

## **ORDINANCE NO. 1040**

### **Repealing and replacing a section of City Code of Ordinances, Chapter 2, Article 2 (Prior ordinance No. 975)**

Therefore, be it ordained by the Governing Body of the City of Smith Center, Kansas, in regular session assembled:

Section 1. That Code of Ordinance No. § 2-201- 207 (Ord. 975), be repealed and preplaced, respectively, to read as follows;

#### **DOGS**

##### **Article 2. REGISTRATION AND VACCINATION REQUIRED; FEE.**

- (a) Every owner of any dog over six 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 owned and kept within the city. It shall be unlawful for the owner of any newly acquired dog or any dog brought into the city to fail to register such animal within 30 days from acquisition or bringing the dog into the city. It shall be unlawful for the owner of any previously registered dog to fail to maintain current registration of such dog.
- (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 over six months of age to fail to maintain effective rabies immunization of such dog.
- (c) The owner or harborer of any dog shall, at the time of registering such dog, present to the city clerk a certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed.
- (d) The city clerk shall collect a lifetime registration fee of \$10.00 for each neutered male dog and for each spayed female dog, and \$20.00 for each unneutered male dog and for each unspayed female dog. A lifetime tag shall be issued for each registered dog.
- (e) The owner shall be responsible for providing the city with current rabies immunization of such dog at the time of registration and subsequent thereto as long as the dog or cat remains and is kept within the city.

Section 2. **DOG 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 in a book suitable for the registration of dogs, 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 dog a certificate in writing, stating that the person has registered the dog and the number by which the dog

is registered, and shall also deliver to the owner or keeper of the dog 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 dog so registered. When any tag has become lost during a registration period, the owner of the dog 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 a \$5.00 fee. It shall be unlawful for any person to take off or remove the city registration tag from any dog belonging to another, or remove the strap or collar on which the same is fastened.

Section 3. SAME; COUNTERFEIT TAG. It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make or use any false, forged or counterfeited tag or imitation thereof.

Section 4. EVIDENCE OF VACCINATION. It shall be unlawful for the owner of any dog 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 dog within two years, when requested by the animal control officer or any law enforcement officer.

Section 5. 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.

Section 6. RUNNING AT LARGE; FINE.

(a) It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the city at any time;

(b) Any dog running at large within the city shall be returned to its owner or impounded as set out in Section 2-207;

(c) The owner of any dog impounded for running at large without the tag required by Section 2 shall, for the first offense, pay a fine of \$75.00 and Court Costs, plus the board bill (if any);

(d) For the first offense of an animal running at large with a tag as required by Section 2, the owner or harbinger claiming any animal, shall, in addition to presenting a registration receipt, pay the cost of the board bill (if any).

(e) For a second offense within a one year period, the owner or harbinger shall pay a fine of \$150.00 and Court Costs plus the board bill. For a third and all subsequent offenses within a one year period, the owner or harbinger shall pay a fine of \$300.00 and Court Costs plus the cost of the board bill (if any).

Section 7. IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.

- (a) Any dog found in violation of the provisions of this article shall be subject to impoundment by the city.
- (b) A record of all dogs 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 impounded 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 dog 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 dog impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog 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 dog was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized or otherwise disposed of.
- (d) If at any time before the sale or destruction of any dog impounded under the provisions of this article, the owner of an impounded dog does appear and redeem the dog, 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 dog alleged as being vicious under Section 2-115 or suspected of rabies under Section 2-119.
- (e) 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.
- (f) The redemption of any dog impounded for a violation of any provision shall be prima facie evidence of the violation of such provision by the person redeeming the dog.

Section 8. DISPOSITION OF UNCLAIMED DOGS

- (a) If any dog is not redeemed by its owner or harbinger within the time allowed for redemption as specified in section 2-207 thereof, the animal control officer, any authorized law enforcement office, any authorized veterinarian or any duly authorized pound personnel may destroy such dog or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year.
- (b) No dog may be transferred to the permanent custody of a prospective owner unless:
  - (1) Such dog has been surgically spayed or neutered before the physical transfer of the dog occurs; or

(2) the prospective owner signs an agreement to have the dog 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 dog has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the dog the city shall keep the deposit and may reclaim the unspayed or unneutered dog.

(c) Nothing in this section shall be construed to require sterilization of a dog 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.

Section 9. CONFINEMENT OF DOGS IN HEAT. Any unspayed female dog 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 dog or dogs 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.

Section 10. 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.

December 12, 2022