

**ORDINANCE NO. 358**

**AN ORDINANCE RELATING TO AND PROVIDING FOR THE REGULATION, CARE OF AND CONTROL OF DOGS AND CATS; PROVIDING FOR THE TAXING OF THE OWNERS AND HARBORERS OF DOGS AND CATS; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING ORDINANCE NO. 348.**

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

**SECTION 1. DOGS AT LARGE PROHIBITED: FEES AND FINES.** All dog owners and keepers are required to securely restrain their dogs on their premises, in their vehicles or on a leash when not on their premises. Owners and keepers shall not permit dogs to run at large. Dogs found, by any duly appointed official of the City of Haviland, to be at large may be impounded or a notice may be issued to the owner or keeper that the dog is in violation of this Ordinance or both. The first notice to owner or keeper shall require he or she pay a fee, to be set by the Governing Body of the City of Haviland, Kansas, in an amount not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00).

**SECTION 2. LICENSE REQUIRED AND FEES.** It shall be unlawful for any person to own or keep any dog or cat over six (6) months of age within the corporate limits of the City of Haviland without registering such dog or cat and paying a yearly license fee thereon. Dogs or cats, which are to be kept within the City limits for less than thirty (30) days, are excluded from the license requirements. Owners or keepers shall be required to register and pay the license fee for their dogs or cats within thirty (30) days after the dogs or cats have reached the age of six (6) months. Upon registration and payment of the license fee, a tag will be issued. The owner or keeper must affix the tag to the registered dog or cat. Before a dog or cat tag will be awarded, a certificate must be procured from a licensed veterinarian, which will attest to the fact that the dog or cat has been vaccinated and inoculated with a recognized anti-rabies vaccine. The certificate must include notification of any limits of said vaccination. It shall be unlawful to take off or remove said tag. The tag shall be non-transferable.

Dogs and cats must be re-registered by April 30 of each new year. The annual license fees are as follows:

- a) One dollar (\$1.00) for each neutered male or spayed female dog or cat; providing that the person registering and paying the license fee for a neutered or spayed dog or cat present a certificate from a licensed veterinarian to the City Clerk showing that such dog or cat has been spayed.
- b) Three dollars (\$3.00) for each non-neutered or unspayed dog or cat.
- c) The owners of "seeing eye dogs" shall not be subject to the license fee but registration is still necessary.
- d) Lost tags: When sufficient evidence is supplied to the City Clerk that the tag has been lost, the Clerk will issue a duplicate tag upon payment of fifty cents (50¢).

**SECTION 3. IMPOUNDING.** A duly appointed City official may capture, take up and impound dogs or cats found at large in the City or without tags. The City official shall attempt to notify the owner or keeper of any animal impounded, if such owner or keeper is known or reasonably ascertainable. Notices will be posted in public places. There will be a minimum holding period of three full business days before the animal will be removed unless requiring veterinarian care. If the animal is not released to the owner within three working days, the animal may be taken to and disposed of by a humane society in accordance with the humane society's practice, or taken to the veterinarian center working with the City (unless the vet authorizes the animal to be euthanized by the Animal Control Officer). The animal may be released to the owner or keeper when all fines have been paid in full, the animal has been registered with the City (if it has not been registered) and written proof given to the City that the animal has had their rabies vaccination plus the following:

- a) payment of a twenty-five dollar (\$25.00) impounding fee for each animal per day,
- b) payment of a fifty dollar (\$50.00) one time charge per occurrence for each dog
- c) payment of a twenty-dollar (\$20.00) one-time charge per occurrence for each cat.

**SECTION 4. ABANDONMENT OF DOG OR CAT.** It shall be unlawful for any person to abandon a dog or cat within the City limits.

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**SECTION 5. KENNEL REGULATIONS.** Dog or cat kennels will not be allowed in the corporate City limits of Haviland.

**SECTION 6. VICIOUS DOGS.** It shall be unlawful for any person within the City to keep or own any vicious dog, unless the dog cannot reach any person, or shall keep the dog in an enclosure securely fenced so that the dog cannot escape therefrom; provided, that if any vicious dog is not fastened, tied or fenced, the duly appointed City official may impound said dog, as provided in Section 3.

**SECTION 7. NOISY DOGS.** The keeping of any dog, which by loud, frequent and habitual barking, howling or yelping disturbs the peace, is hereby prohibited. It shall be the duty of any person keeping such loud dog or dogs to abate such, and if he or she fails to do so, the duly appointed City official is hereby authorized to abate such by taking up, impounding and disposing of the dog in the same manner as provided in Section 3 of this Ordinance.

**SECTION 8. DOG OR CAT BITES: QUARANTINE.** Whenever any dog or cat has bitten a person, the owner or keeper of such dog or cat shall immediately notify the City Code Enforcement Officer. The Code Enforcement Officer may order the dog or cat quarantined on the owner or keeper's premises or impounded at the owner or keeper's expense for a period of ten (10) days and until such time as the Code Enforcement Officer finds that such dog or cat shows no evidence of having rabies. If it is determined that such dog or cat is suffering from rabies, it shall be forthwith destroyed; otherwise, it shall be released from quarantine upon payment of impounding charges, if impounded, as provided in Section 3 of this ordinance.

**SECTION 9. MUZZLING DOGS OR CATS; MAYOR'S PROCLAMATION.** The Mayor is hereby authorized, whenever in his or her opinion the danger to the public safety from rabid dogs or cats, or dogs or cats with hydrophobia, is made imminent, to issue a proclamation ordering all persons owning and/or keeping any dog or cat to muzzle the same with a good and sufficient wire muzzle, completely enclosing the head of said dog or cat or confine the same in a good and sufficient enclosure from which said dog or cat cannot escape, or fasten such dog or cat by means of chains on the premises where the owner and/or keeper may reside. Upon the owner or keeper's failure to so muzzle, the dog may be impounded and disposed of pursuant to Section 3 of this ordinance.

**SECTION 10. VIOLATOR.** In the event the owner or keeper is charged in the Haviland Municipal Court with a violation of any provisions of this Ordinance for which a fee is not specified or charged with willful failure to pay a fee imposed by this Ordinance, the violator shall be subject to a fine not to exceed one hundred dollars (\$100.00), any other fees and court costs.

**SECTION 11.** when deemed necessary by the Code Enforcement Officer or the Animal Control Officer for the health, safety and welfare of the residents of the City of Haviland, such officers may:

- a) place a humane trap on public or a requesting resident's property for this purpose of capturing any animal defined in the Ordinance as creating a nuisance to the City,
- b) use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture 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's health and safety,
- c) have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this Ordinance.

It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties including the tampering with or moving City traps.

**SECTION 12. REPEAL OF CONFLICTING ORDINANCES.** Ordinance No. 348 is hereby repealed.

**SECTION 13. EFFECTIVE DATE.** This Ordinance shall take effect and be in force, from and after its publication in the official City newspaper, The Kiowa County Signal.

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Passed by the council the 7<sup>th</sup> day of October 2013 and approved by the mayor.

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Robert Ellis, Mayor

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Attest: Shari McAfee, City Clerk

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