

ORDINANCE 766

Amendment

An Ordinance pertaining to the regulation, control and licensing of dogs within the City of Sedan, Kansas; requiring vaccination; registration of dogs; providing responsibilities of dog owners; providing classifications of crimes and establishing fines and penalties for violation thereof, and revoking all City Ordinances and parts of ordinances in conflict herewith:

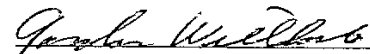
BE IT ORDAINED BY THE CITY OF SEDAN, KANSAS, AS FOLLOWS:

Sections VII and XVI shall be amended as follows:


SECTION VII: Vicious Dogs. It shall be unlawful for any person to keep or harbor any vicious dog within city jurisdictions. Upon the complaint of any person filed with the Sedan Police Department, the dog in question shall be seized and impounded by Sedan Police Department Officers and/or Animal Control Officer. The dog shall be held until the next scheduled Sedan Municipal Court date, at which time a hearing shall be held before the Sedan City Municipal Judge, unless the owner of the dog waives the hearing at which time the dog will be destroyed, and the owner will not be held liable for pound fees. If, at the hearing, the Municipal Judge finds that the dog is vicious, he shall order the dog to be destroyed, and the dog's owner shall be responsible for pound fees. If the dog is not determined to be vicious, it shall be released to the owner who shall not be held responsible for the pound fees.

SECTION XVI: Penalties. The violation of any provision contained in this article is a class C misdemeanor punishable by a sentence in County jail which shall be fixed by the court and shall not exceed one (1) month and/or a fine of not less than \$20.00 nor more than \$500.00.

PASSED BY THE MAYOR AND APPROVED BY THE CITY COUNCIL THIS 4TH DAY OF FEBRUARY, 2002.


Gordon Willhite, Mayor

ATTEST:


Sherry Miller, City Clerk

CITY ORDINANCE NO. 766

An Ordinance pertaining to the regulation, control and licensing of dogs within the City of Sedan, Kansas; requiring vaccination; registration of dogs; providing responsibilities of dog owners; providing classifications of crimes and establishing fines and penalties for violation thereof, and revoking all City Ordinances and parts of ordinances in conflict herewith:

BE IT ORDAINED BY THE CITY OF SEDAN, KANSAS, AS FOLLOWS:

SECTION I: Definitions. For the purpose of this article, the following definitions shall prevail:

DOG: Shall mean all members of the canis familiaris, male or female, six (6) months of age or older.

PUP: Shall mean all members of the canis familiaris, male or female, less than six (6) months of age.

INOCULATION, VACCINATION OR VACCINATION FOR RABIES: Shall mean the injection, by a licensed veterinarian, or his/her authorized agent, or an approved agent of the City of Sedan, of a specified dose of approved rabies vaccine into the body of a dog, or by proof of inoculation by owner.

OWN: Shall be deemed to mean and include own, keep, harbor, or to have control, charge or custody of a dog or pup.

OWNER: Any person, group of persons or corporation owning, harboring, sheltering, keeping, controlling, manages, possesses, or has part interest in any dog, pup, or kennel. If a minor owns a dog subject to the provisions of this article, the head of the household of which such minor is a member, shall be deemed the owner of such dog for the purpose of this ordinance and under this ordinance shall be responsible as the owner. If not a member of a household, such minor himself shall be directly subject to the provisions of this article.

HOUSEHOLD: Those persons living in the same dwelling unit.

AT LARGE: Any dog shall be deemed to be at large when it is off the premises of its owner's property and not restrained by a competent person.

SPAYED OR NEUTERED DOG: A male or female dog that has been surgically rendered incapable of reproducing by a licensed veterinarian.

RESTRAINT: A dog is under restraint if it is under the immediate and effective control of a responsible person.

COMPETENT PERSON: A human being that is capable of controlling the dog in question and to whose command the dog is obedient.

VICIOUS DOG: Shall mean any dog which is fierce, dangerous, mean or uncontrollable; or one that has previously attacked or bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal.

HUMANE OFFICER: An agent designated by the Chief of Police or City Council to enforce this article.

KENNEL: The breeding, care and maintenance of dogs for sale or resale.

SECTION II: Enforcement. The provisions of this article shall be enforced by the department of police and by the Humane Officer(s).

SECTION III: Licensing.

(a). No person shall own, keep or harbor any dog within the City Limits, including dogs in kennels, unless such dog is licensed as herein provided. Registration for a license shall be made to the City Clerk and shall include the name, address and telephone number (if any) of the owner and the name, breed, color and markings, sex, and approximate weight of the dog. Upon registering, the owner must submit a vaccination certificate showing that the dog being licensed has a current vaccination against rabies.

(b). The yearly license fee shall be \$10.00 for all unspayed or un-neutered dogs, and \$5.00 for all spayed and neutered dogs, except for dogs in kennels.

(c). There shall be a yearly license fee for all kennels of \$35.00, and the owner of the kennel shall not be required to obtain individual dog licenses for each dog in the kennel. The owner shall provide evidence on each dog of a current vaccination against rabies, records of purchase and sale of all dogs, and veterinarian records for each dog.

(d). All dog licenses shall be issued for one year beginning with the first day of April. The owner may apply for the license during April without penalty for the delay but when an application which should have been made by April 30 is not made until May 1 the license fee shall be increased by \$2.00.

(e). If ownership of a dog is transferred, the new owner may have the current license transferred to his name upon payment of a fee of \$1.00. No person shall use for any dog a tag issued for a different dog. If a license is lost or destroyed, a duplicate or replacement may be obtained for a fee of \$1.00.

(f). The owner shall keep on the dog at all times a collar or harness, and the tag issued by the City Clerk affixed to it in such a manner that it can be easily seen.

(g). Visiting Dogs. The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the City for less than 30 days. However, such dogs shall be kept under restraint by the owner thereof at all times. After 30 days residence the owner shall be required to register the dog as provided in this article.

SECTION IV: Running at Large-Prohibited. It shall be unlawful for the owner of any dog to permit such dog to run at large within the City limits, on City property, and/or any other entity under the jurisdiction of the City of Sedan. Any dog shall be deemed to be running at large when found off the premises of the owner and not under restraint. It shall be lawful for any Law Enforcement Officer or other person duly appointed by the City Council to pursue and capture such dog running at large, and further, any Law Enforcement Officer is authorized to issue a citation for the violation of this Section without apprehending any dog running at large when such Law Enforcement Officer knows of his own knowledge that said dog is owned by the person so cited; a violation of this Section shall be subject to the penalties contained in Section XVI. In the alternative that a Law Enforcement Officer does not witness the offense reported by the complaining party, the complaining party may file a complaint with the City Attorney. Upon receiving

such signed complaint, a notice to appear shall be served upon such identified owner in accordance with K.S.A. 12-4207.

SECTION V: Trapping of Animals.

(a). When deemed necessary by Law Enforcement Officers or the Animal Control Officer for the health, safety and welfare of the residents of the City, such officers and/or their agents may place a humane trap on the property if the resident requests such a trap for the purpose of capturing any animal creating a nuisance in the City.

(b). Animal Control Officers are authorized to use any tranquilizer guns, humane traps, and as a last resort, firearms, or other suitable devices to subdue or destroy any animal that is deemed by the Animal Control Officer, in his or her discretion, to be of a danger to itself or to the public health and safety.

(c). It shall be unlawful for any person to set or cause to be set within the City, any steel-jaw leg hold trap, snare, or any trap other than a humane trap, for the purpose of capturing any animal, whether wild or domestic. Any use of a humane trap in the City for the purpose of capturing domestic animals must have prior authorization by the Police Chief or the Animal Control Officer.

(d). It shall be unlawful for any individual to make any unauthorized removal of any animal from a City trap or City impoundment facility.

SECTION VI: Impoundment, Citations & Disposal.

(a). Any dog found running at large within the City as defined in Section IV may be captured or taken up by any Law Enforcement Officer or the Animal Control Officer and impounded in a place provided for that purpose by the City, and a record of all dogs impounded with their description containing the following information: color, sex, weight, height, identifying marks, registration number or rabies vaccination number and date of impoundment shall be kept. If the dog wears a license tag or if the owner can by any other reasonable means be identified and located, the owner shall, within 12 hours be notified that the dog has been impounded.

(b). Any impounded dog shall be kept for three (3) business days after impoundment, and after such time dog has not been claimed by owner, dog may be put up for adoption, or euthanized by a method approved by the Humane Society of the United States.

(c). Upon owner redeeming dog from impoundment, owner must pay an impoundment fee at City Hall in the amount of \$15.00. Owner shall present to veterinarian the paid receipt and proof of rabies inoculation before the dog will be turned over to him/her. If owner does not have a current license tag, owner must purchase the tag at City Hall within ten (10) days of redemption of dog, or owner will be issued a citation and the dog will be subject to reimposition.

(d). Any person adopting an impounded dog that is to reside within City jurisdiction must purchase a city tag for the dog and have it inoculated for rabies. The owner must also show evidence of ability and intention to provide the dog with an appropriate home and humane care.

(e). At the discretion of the Law Enforcement Officer or Animal Control Officer, if the owner of the dog can be determined, such animal may, but need not be seized and impounded. Upon finding that a dog owner is in violation of any of the provisions of this article the officer may issue a notice to the owner that the dog owner is in violation of this article and the officer shall specify within said notice what the dog owner must do to bring him or herself and their dog into compliance with this article. Such notice will impose upon the dog owner a fine of \$5.00 and shall be paid to the City in person or by mail within five (5) days from the time the notice was served. Also, the dog owner will, within this five day period, take whatever action is necessary (such as licensing or vaccination), to bring the owner and their pet into compliance with this article. Failure to make such payment and to remedy violations noted in the notice, shall render such owner subject to the penalties provided for violation of the provisions of this article.

SECTION VII: Vicious Dogs. It shall be unlawful for any person to keep or harbor any vicious dog within city jurisdiction.

SECTION VIII: Protection of City, State and Other Public Utility Employees. It shall be unlawful for the owner of any dog to harbor such dog in a manner that is dangerous to any City, State, Federal, or public utility employee. It shall be the duty of such owner to tie or otherwise contain any and all dogs away from all utility meters so that said meters may be read without endangering the safety of any public utility employee. Any owner who violates this Section shall be subject to penalties as provided in Section XVI.

SECTION IX: Dog Bite Procedure. When any dog has bitten or attacked any person causing a flesh wound, or when any dog is suspected of having rabies, it shall be the duty of the person having knowledge of such facts to report the same to the City Police or Humane Officer. Such report may be made at the City/County Dispatch Office. Such animal shall not be killed but shall be confined in such way and for such period of time as the City Humane Officer shall direct. No person shall release from confinement of any such animal or remove the animal from its place of confinement to another place without the consent of the attending veterinarian. The confinement of the animal shall be empowered in his discretion to order impoundment or examination of the animal, or both, to determine whether it may have rabies. No person shall refuse to surrender any animal for quarantine when demand is made by order of the Humane Officer. If the animal dies or is killed, a laboratory examination of the head shall be made. All expenses incurred during the period of confinement shall be borne by the owner. If any dog so impounded is not claimed by the owner within ten (10) days, such dog shall be disposed of according to the provisions of Section VI-B.

SECTION X: Female Dogs; Confinement. A female dog shall be kept securely confined in an enclosed place while in heat as to prevent public nuisance. Any such female dog found running at large shall be impounded as otherwise described in this ordinance.

SECTION XI: Care of Dogs. The owner of a dog shall provide it with humane shelter from heat, cold, rain, wind, and snow and give it food and water adequate to keep the animal in good health and comfort. Dog houses and kennels must be soundly constructed, dry, and provided in cold weather with clean bedding. All dogs must be given the opportunity for vigorous daily exercise and must be provided by their owners with veterinary care when needed to prevent suffering. It shall be unlawful for any person to neglect, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly kill a dog or pup, or cause or procure a dog or pup to be deprived of necessary sustenance,

cruelly beaten, or mutilated or cruelly killed.

SECTION XII: Vehicular Accidents Involving Animals. If any person as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal; or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the City/County Dispatcher.

SECTION XIII: Destruction of Property. If any dog(s) or pup(s) shall destroy, damage, or injure any tree, plant, shrubbery, grass, lawn, terrace, or anything whatsoever in any public place, grounds, or parks, or upon the private premises of another or if the owner of any dog shall allow or permit said dog to be a nuisance or annoyance to another in the ownership or occupancy of his private premises, the same shall be taken and regarded to be prima facie evidence of a trespass by the owner of said dog.

SECTION XIV: Impoundment Location; Breaking Pound. Any Law Enforcement Officer or Animal Control Officer shall be empowered to place animals taken up pursuant to this article in the care and custody of a commercial veterinarian or animal shelter for feeding and shelter where impounding and confinement is required by this article. The costs for said feeding and shelter shall be paid by the City to the impoundment facility in the case of an unclaimed animal.

It shall be unlawful for any person not duly authorized to do so to break open or attempt to break open any enclosure in which dogs are confined or held pursuant to the provisions of this article, or to take or let out any dog placed therein by an officer of this City or take or attempt to take from an officer of this City any dog taken by him in the enforcement of this article.

SECTION XV: Right of Entry. It shall be unlawful for any person to conceal an animal or interfere with any Law Enforcement Officer or Animal Control Officer in the performance of their legal duties as provided in this ordinance. Such officers shall have the right of entry onto any unenclosed lots or lands for the purpose of collecting any dog which is on such lot or land in violation of this ordinance and whose presence on such lot or land constitutes a violation of any of the provisions hereof, or whose presence or existence is a violation of the provisions of this ordinance. Any such officer shall have the right of entry to any property or premises within any quarantined area during the period of such quarantine for the purpose of examining or obtaining any dog or other animal suspected of having rabies, having been exposed to rabies or having bitten a person or other animal.

SECTION XVI: Penalties. The violation of any provision contained in this article is a class C misdemeanor punishable by a sentence for which shall be a definite term of confinement in the City/County jail which shall be fixed by the court and shall not exceed one (1) month and/or a fine in the sum of not less than \$10.00 nor more than \$500.00.

SECTION XVII: Savings Clause; Severability. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed. If any part or parts of this ordinance shall be held to be invalid by any court, such invalidity shall not effect the validity of the remaining parts of this ordinance.

PASSED BY THE COUNCIL AND SIGNED BY THE MAYOR THIS _____
day of March, 1988



Margo Boulanger, Mayor

ATTEST:



Maxine Todd, City Clerk