ORDINANCE NO. 185

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 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 SAID VIOLATION THEREOF AND REPEALING ORDINANCE NO. 104, 106, 116 and 138 AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. 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, group of persons or corporation owning, keeping of harboring a dog. If a minor owns a dog subject to the provisions of this article, the head of the household of which such minor is a member, shall be deemed the owner of such dog for the purpose of this Ordinance and under this Ordinance shall be responsible as the owner. If not a member of the household, such minor himself shall be directly subject to the provisions of this article.

HOUSEHOLD. Those members of a family living in the same dwelling unit.

RESTRAINT. A dog is under restraint if it is on the 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 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 Three Dollars ($3.00) for any 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 (50%); provided, that if the applicant became the owner of the dog after June 1st, 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 or 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 ($1.00).

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 ($.50).

SECTION V. IMPOUNDMENT, CITATIONS, DISPOSAL. [a] The intent of this article is to require dog 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 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 Basehor City Council.

[c] If the dog 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 has been impounded.

[d] If a dog is not redeemed by the owner within four (4) days after impoundment, the dog may be disposed of in one of the following ways, but no other way: (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 a licensed veterinarian certifies in writing that he has been paid in full for spaying of the dog and will perform the operation within 30 days or before the dog's first oestral period.

[e] An owner redeeming a dog from impoundment shall pay, before release, an impoundment fee of Fifteen Dollars ($15.00) to the City Clerk plus a boarding charge as charged to the City by the veterinarian for each twenty-four hours or fraction thereof

that the dog has been impounded, plus a license fee for a certificate of license.

[f] Any new owner adopting a dog from the pound shall first obtain a license for the dog and shall, in addition, pay an adoption fee which is equal to the impoundment fee.

[g] At the discretion of the police or animal control officer, if the owner of the dog can be determined, such animal may, but need not, be seized and impounded. Upon finding that a dog 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 owner is in violation of this article and the officer shall specify within said notice what the dog owner must do to bring him- or herself and their dog into compliance with this article. Such notice will impose upon the dog owner a fine in an amount not to exceed One Hundred Dollars ($100.00) and shall be paid to the city in person or by mail within five (5) days from the time the notice was served. Also, the dog owner will, within this five-day period, take whatever action is necessary (such as licensing or vaccination), to bring the owner and their pet into compliance with this article. Failure to make such payment, and to remedy violations noted in the notice, shall render such owner subject to the penalties provided for violation of the provisions of this article.

SECTION VII. 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 lease or similar device to prevent the dog from biting any person or animal.

SECTION VIII. 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.

SECTION VIV. TRANQUILIZING GUN AUTHORIZED; KILLING AUTHORIZED UNDER CERTAIN CONDITIONS. The city police and animal control officers shall be authorized to use a tranquilizer gun in the enforcement of this article. They shall be authorized to kill any dog which is impractical or impossible to catch, capture, or tranquilize and which is endangering any person.

SECTION X. 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 XI. NUISANCE. [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 XII. 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 of such facts to report the same immediately to an animal control 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 both in 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 directions of the city animal control officer relating thereto is guilty of a misdemeanor.

SECTION XIII. 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 XIV. 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 times.

SECTION XV. 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 XVI. KEEPING HORSES, MULES, HOGS, ETC. No person shall keep, except as permitted 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 XVII. 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; nothing contained herein shall prohibit the use of the streets located within the City of Basehor for riding, etc.

SECTION XVIII. ENFORCEMENT. Any 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 or interfere with any animal control officer in the performance of his duties.

SECTION XVIV. PENALTY FOR VIOLATION. Any owner violating this Ordinance upon conviction thereof shall be fined in any amount not to exceed One Hundred Dollars ($100.00). Each violation shall constitute a separate offense and may be punished as such.

SECTION XX. That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published.

SECTION XXI. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Body of the City of Basehor hereby declares that it would have passed this Ordinance, and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and the phrases be declared unconstitutional.

SECTION XXII. This Ordinance takes effect and will be in full force upon its adoption of the Governing Body of the City of Basehor, Kansas upon next publication in the official city newspaper.

PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS THIS 2nd day of October, 1984.

Anna M. Landauer
ANNA M. LANDAUER, MAYOR

ATTEST:

Susan C. Guy
SUSAN GUY, City Clerk