

ORDINANCE NO. 449

AN ORDINANCE AMENDING ARTICLE 1 GENERAL PROVISIONS; ARTICLE 2 DOGS AND CATS AND ARTICLE 3 OTHER ANIMALS, OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

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

ARTICLE 1, Section 2-108 paragraph H is added to read as follows:

Unwanted animals may be given to the animal control officer to be taken to the humane society at the owner's expense. The owner will be charged a fee of \$25.00 per animal(s), to be paid before the animal(s) will be picked up, and a time will be arranged for the animal control officer to collect the animal

ARTICLE 1, Section 2-111 section b, the words *other domestic* is deleted.

ARTICLE 1, Section 2-113 section e is to read as follows:

Fences shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent animals from breaking out or causing hazard to persons or property. Barbed wire and electrically charged fences shall not be permitted for animal confines

ARTICLE 1, Section 2-117 section a, is to read as follows:

(a) Any law enforcement officer or local health officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not less than 10 days and not more than 30 days during which time the local health officer shall determine whether or not such animal is suffering from a disease and, if not, the local health officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection *this animal will follow the guidelines of a vicious animal and periodically will be checked on by the animal control officer.*

ARTICLE 1, Section 2-122 shall read as follows:

KENNEL LICENSES. (a) In the event that an owner has five or more animals, the owner shall be required to obtain a kennel license as provided herein.

(b) Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by the animal control officer certifying approval of the kennel and compliance with the applicable laws of the city and the State of Kansas, and a

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certificate by the zoning code enforcement officer has been issued certifying that the applicant for the kennel license is not violating zoning laws of the city. If the police or city clerk has not received any protest against the kennel, the police or city clerk may issue a renewal of an existing kennel license at the same location without any report from the animal control officer and zoning code enforcement officer. If the animal control officer or the zoning code enforcement officer finds that the holder of any kennel license is violating any zoning law, or any other law of the State of Kansas, or of the city, or is maintaining the facility in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the police or city clerk, and the license shall not be renewed except after a public hearing before the governing body.

(c) The animal control officer, the zoning enforcement officer, or any law enforcement officer shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall constitute consent to such entry and inspection.

(d) The governing body may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

(1) The kennel is maintained in violation of any applicable law of the State of Kansas, or of the city.

(2) The kennel is maintained so as to be a public nuisance.

(3) The kennel is maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee shall be \$250. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this chapter.

(f) The kennel is not allowed to house more than two animals per run, and not more than a total of 10 animals, ages 6 months and older, within the kennel.

(g) Any animal in violation of section of 2-112 shall be required to be housed indoors.

(h) This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital. (Ord. 15, Secs. 1,3:5; Code 1999)

ARTICLE 2, Section 2-201 shall read as follows:

REGISTRATION AND VACCINATION REQUIRED; FEE; REGISTRATION. (a) Every owner of any dog or cat over six months of age shall annually register with the police or city clerk his or her name, address and phone number with the name, sex, description and rabies tag number of each dog or 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 30 days from acquisition or bringing the dog or cat 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 dog or cat.

(b) Upon registration, the owner shall present a current, completed certificate of immunization against rabies showing the dog or cat has been inoculated or vaccinated within eleven months prior to the date of application. 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 dog or cat.

(c)

(d) The police or city clerk shall collect an annual registration fee of \$5 for each dog or cat.

(e) The registration year shall be from June 1st through May 31st of each year. The fee shall be payable before June 30th of each year without penalty. The amount shall be a \$5.00 penalty fee from June 30th of each year or within 30 days of acquisition.

(f) Limit on Dogs and Cats. The police or city clerk shall not register nor issue license on more than two cats and two dogs not to exceed four animals that are to be kept at the same address or on the same premises without the consent of the governing body. In such cases where an owner or keeper desires to keep more than two cats and two dogs at the same address or on the same premises, the governing body or an appointed agent shall first view the premises, and if it is determined by the governing body or an appointed agent that the keeping of more than two cats and two dogs not to exceed four animals would be a nuisance or detrimental to the general welfare of the area, then the governing body may refuse to register or issue the license.

Registration fees as enumerated above may be prorated for newly acquired dogs and cats or for dogs and cats owned by a person or persons moving to and establishing a home in the city during a calendar year. Every owner or harbinger of a dog or cat or dogs or cats who shall fail to register the same prior to the 30th day of June of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$ 5.00. (Ord. 185, Secs 2:3, 13; Code 1989; Ord. 321, Sec. 1; Code 1999)

ARTICLE 2, Section 2-202 shall read as follows:

DOG OR CATS TAGS. It shall be the duty of the police or 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 and dogs, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefore, and shall deliver to the owner or keeper of the dog or cat a certificate in writing, stating that the person has registered the dog or cat and the number by which the dog or cat is registered, and shall also deliver to the owner or keeper of the dog or cat 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 or cat so registered. When any tag has become lost during a registration period, the owner of the dog or cat may request a duplicate tag for the remainder of the registration period. When so requested, the police or city clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of \$5 fee. It shall be unlawful for any person to take off or remove the city registration tag from any dog or cat belonging to another, or remove the strap or collar on which the same is fastened. (Ord. 185, Sec. 4; Code 1999)

ARTICLE 2, Section 2-206 section c shall read as follows:

(c) Every person convicted of violating subsection (a), shall be deemed guilty of an infraction and shall pay the cost of the board bill and, upon first conviction pay a fine in the amount of \$25, upon second conviction pay a fine in the amount of \$50, and, upon a third or subsequent

conviction pay a fine of not less than \$75 nor more than \$500 along with the required court costs. (Code 1989; Ord. 274, Sec. 1; Code 1999)

ARTICLE 2, Section 207 shall read as follows:

IMPOUNDMENT, CITATIONS, DISPOSAL. (a) The intent of this article is to require dog or cat owners to comply with the law, not merely to operate an impoundment program. Police officers and animal control officers shall therefore place primary emphasis upon the apprehending and initiating prosecution of violators of this article. Citations under this article may be issued upon a uniform complaint and notice to appear form in conformity with K.S.A. 12-4205.

(b) Dogs and cats not licensed pursuant to this article, or found not under restraint or abandoned, may be seized and impounded by any police officer or animal control officer. Impoundment may be in any animal shelter designated by the city council.

(c) If the dog or cat 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 or cat has been impounded.

(d) If a dog or cat is not redeemed by the owner within four days after impoundment, the dog or cat may be disposed of in one of the following ways, but no other ways: (1) Euthanasia, using a method approved by the Humane Society of the United States; (2) Release for adoption by a new owner who shows evidence of ability and intention to provide the dog or cat with an appropriate home and humane care; provided, that no un-spayed female dog or cat shall be released for adoption unless a licensed veterinarian certifies in writing that he or she has been paid in full for spaying of the dog or cat and will perform the operation within 30 days or before the dog or cat's first oestral period.

(e) An owner redeeming a dog or cat from impoundment shall pay, before release, a boarding charge as charged to the city by the veterinarian for each 24 hours or fraction thereof that the dog or cat has been impounded, plus a license fee for a certificate of license.

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(g) At the discretion of the police or animal control officer, if the owner of the dog or cat can be determined, such animal may, but need not, be seized and impounded. Upon finding that dog or cat owner is in violation of any of the provisions of this article, the police or animal control officer may issue a notice to the owner that the dog or cat owner is in violation of this article and the officer shall specify within the notice what the dog or cat owner must do to bring himself or herself and their dog or cat into compliance with this article. Every person convicted of violating subsection (a) shall be deemed guilty of an infraction and shall pay the costs of the board bill and upon first conviction pay a fine in the amount of \$25, upon a second conviction pay a fine in the amount of \$50, and upon a third or subsequent conviction pay a fine of not less than \$75 nor more than \$500 along with the required court costs. (Ord. 185, Sec. 5; Code 1999)

All other provisions of the Article not amended herein shall remain the same and shall be in full force and effect from the date of the original adoption of said Article by the City of Basehor.

Passed by the Governing Body this 9th day of August 2004.

Approved by the Mayor this 9 day of August 2004.

Joseph Scherer, Mayor

Attest:

Mary Ann Mogle
Mary Ann Mogle, City Clerk

