

LINN VALLEY LAKES POA

Consumer Confidence Report – 2009

Covering Calendar Year – 2008



This brochure is a snapshot of the quality of the water that we provided last year. Included are the details about where your water comes from, what it contains, and how it compares to Environmental Protection Agency (EPA) and state standards. We are committed to providing you with information because informed customers are our best allies. It is important that customers be aware of the efforts that are made continually improve their water systems. **To learn more about your drinking water, please attend any of the regularly scheduled meetings which are held 3rd Saturday of each month at Community Center.** For more information please contact, PAMELA MCCOY at 913-757-4591.

Our drinking water is supplied from another water system through a Consecutive Connection (CC). To find out more about our drinking water sources and additional chemical sampling results, please contact our office at the number provided above. Your water comes from surface water and we purchase water from Linn Co RWD 1, who purchases water from Public Wholesale WSD 13 and city of La Cygne.

Your water is treated to remove several contaminants and a disinfectant is added to protect you against microbial contaminants. The Safe Drinking Water Act (SDWA) required states to develop a Source Water Assessment (SWA) for each public water supply that treats and distributes raw source water in order to identify potential contamination sources. The state has completed an assessment of our source water. For results of the assessment, please contact us or view on-line at: <http://www.kdheks.gov/nps/swap/SWreports.html>

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as those with cancer under going chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791).

The sources of drinking water (both tap water and bottled water) included rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be present in sources water before we treat it include:
Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, livestock operations and wildlife.
Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming.
Pesticides and herbicides, which may come from a variety of sources such as storm water run-off, agriculture, and residential users.
Radioactive contaminants, which can be naturally occurring or the result of mining activity.
Organic contaminants, including synthetic and volatile organic chemicals, which

are by-products of industrial processes and petroleum production, and also come from gas stations, urban storm water run-off, and septic systems.

In order to ensure that tap water is safe to drink, EPA prescribes regulation which limits the amount of certain contaminants in water provided by public water systems. We treat our water according to EPA's regulations. Food and Drug Administration regulations establish limits for contaminants in bottled water, which must provide the same protection for public health.

Our water system tested a minimum of 4 samples per month in accordance with the Total Coliform Rule for microbiological contaminants. Coliform bacteria are usually harmless, but their presence in water can be an indication of disease-causing bacteria. When coliform bacteria are found, special follow-up tests are done to determine if harmful bacteria are present in the water supply. If this limit is exceeded, the water supplier must notify the public.

Water Quality Data

The following tables list all of the drinking water contaminants which were detected during the 2008 calendar year. The presence of these contaminants does not necessarily indicate the water poses a health risk. Unless noted, the data presented in this table is from the testing done January 1- December 31, 2008. The state requires us to monitor for certain contaminants less than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year. Some of the data, though representative of the water quality, is more than one year old. **The bottom line is that the water that is provided to you is safe.**

Terms & Abbreviations

Maximum Contaminant Level Goal (MCLG): the "Goal" is the level of a contaminant in drinking water below which there is no known or expected risk to human health. MCLGs allow for a margin of safety.

Maximum Contaminant Level (MCL): the "Maximum Allowed" MCL is the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Secondary Maximum Contaminant Level (SMCL): recommended level for a contaminant that is not regulated and has no MCL.

Action Level (AL): the concentration of a contaminant that, if exceeded, triggers treatment or other requirements.

Treatment Technique (TT): a required process intended to reduce levels of a contaminant in drinking water.

Maximum Residual Disinfectant Level (MRDL): the highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Non-Detects (ND): lab analysis indicates that the contaminant is not present.

Parts per Million (ppm) or milligrams per liter (mg/l)

Parts per Billion (ppb) or micrograms per liter (µg/l)

Picocuries per Liter (pCi/L): a measure of the radioactivity in water.

Millirems per Year (mrem/yr): measure of radiation absorbed by the body.

Million Fibers per Liter (MFL): a measure of the presence of asbestos fibers that are longer than 10 micrometers.

Nephelometric Turbidity Unit (NTU): a measure of the clarity of water. Turbidity in excess of 5 NTU is just noticeable to the average person. Turbidity is not regulated for groundwater systems.

Testing Results for: LINN VALLEY LAKES POA

Regulated Contaminants	Collection Date	Highest Value	Range	Unit	MCL	MCLG	Typical Source
BARIUM	3/17/2008	0.051	0.051	ppm	2	2	Discharge from metal refineries
CHROMIUM	3/17/2008	1.4	1.4	ppb	100	100	Discharge from steel and pulp mills
TURBIDITY	4/7/2007	0.33	0.33	NTU	1		Soil runoff

Disinfection Byproducts	Monitoring Period	Highest RAA	Range	Unit	MCL	MCLG	Typical Source
TOTAL HALOACETIC ACIDS (HAA5)	2008	81	27 - 120	ppb	60	0	By-product of drinking water disinfection
TOTAL TRIHALOMETHANES (TTHM)	2008	74	38 - 110	ppb	80	0	By-product of drinking water chlorination

Lead and Copper	Monitoring Period	90 th Percentile	95 th Percentile	Range	Unit	AL	Sites Over AL	Typical Source
COPPER	2005 - 2007	0.074	0.142	0.0034 - 0.21	ppm	1.3	0	Corrosion of household plumbing
LEAD	2005 - 2007	1.6	1.7	1.6 - 1.7	ppb	15	0	Corrosion of household plumbing

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. Your water system is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

Secondary Contaminants	Collection Date	Highest Value	Range	Unit	SMCL
ALKALINITY, TOTAL	3/17/2008	151	151	MG/L	300
ALUMINUM	3/17/2008	0.18	0.18	MG/L	0.05
CALCIUM	3/17/2008	52	52	MG/L	200
CARBON, TOTAL	7/14/2008	3.3	2.2 - 3.3	ppm	
CHLORIDE	3/17/2008	13	13	MG/L	250
CONDUCTIVITY @ 25 C UMHOS/CM	3/17/2008	440	440	UMHO/CM	1500
HARDNESS, TOTAL (AS CaCO3)	3/17/2008	150	150	MG/L	400
MAGNESIUM	3/17/2008	4	4	MG/L	150
NICKEL	3/17/2008	0.002	0.002	MG/L	0.1
pH	3/17/2008	7.6	7.6	pH	8.5
POTASSIUM	3/17/2008	2.1	2.1	MG/L	100
SILICA	3/17/2008	3.3	3.3	MG/L	50
SODIUM	3/17/2008	33	33	MG/L	100
SULFATE	3/17/2008	44	44	MG/L	250
TDS	3/17/2008	240	240	MG/L	500

During the 2008 calendar year, we had the below noted violation(s) of drinking water regulations.
 Total Haloacetic Acids (HAA5) - maximum contaminant level (MCL) 4th quarter 2008

Some or all of our drinking water is supplied from another water system. The table below lists all of the drinking water contaminants, which were detected during the 2008 calendar year from the water systems that we purchase drinking water from.

Regulated Contaminants	Collection Date	Water System	Highest Value	Range	Unit	MCL	MCLG	Typical Source
ATRAZINE	5/18/2008	LACYGNE, CITY OF	1.6	1.6	ppb	3	3	Runoff from herbicide used on row crops
BARIUM	3/10/2008	LACYGNE, CITY OF	0.048	0.048	ppm	2	2	Discharge from metal refineries
CHROMIUM	1/22/2008	PUBLIC WHOLESale WSD 13	2.4	2.4	ppb	100	100	Discharge from steel and pulp mills
FLUORIDE	3/10/2008	LACYGNE, CITY OF	0.16	0.16	ppm	4	4	Erosion of natural deposits; water additive which promotes strong teeth
NITRATE	4/8/2008	PUBLIC WHOLESale WSD 13	0.27	0.1 - 0.27	ppm	10	10	Runoff from fertilizer use
TOLUENE	5/18/2008	LACYGNE, CITY OF	0.0057	0.0054 - 0.0057	ppm	1	1	Discharge from petroleum factories

Secondary Contaminants	Collection Date	Water System	Highest Value	Range	Unit	SMCL
ALKALINITY, TOTAL	1/22/2008	PUBLIC WHOLESale WSD 13	143	143	MG/L	300
ALUMINUM	3/10/2008	LACYGNE, CITY OF	0.23	0.23	MG/L	0.05
CALCIUM	1/22/2008	PUBLIC WHOLESale WSD 13	49	49	MG/L	200
CARBON, TOTAL	6/17/2008	PUBLIC WHOLESale WSD 13	4.7	2.6 - 4.7	ppm	
CHLORIDE	3/10/2008	LACYGNE, CITY OF	17	17	MG/L	250
CONDUCTIVITY @ 25 C UMHO/CM	1/22/2008	PUBLIC WHOLESale WSD 13	370	370	UMHO/CM	1500
CORROSIVITY	1/22/2008	PUBLIC WHOLESale WSD 13	0.27	0.27	LANG	0
HARDNESS, TOTAL (AS CAC03)	1/22/2008	PUBLIC WHOLESale WSD 13	140	140	MG/L	400
MAGNESIUM	3/10/2008	LACYGNE, CITY OF	6.2	6.2	MG/L	150
MANGANESE	1/22/2008	PUBLIC WHOLESale WSD 13	0.007	0.007	MG/L	0.05
METOLACHLOR	5/12/2008	PUBLIC WHOLESale WSD 13	0.35	0.35	ppb	
NICKEL	1/22/2008	PUBLIC WHOLESale WSD 13	0.0019	0.0019	MG/L	0.1
PH	1/22/2008	PUBLIC WHOLESale WSD 13	8	8	PH	8.5
PHOSPHORUS, TOTAL	3/10/2008	LACYGNE, CITY OF	0.03	0.03	MG/L	5
POTASSIUM	1/22/2008	PUBLIC WHOLESale WSD 13	3.7	3.7	MG/L	100
SILICA	1/22/2008	PUBLIC WHOLESale WSD 13	6.9	6.9	MG/L	50
SODIUM	3/10/2008	LACYGNE, CITY OF	24	24	MG/L	100
SULFATE	3/10/2008	LACYGNE, CITY OF	28	28	MG/L	250
TDS	1/22/2008	PUBLIC WHOLESale WSD 13	200	200	MG/L	500
ZINC	1/22/2008	PUBLIC WHOLESale WSD 13	0.023	0.023	MG/L	5

During the 2008 calendar year, the water systems that we purchase water from had no violation(s) of drinking water regulations.

Additional Required Health Effects Language:

Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

ORDINANCE NO. 90

AN ORDINANCE REGULATING USE OF WATER CRAFT UPON BODIES OF WATER
WITHIN THE CITY OF LINN VALLEY, KANSAS.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF LINN VALLEY, KANSAS:

1. DEFINITIONS: "Body of Water" shall mean any lake, pond or any other navigable body of water within the City of Linn Valley which is publicly owned or privately owned, when the owner of said privately owned body of water has filed with the City a formal enactment or affidavit requesting the City to enforce these regulations on such privately owned body of water.
2. It shall be unlawful for any person to operate a boat, a personal water craft ("PWC"), or any other motorized water craft on any body of water within the City of Linn Valley in violation of the following requirements:
 - a. All boats and PWC shall comply with all Federal, State and Local operating requirements.
 - b. All boats and PWC shall carry U.S. Coast Guard approved life-saving equipment for each passenger.
 - c. All boats and PWC shall be registered with the City of Linn Valley in compliance with the following procedures:
 - (1) The registering of boats and PWC for use within the gated region known as Linn Valley Lakes shall be administered by the Linn Valley Lakes Property Owners Association (the "POA"), acting as an agent of the City for this purpose. Records of all registrations shall be retained by the POA, as custodian thereof, and shall be available to the City for audit and review upon request by the City Council.
 - (2) No application for registration shall be accepted from any person or entity who is not a property owner of Linn Valley or a member in good standing of the POA.
 - (3) Applications for registration must be accompanied by (a) proof of ownership of the craft, (b) documentation verifying the horsepower of the craft, (c) proof of current liability insurance on all craft with a length of 16 feet or longer or with an engine of 20 horsepower or more, and (d) proof

of residence or status as a member in good standing of the POA.

- (4) Upon compliance with the registration procedures herein, owners of craft registered shall be issued two Linn Valley Lakes identification stickers for each craft registered, which shall be affixed to the craft registered, with one sticker on each side of the craft, placed just below the gunnel or as close thereto as possible. Any craft not properly displaying the identification sticker assigned to that craft will be deemed to be unregistered.

d. On any body of water in excess of 100 acres in size, boat motors shall be limited to 160 horsepower and boats shall be limited to a length of 22 feet, with the exception that pontoon boats shall be limited to a length of 30 feet.

e. On any body of water less than 100 acres in size, boats shall be limited to water craft of no more than 16 feet in length, powered by manual means or an electric motor. No other power source shall be permitted. No PWC shall be permitted on any such body of water.

f. On any body of water greater than 100 acres in size, all boat and PWC traffic shall travel in a counter-clockwise direction. No boat or PWC shall approach or leave a docking area nor travel inside any posted "No Wake" area at greater than idle speed. No boat traveling at greater than idle speed shall approach to within 100 feet of any shore line or dock. No craft shall operate near any swimming beach or near any warning buoy.

g. No boat, PWC or any other craft of greater than 10 horsepower shall be operated by an individual under 16 years of age unless that individual is accompanied by (on the same craft) and under the supervision of a person 18 years of age or older.

h. No water skiing shall be allowed before 9:00 AM nor after sundown on any day. Any craft, other than a PWC, towing a skier, tube, aqua-board or any other object of any kind shall have aboard, in addition to the driver of the craft, a rear-facing observer at least 12 years of age.

i. Between sundown and 9:00 AM, no craft shall travel at a speed of greater than 10 MPH. No craft shall operate after dusk or before dawn unless that craft shall have appropriate running lights installed and operating. No PWC shall operate before 12:00 Noon nor after 6:00 PM.

j. No craft shall be used as a residence, temporary or permanent, nor shall any craft be used for sleeping, nor shall any craft with toilet facilities be used on any body of water.

k. All craft shall be docked, launched, and stored only at authorized locations.

l. No swimming, fishing or diving shall be allowed in the vicinity of any boat ramp or in

any location with signs prohibiting swimming, fishing, or diving.

3. All ordinances of the City of Linn Valley, including those in the Standard Traffic Ordinances or the Uniform Public Offense Code, pertaining to water craft or their use, shall apply and be enforceable on any Body of Water as defined herein, within the City of Linn Valley.
4. Conviction of any violation of this ordinance shall be punishable by fines of up to \$500 per violation.
5. This ordinance shall become effective upon its passage and publication in the official newspaper of the City of Linn Valley, Kansas.

ORDAINED THIS 12th DAY OF June, 2006.

Ralph S. Fitch
MAYOR

ATTEST:

Joyce Vinger
CITY CLERK

CORPORATE RESOLUTION

WHEREAS, the Linn Valley Lakes Property Owners Association is the owner of record of certain bodies of water within the gated region known as Linn Valley Lakes; and

WHEREAS, said Linn Valley Lakes lies entirely within the city limits of the City of Linn Valley, Kansas; and

WHEREAS, said Property Owners Association desires to provide for the safety and wellbeing of all propertyowners of Linn Valley Lakes as they use said bodies of water within Linn Valley Lakes; and

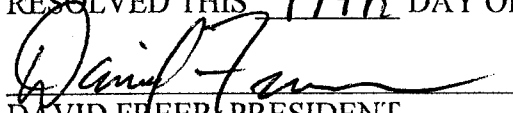
WHEREAS, the City of Linn Valley, Kansas has enacted certain ordinances regulating use of bodies of water within the City; and

WHEREAS, the said Property Owners Association desires that said ordinances be enforced by City Police Officials on the privately owned bodies of water within the gated region known as Linn Valley Lakes;

NOW THEREFORE IT IS HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE LINN VALLEY LAKES PROPERTY OWNERS ASSOCIATION:

1. The Governing Body of the City of Linn Valley, Kansas, is hereby requested to enact whatever ordinances and other enactments may be necessary to allow the Police Department of the City to enforce the ordinances of the City regarding bodies of water within the gated region known as Linn Valley Lakes, and upon all bodies of water owned by the Linn Valley Lakes Property Owners Association.
2. Said enactment and enforcement should begin at the earliest possible date, upon the said enactment by the Governing Body of the City, and upon published notice in the official newspaper of the City.
3. This request shall remain in effect through subsequent revisions of the Standard Traffic Ordinances and subsequent enactments of said revisions, until such time as the Board of Directors of the Linn Valley Lakes Property Owners Association revoke this request in writing and by Resolution, or until the Governing Body of Linn Valley, Kansas repeals said enactments.

RESOLVED THIS 17th DAY OF June, 2006


DAVID FREER, PRESIDENT

CERTIFICATION:


BOARD SECRETARY - Robert M. Burns

ORDINANCE NO. 21

**AN ORDINANCE REGULATING DOGS WITHIN THE CITY OF LINN VALLEY, KANSAS;
LICENSE REQUIRED; AND FURTHER PROVIDING PENALTIES FOR THE
VIOLATION THEREOF**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LINN VALLEY,
KANSAS:**

SECTION ONE: Definitions. The terms used in this ordinance shall be defined as follows:

- a. "Animal Control Officers" - One or more persons designated by the governing body and/or the mayor to perform or enforce the provisions of this ordinance.
- b. "Dog Pound" - a place where dogs are to be impounded, and such pound shall be at any place where designated by the governing body.
- c. "Licensed Veterinarian" - a veterinarian duly licensed to practice such profession by the state in which such veterinarian's principal office is located.
- d. "Harborers or Owners" - see Section Eight of this ordinance.
- e. "Household" - consists of one or more related or unrelated persons living in the same residential structure within the City.
- f. "Dogs" - Any animal which is wholly or in part of the canine species.
- g. "City" - the City of Linn Valley, Kansas

SECTION TWO: License fee to be Paid by Owners and Harborers of Dogs.

The owner or harbinger of dogs within the City of Linn Valley, Kansas shall pay to said city an annual license fee as follows:

- a. There shall be and there hereby is established an annual license fee to be paid for each dog in each household of the age of three months or which reaches such age during the license year, within the corporate limits of the city, as follows:
 - (1) For the first dog in each household, the sum of \$ 10.00.
 - (2) For the second dog in each household the sum of \$ 15.00.
 - (3) For the third and each additional dog in each household, the sum of \$ 20.00 each.
- b. The license fee herein required shall cover the period from March 1 to February 28 or 29 of each year, and shall be due and payable on or before May 1 of each year; provided that the license fee for a dog subject to this ordinance which reaches the age of three (3) months or which is brought into the city on or after

the 1st day of May shall be due and payable within thirty (30) days after the date such dog reaches the age of three (3) months or is brought into the city.

SECTION THREE: Fractional Year License. No fractional year license shall be issued.

SECTION FOUR: Penalty on Overdue License Fee. If the license fee imposed and required to be paid on each dog by Section Two of this ordinance is not paid within the time required, a penalty of \$ 5.00 shall be added to the amount of the annual registration fee for such dog as set forth in sub-paragraph (a) of Section Two of this ordinance.

SECTION FIVE: Dog Registration; Tags. The owner or harbinger of any dog shall cause the same to be listed or registered at the office of the city clerk in a proper book or record provided for that purpose. The city clerk shall, upon payment of the license fee for such dog, issue and deliver to the owner a suitable metal check or tag, bearing a number and stating the year for which issued. Such tag shall be securely affixed to the collar or harness of each dog so registered in such manner that the same may at all times be easily visible to the animal control officer of the city. If such tag be lost, the city clerk, upon request and satisfactory proof that the same has been lost, shall issue a duplicate tag upon the payment of the sum of \$ 8.00.

SECTION SIX: Vaccination. No dog registration tag shall be issued until the owner or harbinger shall furnish to the city clerk a certificate signed by a licensed veterinarian showing thereon that said dog has been immunized for rabies for a period of not less than the calendar year of the animal's registration.

SECTION SEVEN: City Clerk Keeps Records; Enumeration. The city clerk shall keep a book or record in which he or she shall enter the names and addresses of the owners paying license fees for dogs, the name, color and description of the dog, and such other information as may be deemed necessary; provided, that the governing body may require an annual enumeration during the month of May of each year, of all dogs owned or harbored within the city, which enumeration shall be taken by some person appointed by the governing body or mayor for that purpose. The enumeration shall account for the number, ownership and sex of all dogs owned or harbored.

SECTION EIGHT: Five Days for Ownership. Any person keeping, feeding, harboring and/or allowing a dog to remain on their residential property within the limits of the city for five (5) consecutive days shall be deemed the owner thereof.

SECTION NINE: Annual Notice. Each year, on or before the 15th day of March, it shall be the duty of the city clerk to cause a notice of the requirements of this ordinance to be given in a publication or other written form which is distributed to each home within the City of Linn Valley, Kansas. Such notice shall notify owners and harborers of dogs in the city that the annual dog license fee will be due and payable on or before May 1 following. Such other information as is pertinent may be included in said notice.

SECTION TEN: Devices or Methods of Catching Animals. It shall be lawful for any animal control officer to use any device, rope, net or enticement now devised or hereafter devised or any other method to enforce such ordinance so long as such method

is humane; provided, that such methods are optional with the city and nothing herein shall be construed to be a condition precedent to the methods provided for in Sections Eleven and Twelve of this ordinance.

SECTION ELEVEN: Killing Dangerous Animals. The animal control officer of the city may kill, without notice, any dog that is vicious or which appears to be infected with rabies or hydrophobia, whether it bears the tag herein provided or not.

SECTION TWELVE: Examination and Quarantine. It shall be unlawful for the owner or harbinger of any dog, when notified by an animal control officer that such dog has bitten any person or has so injured any person as to cause a laceration and/or puncture of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the city for a period of fifteen (15) days after the date that such dog has so bitten or injured any person, except under the care of a license veterinarian. It shall be the duty of such owner or harbinger upon receiving notice of the character aforesaid to immediately place such dog in a licensed veterinary hospital where such dog shall be confined for a period of not less than ten (10) days; and such owner or person harboring such dog shall notify the city clerk of the name and location of said veterinary hospital and the date such dog was so confined. The owner or harbinger of said dog shall pay any unpaid license fees, penalties and board costs of said dog.

SECTION THIRTEEN: Noises, Disturbance of Peace Prohibited. No person shall keep or harbor a dog which by loud, frequent and habitual barking, howling, yelping, screeching or fighting, shall annoy or disturb the public peace.

SECTION FOURTEEN: Running at Large Prohibited. It is unlawful for any owner or harbinger of a dog to permit such dog to be at large at any time within the city. Further, dogs must be confined to the premises of their owner or harbinger, except when off the premises and then (a) under the voice and visual control of a person eighteen (18) or more years of age, (b) on a leash, (c) in a cage or (d) in a car or other conveyance. Any dog shall be deemed to be "running at large" when found on property other than that exclusively owned or occupied by the owner or harbinger of such dog unless said dog is then under the voice and visual control of a person eighteen (18) or more years of age, on a leash, in a cage, or in a car or other conveyance. For the purposes of this section "confined to the premises" means confined either inside the residence structure of the owner or harbinger or, if outside the residence structure of the owner or harbinger, physically restrained on a chain or leash or within a suitable fence or other proper method of physical restraint from which the animal cannot escape; provided, however, that if the animal is under the voice and visual control of a person eighteen (18) or more years or age and on the residential property of the owner or harbinger of such dog, the dog shall be considered confined to the premises.

It shall be the duty of, and lawful for, animal control officers to pursue and capture any dog running at large, and for the purpose of such pursuit and capture such animal control officer shall have the authority to enter upon private property to effectuate capture; however, such animal control officer shall not enter into any enclosed fenced area or structure located upon the residential property of the owner or harbinger of such dog.

Upon the capture of such dog found running at large, the animal control officer shall cause said dog to be transported and impounded in a dog pound, and shall, thereupon,

notify the owner or harbinger of such dog of such impoundment, if a city registration tag is then affixed to the collar or harness of such dog, which notice should be in writing and delivered to an adult member of the household of such owner or harbinger or by posting such notice on the front door of the residence of such owner or harbinger within the city. Said dog shall be held in said dog pound for six (6) days after the delivery or posting of such notice or the initial date of impoundment, whichever event last occurs, to be reclaimed by the owner or harbinger thereof, provided that the dog's condition does not indicate immediate and humane euthanasia. Upon such capture and impoundment, such impounded dog may be reclaimed by the owner or harbinger thereof by a release granted by the city clerk upon the payment, in accordance with the rate schedule adopted by the City then in effect, of all capture, impoundment, transportation and board/care fees applicable to such dog. If such impounded dog is not reclaimed within the six-day holding period, such dog shall become the property of the dog pound to be disposed of by the latter by adoption or euthanasia.

SECTION FIFTEEN: Removal of Excrement. It is unlawful for any person to fail to immediately remove any excrement deposited by a dog owned or harbored by him or her or any dog then under his or her control on a leash or otherwise on any public or private property other than the property of the owner or harbinger of the dog.

SECTION SIXTEEN: Destruction of Property. It is unlawful for any owner or harbinger of a dog or a person having such dog in their possession, to permit such dog to go upon a sidewalk, crossway, or private land or premises without the permission of the owner of such premises, and visibly damage any lawn, flower bed, plant, shrub, tree or garden.

SECTION SEVENTEEN: Scattering of Garbage or Other Trash. It shall be unlawful for any owner or harbinger of a dog or a person having such dog in their possession to permit such dog to scatter garbage or other trash that has been placed for the purpose of the collection thereof in containers, including disposable bags, on private property, or on a street or at any other location within the city.

SECTION EIGHTEEN: Establishment of Dog Pound. There shall be and is hereby established a Dog Pound to be located at such place or places as may be designated by the governing body of said city, for the purpose of impounding and keeping dogs collected by the city, its agents and employees.

SECTION NINETEEN: Unlicensed or Unregistered Dog Taken by Animal Control Officer. Whenever any dog shall be found within the city limits of Linn Valley, Kansas without having a license or registration tag attached to such dog's collar or harness, such dog shall be taken up by an animal control officer or any other agency designated by the city to do so, and such dog shall be held six (6) days at the city's dog pound, and, if within said six (6) days the owner of any dog so held shall present to the person in charge of such dog pound a receipt from the Linn Valley City Clerk for the payment of a current license fee, including penalties, for such dog, such dog shall be delivered to the owner thereof. If not so claimed within six (6) days, said dog shall become the property of the dog pound to be disposed of by adoption or euthanasia. The owner or harbinger claiming any dog as provided in this section, in addition to the payment of a current license fee, including penalties, applicable to said dog, shall also pay all capture,

impoundment, transportation and board/care fees applicable to such dog in accord with the rate schedule adopted by the city then in effect.

SECTION TWENTY: Breaking Pound. It shall be unlawful for any person other than a duly authorized animal control officer to break open or attempt to break open the pound or to take or attempt to take from an animal control officer of this city, any dog taken up by said officer under the provisions of this ordinance, or in any manner interfere with or hinder any animal control officer of this city in catching or taking up any dog.

SECTION TWENTY-ONE: License Fees to General Fund. All license fees, charges and penalties payable under this ordinance paid to or collected by an animal control officer of the city under or pursuant to the provisions of this ordinance shall be paid over to the city clerk and by such clerk credited to the general operating fund.

SECTION TWENTY-TWO: Enforcement of Ordinance. It is made the duty of the animal control officer of the city to enforce the provisions of this ordinance, and the governing body of the city may appoint some suitable person as a collector of dogs and other animals, whose duties it shall be to assist in the enforcement of this ordinance and whose compensation shall be fixed by ordinance of the city.

SECTION TWENTY-THREE: Penalty. Any person convicted of the violation of any provision of this ordinance (excepting the provisions of Sections Four [4] and Fourteen [14]), declared an unlawful act or who fails or neglects any other duty required by this ordinance, shall, on conviction thereof, be fined 5.00 Dollars (\$ 50.00); each violation shall constitute a separate offense.

SECTION TWENTY-FOUR: Separability. If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The governing body hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

SECTION TWENTY-FIVE: Effective Date. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED this 14th day of February 2000.

Bill Hardesty
Mayor

ATTEST:

Jane Virgin
City Clerk

ORDINANCE NO. 70

AN ORDINANCE REGULATING THE POSSESSION OF DANGEROUS DOGS WITHIN THE CITY LIMITS OF LINN VALLEY, KANSAS.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF LINN VALLEY, KANSAS:

SECTION 1. DEFINITIONS

A. **Animal Control Authority** shall mean a local government entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county and state and the shelter and welfare of animals.

B. **Animal Control Officer** shall mean any individual employed, contracted with or, appointed by the animal control authority for the purpose of aiding the enforcement of any law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

C. **Dangerous Dog** shall mean any dog that:

1. Has inflicted severe injury on a human being without provocation on public or private property; or
2. Has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks or endangers the safety of humans.

D. **Owner** shall mean any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

E. **Potentially Dangerous Dog** shall mean any dog that when unprovoked inflicts bites on a human either on public or private property.

F. **Proper Enclosure of a Dangerous Dog** means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

G. **Severe Injury** shall mean any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

SECTION 2. CERTIFICATE OF REGISTRATION FOR CERTAIN DOGS REQUIRED--EXEMPTIONS--FEE

A. **Certificate of Registration for Certain Dogs Required.** It is unlawful for an owner to have a dangerous dog without a certificate of registration issued according to this chapter. This chapter shall not apply to dogs used by law enforcement officials for police work.

B. **Exemptions.** The Chief of Police shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

2. A policy of liability insurance, such as homeowner's insurance, or surety bond used by an insurer qualified under Kansas Statutes in the amount of not less than Fifty Thousand Dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.
- C. Fee. A fee of Ten Dollars (\$10.00) shall be remitted to the Director of Finance for the certificate of registration.

SECTION 3. MUZZLE AND RESTRAINT OF CERTAIN DOGS

It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

SECTION 4. DOGS NOT TO BE DECLARED DANGEROUS

Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

SECTION 5. CONFISCATION OF A DANGEROUS DOG

Any dangerous dog shall be immediately confiscated by the Chief of Police if:

- A. The dog is not validly registered according to this chapter;
- B. The owner does not secure the liability insurance coverage or surety bond required by this chapter;
- C. The dog is not maintained in the proper enclosure; and
- D. The dog is outside of the dwelling of the owner or outside the proper enclosure and not under physical restraint of the responsible person.

Any dangerous dog confiscated pursuant to this section and not reclaimed by its owner under the requirements of this chapter within thirty (30) days from the date of notice of confiscation shall be deemed abandoned and, at the discretion of the Chief of Police, euthanized pursuant to procedures provided in City Ordinances.

SECTION 6. FINES

Any fine imposed as a result of a violation of this chapter, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an attack by the dog. However, insurance payments may not be considered as an offset.

SECTION 7. PURPOSE

It is the purpose of this chapter to provide additional and cumulative remedies to control dangerous and potentially dangerous dogs. Nothing in this chapter shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.

SECTION 8. PENALTY

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and upon conviction shall be punished by imprisonment for a period of not exceeding six (6) months or by a fine of

not more than ONE THOUSAND DOLLARS (\$1,000.00), excluding costs, fees and assessments, or both such fine and imprisonment.

Section 3. This ordinance shall become effective upon its passage and publication in the official newspaper of Linn Valley, Kansas.

ORDAINED AND APPROVED THIS 12th DAY OF April, 2004.

Ralph L. Feltz
MAYOR

ATTEST:
Janice Vico
CITY CLERK

LINN VALLEY LAKES

LINN COUNTY, KANSAS



- 1 - Security Gate/Entrance
- 2 - Bath House #1
Swimming Pool
POA Office/
Comm Center
- 3 - Old Fire Station
Miniature Golf
Mailboxes
ATM
Compactor
Tennis Court
- 4 - Campground A
Rental Units
Bath House #5
- 5 - Deer Trace Golf Course
Restaurant
Restrooms
- 6 - Water Fill Station
Main Fire Station
- 7 - Clubhouse
Swimming Pool
Swin Beach
Sand Volleyball
Basketball
Shower/Restrooms
Playground
- 8 - Boat Dock Launch
- 9 - Bath House #2
- 10 - Linn Valley
Community Church