

ORDINANCE NO. 568

AN ORDINANCE AMENDING ARTICLE 2 PROVIDING FOR CHANGES IN DOG AND CAT CITY POLICIES.

Be it ordained by the Governing Body of the City of Argonia, Kansas:

ARTICLE 2: DOGS AND CATS

"ARTICLE 2: Section 2-201 THRU 2-210 of the Code of the City of Argonia is hereby amended to read as follows:

- 2-201 REGISTRATION AND VACCINATION REQUIRED; FEE. (a) Every owner of any dog or cat over three months of age shall annually register with the city clerk his or her name and address with the name, sex and description of each dog and cat owned and kept within the city. It shall be unlawful for the owner of any newly acquired dog or cat or any dog or cat brought into the city to fail to register such animal within 10 days from acquisition or bringing the animal into the city. It shall be unlawful for the owner of any previously registered dog or cat to fail to maintain current registration of such animal.
- (b) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog or cat over six months of age to fail to maintain effective rabies immunization of such animal.
- (c) The owner or harborer of any dog or cat shall, at the time of registering such animal, present to the city clerk a certificate from an accredited veterinarian showing that a male dog or cat has been neutered or a female dog or cat has been spayed, if the dog or cat has been neutered or spayed.
- (d) The city clerk shall collect an annual registration fee of \$2 for each male dog or cat and for each spayed female dog or cat, and \$4 for each unspayed female dog or cat.
- (e) The registration year shall be from May 1st through April 30th of each year. There will be a 30 day grace period for new residents.
- Every owner or harborer of dogs or cats who shall fail to register the same prior to the 10th day of May of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$50.
(Ord. 500; Code 2016)
- 2-202. TAGS. It shall be the duty of the city clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep a record of the registration of dogs and cats, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or keeper of the animal a certificate in writing, stating that the person has registered the animal and the number by which the animal is registered, and shall also deliver to the owner or keeper of the animal a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the animal so registered. When any tag has become lost during a registration period, the owner of the animal may request a duplicate tag for the remainder of the registration period. When so requested, the city clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of \$1 fee. It shall be unlawful for any person to take off or remove the city registration tag from any animal belonging to another, or remove the strap or collar on which the same is fastened. (Ord. 500; Code 2016)
- 2-203. SAME; COUNTERFEIT TAG. It shall be unlawful for any person to place on any dog or cat a tag issued for any other dog or cat or to make or use any false, forged or counterfeited tag or imitation thereof.
(Code 2016)

- 2-204. EVIDENCE OF VACCINATION. It shall be unlawful for the owner of any dog or cat kept within the city to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such animal within two years, when requested by the animal control officer or any law enforcement officer. (Ord. 500; Code 2016)
- 2-205. VISITING DOGS AND CATS. The provisions of this article with respect to registration shall not apply to any dog or cat owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs or cats shall be kept under restraint by the owner thereof at all times. (Code 2016)
- 2-206. RUNNING AT LARGE; FINE. (a) It shall be unlawful for the owner or harborer of any dog or cat to permit such animal to run at large within the city at any time;
- (b) Any dog or cat running at large within the city shall be impounded as set out in section 2-207;
- (c) The owner of any dog or cat impounded for running at large without the tag required by section 2-202 shall, for the first offense, pay a fine of \$25 plus the board bill;
- (d) For the first offense of an animal running at large with a tag as required by section 2-202, the owner or harborer claiming any animal, shall, in addition to presenting a registration receipt, pay the vet boarding bill. For a second offense within a one year period, the owner or harborer shall pay a fine of \$25 plus the board bill. For a third and all subsequent offenses within a one year period, the owner or harborer shall pay a fine of \$100 plus the cost of the board bill.
(Ord. 500; Code 2016)
- 2-207. IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.
- (a) Any dog or cat found in violation of the provisions of this article shall be subject to impoundment by the city.
- (b) A record of all dogs or cats impounded shall be kept by the city containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment.
- (c) No dog or cat impounded under this section shall be disposed of until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, the city shall attempt to notify the owner or custodian of any animal impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog or cat may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such animal was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the animal is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the animal, then the animal may be sold, euthanized or otherwise disposed of.
- (d) If at any time before the sale or destruction of any dog or cat impounded under the provisions of this article, the owner of an impounded animal does appear and redeem the animal, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, and shall not apply to any animal alleged as being vicious under section 2-115 or suspected of rabies under section 2-119 of this code.
- (e) The minimum impoundment fee shall be \$50.
- (f) Any dog or cat impounded may not be released without a current rabies vaccination.
- (g) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.
- (h) The redemption of any dog or cat impounded for a violation of any provision of this chapter shall be prima facie evidence of the violation of such provision by the person redeeming the animal.
(Code 2016)
- 2-208. DISPOSITION OF UNCLAIMED DOGS AND CATS. (a) If any dog or cat is not redeemed by its owner or harborer within the time allowed for redemption as specified in section 2-207 thereof, the animal control officer, any authorized law enforcement officer, any authorized veterinarian or any duly

authorized pound personnel may destroy such animal or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year.

(b) No dog or cat may be transferred to the permanent custody of a prospective owner unless:

(1) Such dog or cat has been surgically spayed or neutered before the physical transfer of the animal occurs; or

(2) The prospective owner signs an agreement to have the dog or cat spayed or neutered and deposits with the city not less than the lowest nor more than the highest cost of spaying or neutering in the community as determined by the city. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the animal has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the animal, the city shall keep the deposit and may reclaim the unspayed or unneutered animal.

(c) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by the city and which may be claimed by its rightful owner within the holding period established in section 2-207. (Code 2016)

2-209. CONFINEMENT OF DOGS AND CATS IN HEAT. Any unspayed female dog or cat in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other animal may gain voluntary access to the confined animal except for purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisances, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals removed to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement. (Code 2016)

2-210. MUZZLING. Whenever the mayor shall deem it necessary for the protection and welfare of the inhabitants of the city, he or she shall issue an order requiring all dogs kept within the city to be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall be published in the official newspaper of the city for such period of time as the mayor may deem necessary. (Code 2016)

This ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Argonia Kansas.

Adopted and approved by the Governing Body this 7th day of August, 2017.

[SEAL]

Alan Brundage
Mayor, Alan Brundage

ATTEST:

Mindy Mages
Mindy Mages, City Clerk