

** Amended by No. 435*

CHAPTER III

ANIMALS AND FOWL *

SECTION III-1. REGISTRATION, LICENSING AND CONTROL OF DOGS.

A. DOGS.

Definitions, "For the purpose of this article the following definitions shall prevail:

"At large. Any dog shall be deemed to be at large when it is off the premises of its owner's real property and not restrained by a competent person."

"Competent Person. A human being that is capable of controlling and governing the dog in question and to whose command the dog is obedient."

"Dog. Shall mean all members of the canis familiaris, male or female, five (5) months of age or older."

"Inoculation, vaccination, or vaccination for Rabies. Shall mean the injection, by a veterinarian, or his authorized agent, of a specified dose of anti-rabies vaccine into the body of a dog, such vaccine having the U. S. Government License Number stamped on the label of the vaccine container."

"Own. To own, keep, harbor, or to have control, charge or custody of a dog."

"Owner. Any person who, or firm or corporation which, owns, harbors, shelters, keeps, controls, manages, possesses or has part interest in any dog, pup, or kennel."

"Pup. All members of the canis familiaris, male or female, less than five (5) months of age."

"Restraint. A dog off the premises of its owner's real property is under restraint in the meaning of this ordinance:

(a). If it is controlled by a line or leash not more than six (6) feet in length, when said line or leash is held by a competent person;

(b). When at "heel" of a competent person;

(c). When within a vehicle being driven, parked or stopped."

(d). When not more than fifty feet from a competent person, if such dog is not annoying or worrying any human being or domestic animal or trespassing on private property, or in a public area where dogs are forbidden.

"Vicious Dog. Shall mean any dog which is fierce, dangerous, mean, or uncontrollable; or one that has previously attacked or bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal."

B. REGISTRATION AND VACCINATION REQUIREMENTS. *Amended by Ord 436*

"It shall be unlawful for any person living within the corporate limits of the City to own any dog over five (5) months of age without first having had the dog inoculated against rabies and paying an annual registration fee. At the

months of age without first having had the dog inoculated against rabies and paying an annual registration fee. At the time of registration and payment of the fee as provided for in Section (C), there shall be presented to the City Clerk or other authorized licensing agents, a certificate from an accredited veterinarian to the effect that said dog has been inoculated for rabies within one (1) year prior to applying for registration; PROVIDED, that any dog which has been inoculated for rabies with the chick-embryo attenuated vaccine need be inoculated only every third year."

C. REGISTRATION FEES.

Between April 1 and April 30 of each year the dog owner shall register all dogs owned by him at the office of the City Clerk, or at such licensing agents as may be designated by the City Clerk as hereinafter provided, and pay the following fees:

(a). Any dog. no fee

(b). That the registration fee shall be \$5.00 per dog if not secured prior to the due date; provided, that any person owning a dog as of the 27th day of March, 1979, shall have thirty (30) days from that date to register such dog; provided further, that new residents or persons of the City or persons acquiring a dog or owning a dog that attains the age of registration after April 30 of a new year, shall have thirty (30) days in which to register such dog at the fee set forth in subsection (a) above.

All licenses issued by the City Clerk between January 1, 1978, and the passage of this ordinance shall be valid until April 30, 1979.

D. REGISTRATION PROCEDURE.

(a). The City Clerk upon presentation of a certificate of vaccination issued by a licensed veterinarian, to the effect that said dog has been inoculated for rabies within one (1) year prior to applying for registration; PROVIDED THAT any dog which has been inoculated for rabies with the chick-embryo attenuated vaccine, need be inoculated only every third year and payment of the fees as hereinbefore set out shall record the following information:

1. Owner's name and address;

2. Color, breed, sex, age, weight, name (if any), date of vaccination of dog and type of anti-rabies vaccine used. After recording said information, the City Clerk shall issue a license to said owner and shall provide for each dog so vaccinated and registered, a tag of metal or other durable substance, having stamped or marked thereon the registration number which corresponds to the number of the registration record. This tag shall be kept on the dog at all times.

(b). The City Clerk shall between April 1, and April 28, of each year, cause public notice to be given of the registration period for dogs.

(c). The City Clerk may designate such other licensing agents as he feels necessary. That said licensing agents may include but not limited to individuals, places of business, and veterinarians within or outside the City of Buhler. That said licensing agents shall register the dog in the manner prescribed in Subsection (a) above and shall collect the registration fee as provided in Section (C), and in addition shall be entitled to charge and retain an additional 50-cents per registration.

E. EXCEPTION TO REGISTRATION PROVISIONS.

Requirements for transient dogs: "The provision of the article with respect to registration shall not apply to any dog owned by any person temporarily remaining within the City for less than thirty (30) days, or any dog brought into the City for breeding or show purposes, or hunting dogs brought into the City for less than thirty (30) days. Such dogs shall be kept under the strict supervision of the owner. It shall be unlawful to bring any dog into the City which does not comply with the laws of the State of Kansas regarding the handling and importation of dogs."

F. RABIES VACCINATION REQUIRED; EXCEPTION.

"It shall be unlawful for any owner or harbinger of any dog to keep such dog in the City without having such dog vaccinated against rabies by a State licensed veterinarian unless that vaccination would be injurious to such dog due to its age. Evidence of a current rabies vaccination shall be exhibited to the Police Chief, City Clerk, or the Animal Control officer by the owner or harbinger of any dog upon demand therefor by such official."

G. RUNNING AT LARGE PROHIBITED.

"It shall be unlawful for the owner of any dog to permit such dog to run at large within the corporate limits of the City at any time. Any dog shall be deemed to be running at large when found off the premises of the owner and not under restraint. It shall be lawful for any City Police Officer or the Animal Control Officer duly appointed by the Mayor to pursue and capture such dog while running at large."

H. SAME - IMPOUNDING; DISPOSITION.

(a). Any dog found at large shall be impounded and placed in such a location as maybe available to the City for impounding such dogs. A record of all dogs impounded with their description containing the following information: Color,

sex, weight, height, identifying marks, registration number of rabies vaccination and date of impounding shall be kept. If the dog so impounded has no current registration tag as provided for by Section (c), it shall be kept for 72 hours and if within that time the owner does not appear to claim such dog, it may be sold, euthanized, or otherwise disposed of. If within 72 hours from the impounding date the owner of an impounded dog shall appear and claim such dog, such dog shall be turned over to the person claiming it upon payment of any actual expense incurred by the City or any other agency, firm or individual, in the keeping of said dog, or the usual and customary charges of the agency, firm or individual keeping said dog, which ever is greater. The owner may only receive such dog upon compliance of all other requirements of this Ordinance. This Ordinance shall not place any affirmative duty upon the City or any of its officers, agents or employees, who make efforts to contact any owners of the dog which has been impounded.

(b). Any impounded dog which has not been claimed within the 72 hour limit may be sold to any person, firm, agency or corporation, and that person shall be required to have the dog duly registered and inoculated as provided by this Ordinance, such dog shall only be sold for the fees as provided in the Section above are paid.

(c). If the dog so impounded has a current registration tag attached to it, the owner of such dog, shown by the records of the City Clerk shall be notified as soon as possible within the 72 hour impounded period. If the owner cannot be located within 72 hours of impounding the City Clerk shall be notified and the animal control officer shall have another 72 hours in which to find or locate the dogs owner. If at the end of this 144 hour impounding period neither the firm, agency, individual or corporation keeping the dog, nor the animal control officer have been able to find or locate the owner of the dog, then the dog may be disposed of as provided in other Sections of this Ordinance. If the dog so impounded has a current registration tag and the owner is duly notified but refuses to redeem the dog as set out in this Ordinance, within a period of 72 hours from the date of impoundment, then the dog may be disposed of as set out in this Ordinance. No dog may be sold, or redeemed until the owner or purchaser of the dog has a current registration tag or rabies vaccination certificate. If the owner has not complied with this requirement within 72 hours the dog shall be subject to disposal as provided in other sections of this Ordinance.

(d). The payment of the annual registration fee and the wearing of a current tag shall not prevent the impounding, sale, euthanization, or other disposition of any dog found

running at large in violation of this Section. The fees, conditions, and costs set out in any sections of this Ordinance shall not be exclusive of any criminal penalties set out under any other section of the Ordinance.

(e). If the dog so impounded does not have current registration tag and rabies vaccination certificate, then the owner or harbinger thereof in addition to paying the impounding fee as above provided, shall furnish to the impounding official (animal control officer) a certificate of anti-rabies inoculation and shall also tender to the city clerk the dog registration fee then due. If the owner has not complied with this subsection within 72 hours, said dog, shall be subject to disposal as provided in Subsection (d) hereof.

(f). The payment of an annual registration fee and the wearing of a current tag shall not prevent the impounding, sale, euthanization or other disposition of any dog found running at large in violation of Section G when the other provision of this section has been carried out.

(g). That whenever this section refers to a 72 hour period, such 72 hour period shall be defined as three (3) days of custody during which the public has clear access to inspect or recover the animal through time periods ordinarily accepted as usual business hours.

I. KEEPING VICIOUS DOGS PROHIBITED: DISPOSAL.

"It shall be unlawful for any person to keep or harbor any vicious dog within the City. Dogs determined to be vicious shall be euthanized or otherwise disposed of by order of the Chief of Police or the Animal Control Officer."

J. ENTERING BUILDING PROHIBITED.

"No dog shall be allowed to enter any theater, store, or other public building in the City, whether accompanied by its owner or person in charge or otherwise, except in the care of a person legally blind who has charge of and is accompanied by a seeing eye dog, as defined by State Statute. PROVIDED HOWEVER, that the proprietor of a hotel or motel may permit a pet dog or dogs therein. This section shall not apply to the operator or a pet shop or related business."

K. DISTURBING THE PEACE.

"It shall be unlawful for the owner of any dog to carelessly, inattentively, willfully or maliciously permit such dog to disturb the peace and quiet of the neighborhood, or to permit such dog to howl, bark or yelp so as to disturb the peace and quiet of the neighborhood. It shall be prima facie that such dog was disturbing the peace, if a complaint is made by the land owners or occupants of two or more of the premises adjacent to the property whereon such dog is located."

L. DOG FIGHTING.

"Every person who by words, sign or otherwise, set any dog or dogs to fight, or causes any dog to attack any other dog, dogs or any other animal or aids or abets or encourages any dog fight; or by words, signs or otherwise sets on or encourages any dog to attack or chase any human being not engaged in malicious or criminal acts; or being the owner, keeper or harbinger of any dog knowingly permits such dog to fight without endeavoring to prevent the same, shall be guilty of a misdemeanor."

M. MAINTENANCE REQUIREMENTS.

(a). Cleanliness: It is hereby declared to be a nuisance and unlawful for any person to maintain any dog or dogs in an area that is not at all times clean, dry and sanitary and free from excessive debris, garbage, water and offensive odors, and all yards and pens shall be cleaned daily.

(b). Storage of Excreta: Excreta from pens, if stored on the premises of a dog owner, shall be stored in adequate containers with a fly-tight lid.

(c). Drainage of premises. All dog pens and yards shall be so located that an adequate drainage is obtained and normal drying occurs and standing water is avoided.

(d). Inspection by City Sanitarian: All premises on which dogs are kept may be subject to inspection by the City Sanitarian or his representative. If the City Sanitarian determines from such inspection that the premises are not being maintained in a clean sanitary manner he shall notify the owner or keeper of the dog or dogs in writing to correct the sanitation deficiencies within twenty-four (24) hours after notice is served on him. Any person failing to comply with the requirements of the City Sanitarian shall be guilty of a misdemeanor.

N. PENALTIES. ** Repealed by No. 435*

Any owner, keeper or harbinger of any dog found violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 and not more than \$100.00 for such offense.