ORDINANCE NO. 104

AN ORDINANCE RELATING TO ANIMALS AND FOWL, PROVIDING FOR THE LICENSING AND REGISTRATION OF DOGS, PROHIBITING DOGS FROM RUNNING AT LARGE AND FURTHER PROHIBITING SAID DOGS FROM DESTROYING THE PROPERTY OF OTHERS AND CONCERNING THE HARBORING AND KEEPING OF DOGS OR OTHER DOMESTIC ANIMALS AND CARELESSLY OR WILLFULLY ALLOWING THE SAME TO CREATE DISTURBANCES BY THE EMITTING OF LOUD AND/OR CONTINUAL VOCAL NOISES; REQUIRING THE VACCINATION OF ALL DOGS AND FURTHER PROVIDING FOR THE ENFORCEMENT OF SAID PROVISIONS AND SETTING THE PENALTIES FOR VIOLATION THEREOF.

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

SECTION I. DEFINITIONS. For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section. The word "shall" is always mandatory and not merely directive.

DOG. A dog of either sex if over the age of four months.

EXPOSED TO RABIES. An animal has been exposed to rabies if it has been bitten by any other animal known or reasonably suspected to be infected with rabies.

ANIMAL CONTROL OFFICERS. The chief of Police or any police officer of the City of Basehor, Kansas or any person designated as Animal Control Officer.

OWNER. Any person, partnership or corporation owning, keeping, or harboring an animal.

RESTRAINT. A dog is under restraint if it is on property of its owner, or is under the immediate and effective control of a responsible person.

SPAYED FEMALE DOG. A female dog certified by a licensed veterinarian to have been spayed.

SECTION II. LICENSE REQUIREMENT. No person shall own or have custody of any dog over four months of age unless such dog is licensed as herein provided. Before a license will be issued, the owner must produce a signed certificate of a veterinarian showing such dog has been inoculated or vaccinated against hydrophobia and rabies within six months prior to the date of the application for such license.

SECTION III. LICENSE FEES. * A license fee shall be Two Dollars ($2.00) for neutered male dogs or spayed female dogs; Three Dollars ($3.00) for an unneutered male dog, and Four Dollars ($4.00) for unspayed female dog.

All dog licenses shall be issued for one year beginning with the first day of June. The owner may apply for the license during June without penalty for the delay, but when an application which should have been made by June 1st, is not made until after June 13th, the appropriate license fee shall be increased by fifty percent; provided, that if the applicant became the owner of the dog after June first, the license fee may be prorated to the nearest quarter and the penalty for delinquency shall be added thirty days after the date when the license should have been procured. The office of the City Clerk is authorized to issue dog licenses.

SECTION IV. LICENSING TAGS. The city clerk or the veterinarian shall issue a receipt and a numbered colored metallic or plastic tag; such tag to be a different color than the color used in the preceding year and the number of the tag to be noted on the receipt. * The city clerk shall maintain for three years two records of such receipts and tags; one arranged alphabetically by name of owner and the other arranged numerically by tag numbers. Such records shall be open to public inspection at all business hours. If ownership of dog is transferred, the new owner may have the current license transferred to his name for payment of one dollar.

The owner shall keep on the dog, at all times when the dog is not inside a private building, a collar or harness in such a manner that the tag can be easily seen. No person shall use for any dog a tag issued for a different dog. If license is destroyed or lost, a duplicate may be obtained from the city for a fee of fifty cents.

~~SECTION V. AT LARGE -IMPOUNDMENT OR NOTICE TO OWNER. Owners shall not permit their dogs to run at large. Dogs found by the police officer or animal control officer to be at large may be taken and impounded in the dog pound, or as an alternative, the animal control officer may issue a notice to the owner that his dog is in violation of this section. Such notice will impose upon the dog owner a fine of $ 10.00 and shall be paid to the city in person or by mail within four (4) days of the time the notice was served. Failure to make such payment shall render such owner subject to penalties provided for violation of the provisions of this ordinance.~~

Amended by Ord #106 March 2nd-76

Procedure for redeeming. (a) Identifying owner. If the dog wears a license tag or if the owner can by any other reasonable means be identified and located, the owner shall be notified by the city clerk as soon as possible that the dog has been impounded.

(b) Failure of owner to redeem. If a dog is not redeemed by the owner. After impoundment of a dog which can be identified by the license tag, the city animal control officer shall notify the owner and the owner may claim his dog within three (3) days after notification. If the owner does not claim his dog, or if no claim is made on a dog of unknown ownership after five (5) days, the animal control officer shall dispose of the dog in a humane manner. (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 with an appropriate home and humane care, provided that no unspayed female dog shall be released for adoption unless the spaying fee has been paid and a certificate issued for the animal by a licensed veterinarian certifying that the fee has been paid, and the dog will be brought in for spaying within five (5) days, or if too young, that it will be brought in for spaying at the age of five months. (c) Fees. An owner redeeming a dog from impoundment shall pay, before release, an impoundment fee of $15.00 dollars plus a boarding charge of $2.00 for each twenty-four hours or fraction thereof that the dog has been impounded. Plus a License fee, or certificate of license.

SECTION VI. DOGS ON SCHOOL GROUNDS OR RECREATION AREAS. Owners shall not permit their dogs on any school ground when school is in session, or on any public recreation area when an organized activity is being conducted, unless the dog is controlled by a leash or similar device to prevent the dog from biting any person or animal.

SECTION VII. DOGS OR CATS IN HEAT. Every female cat or dog in heat shall be confined in a closed building so that the animal cannot come into contact with another animal except for planned breeding, and will not attract their male counter parts.

VIII. Police officers or animal control officers may destroy dogs damaging or destroying property of another. All police officers of the city and animal control officers are hereby authorized to shoot and to kill any dog found to be damaging or destroying the property of another or attempting to damage or destroy the property of another; provided, that no other action can reasonably be taken to prevent such damage or destruction.

SECTION IX. CARE OF ANIMALS. The owner of an animal shall provide it with humane shelter from heat, cold, rain, wind and snow, and shall give it food and water adequate to keep the animal in good health and comfort. Dog houses and kennels shall be soundly constructed, dry and provided with clean bedding. All animals shall be given opportunity for vigorous daily exercise, and shall be provided by their owners with veterinary care when needed, and with kindly treatment.

SECTION X. NUISANCES. (a) Every owner of an animal shall exercise proper care and control of his animal to prevent the animal from becoming a public nuisance. Excessive or untimely barking, molesting passersby, chasing vehicles, attacking other domestic animals, depositing excretory matter on property other than that of the owner, damaging property, running at large in the case of dogs or similar acts performed by dogs or cats, shall be deemed a nuisance.

(b) Further, it is unlawful to permit a dog which has the propensity to bite or attack human beings to run loose on or within the owner's premises in such a manner as to endanger the safety of any person lawfully entering such premises.

SECTION XI. RABIES CONTROL. Impoundment of animal when person bitten. (a)

In the event any dog or other domesticated animal shall bite, injure or attack any person. or when any dog or other animal is suspected of having rabies, it shall be the duty of any person having a knowledge if such facts to report the same immediately to the animal control officer. Such report may be made to any police officer. (b) Such animal shall not be killed but shall be confined in such a way and for such period of time as the city animal control officer shall direct. No person shall release from confinement any such animal or remove such animal from its place of confinement to another place without the consent of the city animal control officer. The confinement of the animal shall be at the expense of the owner, or custodian, of such animal, and the city animal control officer is directed to order impoundment or examination of such animal or bothin a veterinary hospital or animal care facility to determine whether it may have rabies. No person shall refuse to surrender any animal for quarantine when demand is made by the order of the city animal control officer. If the animal dies or is killed, a laboratory examination of the head shall be made. (c) Any person refusing or failing to comply with the provisions of this Section or with the order or directives of the city animal control officer relating thereto is guilty of a misdemeanor.

SECTION XII LIMIT ON DOGS. The City Clerk shall not register nor issue license on more than two (2) dogs 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 (2) 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(2) dogs 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.

SECTION XIII KEEPING POULTRY GENERALLY.
No person, except as may be permitted by city zoning regulations, shall be permitted to own or have in his possession any live poultry (Chickens, ducks, geese, guineas, or turkeys) within the city, unless batteries, poultry equipment, and poultry yards are kept clean and sanitary at all time.

SECTION XIV KEEPING DANGEROUS, ETC., ANIMALS.
No person shall suffer any mischievous or dangerous animal of any nature whatsoever, to go at large within the city.

SECTION XV KEEPING HORSES, MULES, HOGS, ETC.
No person shall keep, as premitted by city zoning regulations, on any premises, occupied by him or under his charge or control any horses, mules, or hogs, cattle, sheep, or other animals in a pen or enclosure so that an offensive, disagreeable or noxious smell or odor shall arise therefrom.

SECTION XVI RIDING, ETC., HORSES, ETC., ON SIDEWALKS OR PAVEMENTS.
No person shall ride, drive or lead any horse, mare, mule, gelding or other animal upon any of the sidewalks within this city.

SECTION XVII ENFORCEMENT
Any police officer or animal control officer is authorized to enter any premises where an animal is kept or harbored to inspect conditions under which the animal is kept, and may require the owner of any dog to exhibit a license therefore, No person shall hinder, molest in interfere with any police officer or animal control officer in the performance of his duties.

SECTION XVIII PENALTY FOR VIOLATION.
Any owner violating this ordinance upon conviction thereof shall be fined in any amount not to exceed $100.00 or be imprisoned for a period not to exceed thirty (30) days, or shall be both so fined or imprisoned. Each violation shall constitute a seperate offense and may be punished as such.

SECTION XIX Ordinances No. 11 and 79 of the City of Basehor, Kansas, are amended and those portions of Ordinances No 11 and 79 in conflict with this ordinance are repealed.

SECTION XX This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 4th day of November, 1975.

MAYOR Clarence I. Worley

ATTEST:
Sylvia Lovvorn