

Ordinance 149 GO

An ordinance relating to the keeping, registration, confining, vaccination and destruction of dogs and cats; providing a penalty for the violation of its terms, as well as defining a vicious animals and the care and treatment of animals in the City Limits of Grainfield.

Be it ordained by the Governing Body of the City of Grainfield, Kansas:

SECTION 1. That the owners or keepers of all dogs and cats over the age of six months within the city limits of Grainfield, Kansas, are hereby required to purchase annually for the period of April 1 to March 31, a license and tag from the City Clerk for each said animal.

SECTION 2. That the City Clerk hereafter shall not issue a license and tag until the owner shows proof from a licensed veterinarian that the said animal has been vaccinated for rabies during the current calendar year.

SECTION 3. The cost of dog and cat licenses per year per household shall be as follows: \$3.00 for the first spayed or neutered dog or cat, and \$4.00 for the first unspayed or unneutered dog or cat, \$6.00 each for the second and third spayed or neutered dog or cat, & \$8.00 each for the second and third unspayed or unneutered dog or cat, \$20.00 per animal for the four or more subsequent dogs or cats. There shall be a delinquent charge of \$1.50 for each dog or cat from and after the 1st day of May each year and the further sum of \$.50 for each dog or cat from and after the 1st day of each month thereafter until purchased. Provided, that the owner, keeper or harbored of dogs and cats born in the City of Grainfield or brought into the City of Grainfield on and after the first day of May of each year shall not be liable for the penalty therein stated if they file with the City Clerk an affidavit the date on which such dogs or cats were born or brought into the city.

SECTION 4. It shall be the duty of the City Clerk upon receipt of the registration fee imposed by ordinance to register said dog and cat as heretofore provided and to deliver to the person procuring the registration of any dog or cat, a metal or plastic tag on which shall be stamped the number of such tag, and shall issue to the owner, keeper or harbored of said dog and cat, a receipt which shall give a description of the dog and cat registered, the number of dog and cat tags and stating that the registration fee has been paid. The owner, keeper or harbored of said dog and cat shall cause the tag to be affixed to the collar of the dog or cat upon which tax has been paid, and the owner, keeper or harbored of said dog and cat shall see that the tag is worn by the dog and cat at all times. Dog and cat tags shall not be transferable and no refunds shall be made on any dog and cat tax paid because of leaving the city, or death of a dog or cat from any cause, before the expiration of the license period. If a dog and cat tag becomes lost, apply at the City Clerk's Office for a duplicate tag; they must be carried by the dog and cat at all times to avoid being taken up as strays.

SECTION 5. All dogs and cats within the city shall, at all times be actively vaccinated against rabies and no tax will be accepted and no license will be issued until a written statement or certificate from a regularly licensed veterinarian is presented, showing that said dog and cat has been vaccinated within the last 12 (twelve) months; dogs and cats under the age of 6 (six) months are not subject to the vaccination requirements.

SECTION 6. Each dog or cat harbored within the city limits of the City of Grainfield, Kansas, becoming six months of age shall be vaccinated for rabies and licensed by the owner within 30 days thereafter, the license fee amount shall be proportionate to the remaining term of the license.

SECTION 7. Upon registration and payment of the said current tax due, the owner shall be issued by the City Clerk a number tag to be attached and displayed at all times on such animal. In the event that any registration tag is shown to be lost, the City Clerk shall issue a new tag at no cost.

a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this section.

Section 9. 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 10. 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 impounded as set out in Section 11;
- (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 \$25.00 plus the board bill;
- (d) For the first offense of an animal running at large with a tag as required by Section 1, the owner or harbinger claiming any animal, shall, in addition to presenting a registration receipt, pay a fine of \$25.00 plus the board bill. For a second offense within a one year period, the owner or harbinger shall pay a fine of \$50.00 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 \$75.00 plus the cost of the board bill.

Section 11. IMPOUNDMENT; FEE; NOTICE; RECORD:

- (a) The animal control officer or law enforcement officer shall impound any animal found at large in the city or constituting a nuisance or otherwise in violation of this ordinance in a suitable pound or enclosure provided or contracted for by the city. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.
- (b) The city shall be entitled to receive from such owner an impoundment fee of \$25.00 per day plus the actual cost of feeding and maintaining the animal while impounded.
- (c) In case the identity of the owner of the impounded animal cannot be ascertained, the animal control officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this code.

SECTION 12. Any person who shall own, keep or harbor a dog or cat within the city limits of the City of Grainfield in violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 and no more than \$100.00 for each offense. Each day, during on or which a violation occurs or continues shall constitute a separate offense.

SECTION 13. Any person owning or harboring more than 5 dogs, six months of age or older, within the city limits, not necessarily at one location, shall be deemed to be operating a kennel and shall, on or before the 1st day of January of each year, purchase a license or permit to operate such kennel. The cost of the license or permit shall be \$150.00 per year or any part of a

SECTION 8. VICIOUS ANIMALS

(a) **Prohibited:** It shall be unlawful for any person to keep, possess, or harbor a vicious animal within the city. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the animal control officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the animal control officer or his or her agent to impound such animal.

(b) **Defined:** For purposes of this ordinance a vicious animal shall include:

(1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
or

(2) Any animal that attacks a human being or domestic animal without provocation;

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting;

(4) Any animal that is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.

(c) **Complaint:** Whenever a sworn complaint is filed in the municipal court against the owner of an animal alleging that such animal is vicious and in violation of this section, the municipal judge (at the Recommendation of the City Council) shall hold a hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week before the hearing. In making a determination, the municipal judge shall consider the following:

(1) The seriousness of the attack or bite;

(2) Past history of attacks or bites;

(3) Likelihood of attacks or bites in the future;

(4) The condition and circumstances in which the animal is kept or confined;

(5) Other factors that may reasonably relate to the determination of whether or not the animal is vicious.

The municipal judge shall order the impoundment, the muzzling in accordance with subsection (d), and/or the confinement of the animal accused of being in violation of this section in a manner and location that will ensure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling, or otherwise safe confinement is not possible or if prior court orders to restrain such animal have gone unheeded, the municipal judge may order the animal immediately destroyed.

(d) **Vicious Dogs to be Muzzled:** It shall be the duty of every owner, keeper, or harbinger of any dog in the city, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the city, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping, or harboring any dog within the city limits contrary to this section shall be guilty of a violation of this code.

(e) **Immediate Destruction:** Nothing in this ordinance shall be construed to prevent the animal control officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(f) **Release of:** If a complaint has been filed in the municipal court against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this ordinance. The municipal judge may, upon making

year. The owner of such kennel shall operate same in such a fashion as not to constitute a public nuisance or health hazard. If such kennel is thought to be operating in a manner to constitute a health hazard, an inspector from the Kansas State Board of Health may be called in to inspect the kennel, and if kennel is found to be in violation of state health requirements, the kennel owner or operator shall be guilty of a misdemeanor and subject to a fine not to exceed \$100.00 for each day that he or she allows such unlawful conditions to exist. It shall not be necessary for kenneled dogs to have licenses and rabies tags attached to their bodies, as set forth elsewhere in this article, provided, however, that the owner or harbinger shall have such licenses and tags or certificates readily available for examination at all times.

SECTION 14. This ordinance repeals ordinances 70 GO and 71 GO and all past ordinances that govern Dogs and Cats and shall remain unrelated to current standing livestock ordinances.

SECTION 15. This ordinance shall take effect and be in full force from and after its approval, passage and publication in the Gove County Advocate, the Official City paper.

Approved and passed by the Council 4-12, 2021


Harvey Heier, Mayor.

Attest: 
Gary Weiland, City Clerk