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RESOLUTION NO. 2021-5

A RESOLUTION DETERMINING THAT THE DOG LOCATED AT 225 S. MAIN ST., LEROY, KS IS A NUISANCE AND A MENACE AND DANGEROUS TO THE HEALTH OF INHABITANTS OF THE CITY OR OF ANY NEIGHBORHOOD, FAMILY, OR RESIDENT OF THE CITY.

WHEREAS, it is unlawful for any person to maintain or permit any nuisance within the city. City Code § 8-201.

WHEREAS, a nuisance includes any animal that attacks or injures other animals. City Code § 2-111(b)(2).

WHEREAS, a nuisance includes any animal that damages private property other than that of its owner by its activities. City Code § 2-111(b)(3).

WHEREAS, a nuisance includes all things whatsoever kept by any person to the injury, annoyance or inconvenience of the public or of any neighborhood. City Code § 8-201(g).

WHEREAS, the governing body of the city may, by resolution, determine what is a nuisance. 12-1617e(a)

WHEREAS, the governing body of any city may have removed or abated from any lot or parcel of ground within the city any and all nuisances, K.S.A. 12-1617e(a); City Code § 8-201 *et seq.*

WHEREAS, upon information and belief, on or about June 12, 2021, the dog owned by the residents of the property at 225 S. Main St. Leroy, KS (the Dog) was running at large, attacked and killed another animal. A photograph of the Dog is attached as Exhibit A in incorporated here by reference.

WHEREAS, upon information and belief, the Dog owned by the residents of the property at 225 S. Main St. Leroy, KS has a history of aggression and is an annoyance or inconvenience to the public and neighborhood.

WHEREAS, it is unlawful to possess, within the city limits any vicious dog. City Code § 2-115(a)(1)(C).

WHEREAS, a vicious dog is defined by the City Code to mean any dog which by virtue of its behavior or other factors, the owner knows or has reason to know has a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings. City Code § 2-115(a)(1)(C).

WHEREAS, upon information and belief, by virtue of its behavior the dog owned by the residents of the property at 225 S. Main St. Leroy, KS has a propensity to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings and is thus a vicious dog.

WHEREAS, upon information and belief, the Dog is owned by Charlie and Julie Patterson whose address is 225 S. Main St., Leroy, KS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEROY, KANSAS:

The WHEREAS clauses above are incorporated into this resolution by reference.

The governing body has determined that the Dog, located at 225 S. Main St. Leroy, KS and illustrated in Exhibit A is a nuisance and is a menace and dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the city.

The governing body hereby demands that immediately remove the Dog from corporate limits of the City and directs the City clerk to serve Charlie and Julie Patterson with the Order attached as Exhibit B. That Order is incorporated into this Resolution by reference.

The Order shall be served on Charlie and Julie Patterson by ~~certified mail, return receipt requested, or by personal service,~~ *by the Leroy Chief of Police.*

If within 10 days of being served with the Order, Charlie and Julie Patterson fails to remove the Dog from the corporate limits of the city or fails to request a hearing before the governing body, the City's police chief shall proceed to have the Dog removed from the City, *and impounded.*

Passed by the council the 19th day of July, 2021. APPROVED by the Mayor


Christine Williams, Mayor

(City Seal)

ATTEST: 
Nikki Houston, City Clerk