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## ORDINANCE NO. 916

An Ordinance pertaining to the regulation, control, and licensing of dogs within the City of Sedan, Kansas; requiring vaccination; registration of dogs; providing responsibilities of dog owners; prohibiting specific wild or exotic animals, prohibiting animals and fowls to run at large, keeping or harboring noisy animals, and prohibiting animal traps, providing classifications of crimes and establishing fines and penalties for violation thereof, and revoking all City Ordinances and parts of ordinances in conflict herewith:

BE IT ORDAINED BY THE CITY OF SEDAN, KANSAS, AS FOLLOWS:

Ordinances 766, 766A, 829, and 894 shall be replaced by this ordinance.

### I. - DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shelter means the facility operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this ordinance or state law. This would include the city pound or county shelter.

Animals means all vertebrate and invertebrate animals, such as but not limited to bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl, reptiles, fish, or birds that have been tamed, domesticated or captivated.

At-large means to be outside of a fence or other enclosure which restrains the animal to a particular premises, or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be at-large.

Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

Dangerous or vicious animal means any animal deemed to be dangerous or vicious per section 5.

Dog means any member of the species *Canis familiaris*, regardless of sex.

Fowl means all animals that are included in the zoological class Aves, which shall include but not be limited to chickens, ducks, geese, turkeys, guineas and pigeons.

Harbor means any person who shall allow any animal to habitually remain or lodge or to be fed within his home, store, yard, enclosure or place of business or any other premises where he resides or which he controls.

Humane live animal trap means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

Humanely euthanize means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association.

Immediate control means regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

Kennel means any establishment, commercial or otherwise, maintained for breeding, rearing, boarding, or otherwise harboring, on one property, more than three dogs.

Neutered means any male or female cat or dog that has been permanently rendered sterile.

Own means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any animal subject to the provisions of this ordinance, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this ordinance.

Owner means the one who owns, or his employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in the definition of the term "own" in this section.

Vaccination means an injection of a vaccine approved by the state board of public health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

Veterinarian means a doctor of veterinary medicine licensed by the state.

Wild animal means any animal which is now or historically has been found in the wild, or in the wild state, and not otherwise classified under the definition of the term "animals" in this section.

Wild state means living in its original, natural condition; or not domesticated.

## **II. - ADMINISTRATION AND ENFORCEMENT**

### **II – 1. - Animal control officer; enforcement generally.**

(a) *Animal control officer.* There is hereby created the position of animal control officer for the city, and such officer shall be charged with the enforcement of this ordinance. Any person employed by the city as an animal control officer and commissioned by the chief of police of the city shall have such powers and authority as allowed by law in the enforcement of this ordinance. All animal control officers shall be subject to the supervision and direction of the chief of police of the city.

(b) *Duty to impound animals.* Except as provided in subsection (c) of this section, it shall be the duty of the animal control officer to take up and impound all animals found in the city in violation of the provisions of this ordinance.

(c) *Citations.* As an alternative to the provisions of subsection (b) of this section, any law enforcement officer or the animal control officer may issue a citation to the owner,

harborer or keeper of an animal in violation of this ordinance, and the person receiving the citation shall appear in the municipal court of the city to answer the charged violation of this ordinance.

## **II - 2. - Authority to capture or destroy animals.**

When deemed necessary by law enforcement officers or the animal control officer for the health, safety and welfare of the residents of the city, such officers and/or their agents may:

- (a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this ordinance as creating a nuisance in the city.
- (b) Use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture any animal that is deemed by the animal control officer, in his discretion, to be a danger to itself or to the public health and safety.
- (c) Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in section 5, or any animal creating a nuisance as defined in section 4, where such animal is impossible or impractical to catch, capture or tranquilize.

## **II - 3. - Right of entry of enforcement officers.**

The animal control officer or any law enforcement officer shall have the right of entry upon any private lot or land for the purpose of collecting any animal whose presence thereupon is a violation of this ordinance.

## **II - 4. - Interference with animal control officer.**

It shall be unlawful for any person to interfere with the animal control officer or a law enforcement officer or his agent in the exercise of his duties.

## **II - 5. – Prohibited animals.**

- (a) *Generally.* It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal, or any other animal or reptile of wild, vicious or dangerous propensities.
- (b) *Specific animals prohibited.* It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the city any of the following animals:
  - (1) All poisonous animals, including rear-fang snakes.
  - (2) Constrictor snakes six feet in length or more.
  - (3) Coyotes.
  - (4) Deer, including all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
  - (5) Roosters, game cocks and other fighting birds.
  - (6) Monkeys.
  - (7) Skunks and raccoons.

- (8) Wolves.
- (9) Ducks and geese (with the exception that they may be kept for exhibit in 4-H or county fair).
- (10) Rabbits (with the exception that they may be kept for exhibit in 4-H or county fair)
- (11) Swine (Scientific family: Suidae)

(c) *Exceptions.* The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:

- (1) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (2) Animals are maintained in quarters so constructed as to prevent their escape.

(d) *Authority to order confinement, destruction or removal.* The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.

#### **11-6. - Animal living conditions.**

(a) *Cleanliness generally.* It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) *Removal of excrement.* Excrement shall be removed at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding, or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) *Drainage.* All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) *Maintenance.* All animal shelters and fences confining animals shall be maintained in good repair, and all animal shelters and fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) *Barbed wire or electric fences.* Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held.

(f) *Dog pens.* All dogs are to be confined to the owner's property and not allowed to run free. Confinement can be met by adequately fenced yard and in situations where the yard is not fenced, the owner shall confine the dog to the home or an adequate outside enclosure. Such enclosure shall be constructed of chain link or other suitable materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog

from escaping from the enclosure. The enclosure shall be adequate square footage to provide adequate exercise for the size of the dog confined.

(g) *Inspection.* All premises on which animals are kept shall be subject to inspection by any animal control officer, duly authorized law enforcement officer, or public health official. If the officer or official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he shall notify the owner of the animal in writing to correct the sanitation deficiencies within 72 hours after notice is served on the owner. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and the cause for impoundment has been corrected.

### **III – ANIMAL VIOLATIONS.**

**III - 1. – Animals running at large.** It is unlawful for any owner or harbinger to have an animal at large within the city. Any animal shall be deemed to be at large within the city and it shall be prima facie evidence of violation of the provisions of this section when the animal is observed to not be in a fenced enclosure sufficient to contain it on a leash, lead, or chain. If an animal is off its property, and on a leash, lead, or chain, the owner or harbinger must have physical control and possession of such leash, lead, or chain.

#### **III - 2. - Nuisance animals generally.**

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a nuisance. For the purpose of this section, the term "nuisance" is defined as any animal which:

- (1) Molests or interferes with persons in the public right-of-way.
- (2) Attacks, chases, or injures persons or other domestic animals.
- (3) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement.
- (4) Scatters refuse that is bagged or otherwise contained.
- (5) Causes any condition which threatens or endangers the health or well-being of persons or other animals.

(b) If a summons is issued charging violation of this section, a written complaint shall be filed with the enforcement officer unless the complainant is a lawful enforcement officer or animal control officer.

(c) Wild or exotic animals not under the control or ownership of any individual may also be considered a nuisance should they meet any of the definitions set out in subsection (a) of this section.

#### **III. - 3. - Noisy animals.**

The keeping or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewing, roaring or screeching shall disturb the peace of any

neighborhood is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal to abate the condition, and, if he fails to do so, the city may abate it by taking up, impounding and/or disposing of the animal at the expense of the owner.

### **III - 4. - Vicious animals.**

(a) *Prohibited.* It shall be unlawful for any person to keep, possess or harbor a vicious animal within the city. If the animal presents a clear and present danger to the public health or safety or if the owner has been cited for this violation, it shall be the duty of the animal control officer or his agent to impound such animal.

(b) *Definition.* a vicious animal shall include any of the following:

(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.

(2) Any animal which 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 which 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) *Hearing; confinement of animal pending outcome of hearing.* 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 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 prior to 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 under which the animal is kept or confined.

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

Upon the filing of a sworn complaint, the officer shall issue an order for the temporary impoundment 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.

(d) *Immediate destruction.* Nothing in this section 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 members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(e) *Release or destruction of animal after hearing.* 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 section. The municipal judge may, upon making 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 city appointed veterinarian. 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 or to the fees and fines which may result from a violation of this section.

#### **IV – DUTIES, REQUIRMENTS, AND VIOLATIONS OF PERSONS**

##### **IV - 1. - Animal traps.**

(a) It shall be unlawful for any person to use, place, set out or deploy any animal trap above ground, which makes use of a spring gun, spring jaws, clamping devices, a cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap, except that nothing contained in this section shall prohibit the use of:

(1) Animal traps that are so designed to trap and hold animals without injuring the animals.

(2) Rodent traps.

(b) Any person may make use of a trap to protect their property and to ensure personal safety of themselves, families, pets and domestic animals.

(c) Any domestic animal captured by a person must be immediately released where it was trapped, or in the alternative, handled as instructed by a representative of the Sedan Police Department.

(d) All individual traps must be checked a minimum of every 24 hours so any captured animals may be dealt with properly.

##### **IV - 2. - Duties of person injuring animal; disposal of dead animals.**

(a) It shall be the duty of any person who has caused the death, wounding, or injuring of any animal within the city that has some indicia of ownership by another person, including but not limited to a tag, collar, or clothing, etc., to immediately and forthwith notify the animal's owner or keeper, if known, or the police department or animal control officer, of the incident and the whereabouts of the animal as last known to that person. It shall be unlawful for any person to leave the scene of such incident without giving the required information to either the animal's owner or keeper, if known, or to the proper authorities.



(b) It shall be the duty of the owner or person having the custody of any dead animal larger than a domestic dog or cat in the city, within 12 hours after the hour of death of the animal, to remove the carcass of the animal outside of the corporate limits of the city, and failure to do so is unlawful. Burial of the remains of animals no larger than domestic dogs or cats shall be permitted only upon private property with the permission of the property owner. It shall be unlawful for any person to drag or cause to be dragged the carcass of any animal over any of the streets, avenues, alleys or other public grounds of the city.

**IV - 3. - Releasing or enticing animal in order to cause impoundment.**

It shall be unlawful for any person to drive or entice any animal from beyond the city limits into the city limits, or to let any animal out of any enclosure in which it may be confined or to unfasten any animal in order that such animal may be taken up and impounded.

**V. - RABIES CONTROL**

**V. - 1. - Confinement of animals suspected of having rabies.**

(a) Any law enforcement officer, animal control 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 more than 30 days, during which time a licensed veterinarian shall determine whether or not such animal is suffering from a disease, and, if not, the licensed veterinarian shall authorize the release of the animal upon payment by the owner of the boarding fee therefor. The animal control officer or any law enforcement 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. If in the opinion of the licensed veterinarian symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the state board of health.

(b) In lieu of the provisions of subsection (a) of this section, the owner of any such animal may, at his own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his findings in writing to the animal control officer. If in the opinion of such veterinarian a microscopic examination is justified, the animal shall euthanized and an examination be made by the state board of health.

(c) Any animal desired for observation under this section shall be delivered to the animal control officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this Code. Upon the filing of a sworn affidavit reciting the refusal of any person to so deliver such animal, the municipal judge shall issue an ex parte order providing that the animal be surrendered and forcibly taken, if necessary.

## **V. - KEEPING PERMITS**

### **V - 1. - Required.**

- (a) No person or household shall own or harbor more than three dogs of six months of age or older or more than one litter of pups, or more than three cats of more than six months of age or more than one litter of kittens, or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having obtained a state kennel license.
- (b) No person or household shall own or harbor any wild, vicious, or dangerous animal within the city limits without first having obtained a permit from the city office personnel; but in no case shall any person be allowed to have in his possession or under his control any live wild animal, the keeping of which is prohibited by state or federal law.
- (c) No permit shall be required for the keeping of:
  - (1) Domestic songbirds and talking birds such as parrots, parakeets, mynas or canaries, commonly kept inside dwelling units in cages.
  - (2) Nonvenomous snakes less than six feet in length.
  - (3) Small turtles, goldfish, and tropical fish commonly kept in aquariums or fish ponds.
  - (4) Pet hamsters, guinea pigs, rats, mice, and chinchillas, when kept inside a dwelling unit and not for commercial purposes.

## **VI. - DOGS**

### **VI - 1. - Registration generally; rabies vaccination required.**

- (a) *Registration required.* Every owner of any dog over six months of age shall annually register with the city office personnel his 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 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 animal.
- (b) *Exception for dogs temporarily in city.* The provisions of this section 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.
- (c) *Rabies vaccination.* 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.

(d) *License fees and penalties.* The yearly license fee shall be \$10.00 for all un-spayed or un-neutered dogs, and \$5.00 for all spayed and neutered dogs. All dog licenses shall be issued for one year beginning with the first day of April. The owner may apply for the license during April without penalty. Any application not made until May 1 of the licensing year shall have a penalty of \$5.00 assessed. There will be no pro-ration of licensing fees.

**VI - 2. - Records of registration; registration certificate; issuance and wearing of tag; duplicate tags.**

It shall be the duty of the city office personnel or his or her designated agent, upon a showing of current rabies immunization and receipt of the registration fee required by this ordinance, to keep, on records 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. He or she 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 office personnel shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of the required 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 tag is fastened.

**VI - 3. - Unlawful use of tag; counterfeit tags.**

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.

**VI - 4. - Vicious or dangerous dogs.**

It shall be unlawful for any person to keep, harbor or maintain within the city any dangerous dog, or one of vicious propensities, where it might be reasonably anticipated that the dog may injure a person, child, other domestic animals, or property. Upon a complaint being filed, the municipal court judge shall determine whether or not the animal is vicious or dangerous or has vicious propensities liable to be damaging to other persons, animals or property, and, if so found, the judge shall order destruction of the dog.

**VI - 5. - Display of vaccination certificate.**

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 a licensed veterinarian evidencing a current vaccination of such dog when requested by the animal control officer or any law enforcement officer.

## **VI - 6. - Tethering of dogs.**

(a) *[Prohibited.]* It shall be unlawful to keep a dog tethered in place for more than 8 hours at a time. After a break of not less than three hours off the tether, a dog may be tethered again for 8 hours.

(b) *Conditions of tethering.*

(1) Dogs shall be tethered in such a manner as to prevent injury, strangulation or entanglement on fences, trees or other objects.

(2) Any chain or tether must be attached to a properly fitting collar, or to a harness that is worn by the dog. Collars shall not be of a choke type.

(3) No tether shall weigh more than 1/8 of the dog's body weight.

(4) Any tether shall be at least ten feet in length and have swivels on both ends.

(5) Any tethering system used shall not allow the dog to leave the owner's property.

(6) Tethering to clotheslines or the use of retractable pulley type tethers are not allowed.

(c) *Penalties.*

(1) A violation of this section shall be an unclassified misdemeanor. Upon repeat offenses by the same person, the court shall have the discretion to remove the dog, or dogs, involved and place the animals with the city pound and or county shelter for adoption.

(2) Any dog found to be tethered in violation of this section may, at the discretion of the animal control officer, be impounded and placed in a safe harbor until ordered by the court to be released. The owner of the impounded dog shall be responsible for any costs associated with the dog's placement set at \$5.00 per day. If the owner fails to pay the impound costs, the subject dog may be considered for adoption.

## **VII. - IMPOUNDMENT**

### **VII - 1. - General.**

(a) *Impoundment authorized.* Any dog found in violation of the provisions of this ordinance may be subject to impoundment by the city.

(b) *Records.* A record of all dogs impounded shall be kept by the city containing the following information: color, sex, identifying marks, registration number, if any, and the date of impoundment.

(c) *Notification of owner.* If the dog impounded has a current registration tag attached to its collar or if the impounding officer knows the identity of the dog's owner, the owner of such dog, as shown by the records of the city office personnel, shall be notified before such dog is disposed of by destruction or adoption. If at the end of five days the animal control officer has been unable to locate the owner, or the owner, upon having been located, refuses

to claim or redeem the dog and there is no pending court case associated with the impoundment, then the dog may be adopted out or euthanized.

(d) *Procedure when owner is not known.* If the dog impounded has no current registration tag and the identity of the animal's owner is unknown to the animal control officer or the impounding law enforcement officer, then such impounding officer shall, upon taking any such animal into custody and impounding the animal, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impoundment. If within five full business days the owner does not appear to claim the dog, then the dog may be adopted out, or euthanized.

(e) *Redemption by owner.* If at any time before the adoption or destruction of any dog impounded under the provisions of this ordinance 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 at the rate of \$5.00 per day, plus a \$40.00 fine, and all penalties including actual costs of impoundment, and upon compliance with the registration provisions of this ordinance. This subsection shall not apply to any dog alleged as being vicious.

(f) *Redemption of dogs owned by nonresidents.* If the owner or person entitled to such dog is not a resident of the city, he shall be required to have the dog immunized against rabies.

(g) *Impoundment fees.* The minimum impoundment fee rate is \$5.00, and \$5.00/day thereafter.

(h) *Rabies vaccination required.* Any dog impounded may not be released without a current rabies vaccination.

(i) *Liability for violations.* Impoundment under this section shall not preclude any court from imposing and executing any fine which might otherwise be levied under this ordinance for violation of any of the provisions thereof, nor shall impoundment be a defense in any prosecution commenced under this ordinance.

#### **VII – 2. - Interference with impoundment.**

(a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound, or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of the city any animal taken up by him under the provisions of this ordinance, or in any manner interfere with or hinder any authorized officer or employee of the city in catching, taking up, or impounding any animal.

(b) It shall be unlawful for any person, other than those duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals.

#### **VII - 3. - Impoundment and care of animals showing evidence of cruelty.**

Any animal control officer, law enforcement officer, or licensed veterinarian, may take into custody any animal, upon either private or public property, which shows evidence of cruelty to animals as defined by K.S.A. 21-6412 or Kansas Uniform Public Offense Code, section 11.11. Such officer, agent, veterinarian, or animal shelter may care for, treat or provide any other type of care needed for such animal. While in the custody of any of the above described officers,

agents, animal shelter, or licensed veterinarians and determined by a licensed veterinarian, such is diseased or injured beyond recovery, said veterinarian may humanely euthanize said animal.

**VII - 4. - Conditions for adoption of dogs.**

Any person shall be entitled to adopt a dog from the city pound if the following conditions and requirements are met:

- (1) The dog is in good health.
- (2) The dog is not vicious, fierce or dangerous.
- (3) The dog shall be vaccinated for rabies.
- (4) The dog shall be licensed when the place of residence of the proposed adopter is within the city.
- (5) The dog, whether male or female, has been surgically spayed or neutered by a licensed veterinarian.
- (6) The dog has been impounded for more than five days and the owner or harborer has failed to claim such dog; provided, however, that the dog may be adopted at any time while impounded if the owner of the dog consents to such adoption in writing.

**VIII. PENALTIES**

- (1) The violation of any provision contained in this ordinance is a class C misdemeanor punishable by a sentence in the county jail which shall be fixed by the court and shall not exceed one (1) month and/or a fine of not less than \$75.00, nor more than \$500.00, plus court costs.

**IX. SAVING CLAUSE; SEVERABILITY**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

PASSED BY THE MAYOR AND APPROVED BY THE CITY COUNCIL, THIS 19<sup>th</sup> DAY OF NOVEMBER, 2018.

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Jack Warren, Mayor

ATTEST

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Sherry Miller, City Clerk