (d) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier; or a combination of any of these breeds.

SECTION 4. Prohibited Acts

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

SECTION 5. Enforcement

- (a) Notwithstanding the provisions of this resolution, the Cherokee County Sheriff or his authorized representative is authorized to immediately impound any pit bull found in Cherokee County and the Cherokee County Sheriff may house or dispose of such pit bull in such a manner as the Sheriff or his authorized representative may deem appropriate, at the owner's expense, except as the procedures in SECTION 5, subsection (b), below, otherwise require.
- (b) When the Sheriff or his authorized representative has impounded any pit bull dog pursuant to this resolution, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog must, within three (3) days business days after

impoundment, provide statements from two (2) Veterinarians: The Veterinarians must state that in their professional opinion, the dog in question is not a Pit Bull type or a mix of any of the Pit Bull types as described in this resolution. The Cherokee County Sheriff cannot accept a veterinarian's statement that is vague. In addition, the owner, keeper or harbinger of such dog must submit two (2) clear photographs showing the dogs approximate size and characteristics signed by the two Veterinarians.

- (c) If the dog is found to be a pit bull, the Sheriff is authorized to dispose of it. If the dog is found not to be a pit bull, the dog shall be released to the owner.

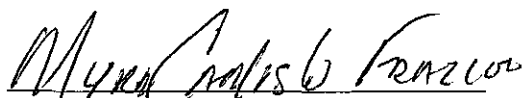
SECTION 6. VIOLATIONS AND PENALTIES:


Any person violating or permitting the violation of Section 4 of this resolution shall upon conviction in District Court be fined a sum not less than \$250.00 and not more than \$1500.00. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the County Jail for a period not to exceed thirty (30) days upon first conviction, (60) sixty days upon second conviction and (90) ninety days upon third conviction. Each day that a violation of this resolution occurs shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this resolution, shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this resolution.

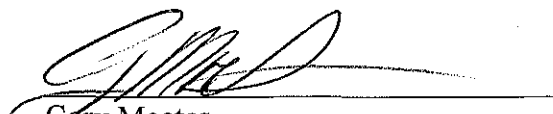
SECTION 7. Publication. The County Clerk shall cause this resolution to be published in the official county newspaper.

SECTION 8. Conflict. That all resolutions, including but not limited to 92-11, along with any other County policies or parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

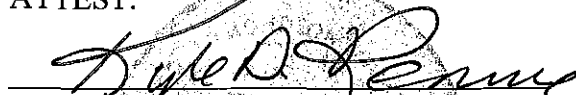
APPROVED:

  
Myra Carlisle Frazier, Chair  
Cherokee County Commissioner

  
Neal Anderson  
Cherokee County Commissioner

  
Cory Moates  
Cherokee County Commissioner

ATTEST:

  
Kyle Rennie, Cherokee County Clerk.  
by the Board of County Commissioners

Executed: 3<sup>rd</sup> February, 2020

