

ORDINANCE NO. 291

AN ORDINANCE PROVIDING FOR A DOG LICENSING; VACCINATION, RECEIPT, AND DUTY OF CLERK; TAGS FOR DOGS; IMPOUNDING AND REDEMPTION; RELEASE OF DOG; KILLING OR SALE OF DOG; DOGS RUNNING AT LARGE; NOTICE TO OWNER; VICIOUS DOGS; DOG BITES AND QUARANTINE; ABANDONMENT OF DOGS; NOISY DOGS; PENALTY; AND REPEALING ORDINANCE NO. 223 OF THE CITY OF MELVERN, KANSAS.

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

Section 1. DOG LICENSE. An annual license fee of \$5.00 for each neutered or spayed dog, and \$8.00 fee for each unneutered or unspayed dog, irrespective of age, is hereby assessed upon all persons, firms or corporations, owning or harboring a dog or dogs within the limits of the city; provided, that if the license fee is not paid when due, a \$20.00 fine shall be added to the license herein specified.

Section 2. PAYMENT; FEMALE DOGS; VETERIANARIANS CERTIFICATE.

- (a) It shall be the duty of each owner or harborer of a dog or dogs to pay the license fee imposed in Section 1 hereof to the City Clerk for the general revenue fund of the city on or before the first day of April, in each and every year, or upon acquiring ownership or possession of any dog or upon establishing residence in the City of Melvern.
- (b) Before the City Clerk shall accept any money proffered in payment of the license on a neutered or spayed dog, or shall issue a receipt therefore, the person applying for a license on such dog shall present to the City Clerk the certificate of a veterinarian registered under the laws of the State of Kansas to the effect that such dog has been neutered or spayed.
- (c) The City Clerk shall cause a notice of the necessity of paying such license fee to be printed in the official paper before March 15 of each year.

Section 3. VACCINATION REQUIRED.

- (a) From and after publication of this Ordinance, it shall be unlawful for any person, firm, or corporation to own, keep or harbor any dog, over the age of six (6) months, within the city unless said dog shall have been vaccinated for rabies.

- (b) Before the City Clerk shall register and issue a metal tag for a dog over the age of six (6) months, the person registering said dog and paying the annual license fee required by this article, shall furnish to the City Clerk a certificate form a licensed veterinarian showing that said dog has been immunized against rabies and that said immunization shall be effective for the year for which the dog is licensed.
- (c) A rabies tag for the current period shall be affixed to the dog's collar.

Section 4. RECEIPT: DUTY OF CLERK. Upon the payment of said tax, the City Clerk shall execute a duplicate receipt showing payment of the same. She shall deliver the original receipt to the taxpayer and retain the duplicate. She shall also procure a sufficient number of metallic tags, tags numbered and lettered and deliver one appropriate tag to such taxpayer for each dog upon which a license is paid. The City Clerk shall keep a book in which the Clerk shall enter the names and addresses of the persons paying taxes on dogs, the sex of the dog and, if female, whether spayed.

Section 5. TAG KEPT ON DOG. It shall be the duty of the person receiving a tag or tags as provided in Section 4 hereof to cause said tag or tags to be affixed by a permanent metal fastening to the collar of the dog upon which the license is paid in such a manner that said tag may be easily seen by the officers of the City, and it shall be the further duty of such taxpayer to see that said tag is constantly worn by such dog.

Section 6. IMPOUNDING. Any law enforcement officer of the City of Melvern, County of Osage, or State of Kansas shall have the authority to enforce the provisions of this article and the Mayor may also appoint some suitable person or persons as dog officers to enforce the provisions of the Article and may pay them an hourly wage or a suitable sum for each dog taken up by them and all dogs taken up by any officers shall be immediately taken to a suitable pound to be disposed of according to the terms of this Article.

Section 7. REDEMPTION. Any dog may be redeemed from the pound by the owner or keeper within 72 hours after impounding by the payment of the City clerk of the license fee for the current year along with a \$35.00 fee for the taking up by the officers and by payment of all fees the taking up by the officers and by payment of all fees charged by the pound provided, that the claiming of a dog so impounded shall be prima facie evidence of the ownership of said dog and shall be prima facie evidence of the violation of Section 10.

Section 8. RELEASE OF DOG. Upon the presentation of receipt of all charges referred to in Section 7 and current license tag, the pound keeper shall release to any owner or keeper presenting the same dog or dogs claimed by him.

Section 9. KILLING OR SALE OF DOG. Any dog which is not claimed which is provided in Section 8 within 72 hours after impounding may be euthanized or otherwise disposed of, and buried by the pound keeper, or if any person other than the owner desires to purchase such dog, the pound keeper may sell him for not less than all of the charges provided in Section 7 and these sums shall be distributed to the appropriate parties.

Section 10. RUNNING AT LARGE UNLAWFUL. It shall be a violation of this Ordinance for any owner, keeper or harbinger of any dog to allow the dog to run at large with in the City of Melvern, Kansas.

Section 11. RUNNING AT LARGE DEFINED. A dog shall be kept within the owner's private premises or otherwise led by a chair, strap, rope or similar restraint by some person in charge of the dog. A dog shall be deemed running at large when found upon public or private property, when not under the control of the owner, keeper or harbinger as above provided.

Section 12. RUNNING AT LARGE PICK UP. Whenever any dog shall be found running at large within the city limits of Melvern, Kansas, such dog may be taken up by any law enforcement officer of the City of Melvern, County of Osage, or State of Kansas or dog officer appointed by the Mayor, and such animal shall be held (3) days after notice to the owner or harbinger at a shelter provided for such purpose, and if within said (3) days the owner of any animal shall comply with the redemption provision of Section 7, such animal shall be delivered to the owner or harbinger. If not so claimed and after notice, if possible, as provided in the next Section, the dog will be disposed of in accordance with the provisions of Section 9 of this Ordinance. In the alternative, the owner or harbinger of said dog may be issued a citation in accordance with Section 18 of this Ordinance.

Section 13. NOTICE TO OWNER. Notice of pick up shall be immediately mailed by the City Clerk to the owner or keeper of the dog as shown by the licensing records of the City. Failure to receive such notice shall not prevent the City or its authorized agency to carry out the provisions of this Ordinance.

Section 14. VICIOUS DOG It shall be unlawful for any person within the City to keep, own or harbor any cross or vicious dog, unless such person shall keep such dog securely fastened and tied so that it cannot reach any person to cause him damage, injury or harm, and shall keep said dog in an enclosure securely fenced so that said dog cannot escape therefrom; provided, that the City may take up the dog and impound it and dispose of it in the manner as provided in Section 12.

Section 15. DOG BITES -- QUARANTINE It shall be unlawful for the owner of any animal or any person harboring an animal, when notified that such animal has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away

such animal and it shall be the duty of such owner or keeper upon receiving notice of the character aforesaid to immediately place such animal in a licensed veterinary hospital, where such animal shall be confined until said animal has been checked for rabies and any other disease the veterinarian deems reasonable and necessary under the circumstances. The owner or harbinger of any animal confined as aforesaid, shall forthwith notify the City Clerk of the name and location of said veterinary hospital, along with the date that said animal was confined and the circumstances giving rise to the confinement. Under no circumstances shall said animal be released from confinement until the results of said test(s) prove to be negative.

If the owner or harbinger of any animal neglects or refuses to quarantine said animal immediately upon notice, or if the owner/harbinger of any animal is not immediately available to notify, or if the City cannot immediately locate the owner/harbinger of said animal, the City through its agents or any city or county law enforcement officer shall have the authority to immediately impound said animal for testing, as aforesaid. The costs of impounding the animal, including but not limited to all veterinary hospital and veterinarian fees shall be the responsibility of the owner/harbinger of said animal.

Section 16. ABANDONING DOGS UNLAWFUL. It shall be unlawful for a person or persons to abandon any dog or dogs and allow them to run at large within the corporate limits of the City of Melvern.

Section 17. NOISY DOGS. The keeping or harboring of any dog which by loud frequent and habitual barking, howling or yelping shall disturb the peace of any neighborhood is hereby prohibited and declared to be a public nuisance and unlawful under this Ordinance. It shall be the duty of any person harboring or keeping such loud or noisy dog or dogs to abate said nuisance by taking up, impounding and disposing of the dog. Failure to forthwith abate said nuisance shall subject said dog to the subject of the owner or harbinger of said dog to the penalties provided by Section 18.

Section 18. PENALTY. Any person, firm, or corporation violation any of the provisions of the ordinance shall upon conviction thereof, be fined a sum not to exceed Two Hundred Dollars (\$200.00) or be imprisoned not to exceed thirty (30) days or both.

Section 19. Ordinance No. 223 of the City of Melvern, Kansas, is hereby expressly repealed in full as well as all other Ordinances and Sections and parts of Ordinance or Section in conflict herewith. This Ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body, this 6th day of February, 1995.