

ORDINANCE NO. 377

AN ORDINANCE RELATING TO AND PROVIDING FOR THE REGULATION, CARE OF AND CONTROL OF ANIMALS; PROVIDING FOR THE TAXING OF THE OWNERS AND HARBORERS OF ANIMALS; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING ORDINANCE NO. 358.

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

SECTION 1. ANIMALS AT LARGE PROHIBITED: FEES AND FINES. All animal owners and keepers are required to securely restrain their animals on their premises, in their vehicles or on a leash when not on their premises. Owners and keepers shall not permit animals to run at large. Animals found, by any duly appointed official of the City of Haviland, to be at large may be impounded or a notice may be issued to the owner or keeper that the animal is in violation of this Ordinance or both. Violations of this section shall be punishable with up to 30 days incarceration and a fine of fifty dollars (\$50.00) on a first offense, one hundred dollars (\$100) on a second offense, and two hundred dollars (\$200.00) and incarceration of not to exceed thirty (30) days on a third or subsequent offense along with all other assessed fees and court costs.

SECTION 2. LICENSE REQUIRED AND FEES. It shall be unlawful for any person to own or keep any animal as pet for over six (6) months of age within the corporate limits of the City of Haviland without registering such animal and paying a yearly license fee thereon. Animals, which are to be kept within the City limits for less than thirty (30) days, are excluded from the license requirements. Owners or keepers shall be required to register and pay the license fee for their animals within thirty (30) days after the animal has reached the age of six (6) months. Upon registration and payment of the license fee, a tag will be issued. The owner or keeper must affix the tag to the registered animal. Before an animal tag will be awarded, a certificate must be procured from a licensed veterinarian, which will attest to the fact that the animal has been vaccinated and inoculated with a recognized anti-rabies vaccine. The certificate must include notification of any limits of said vaccination. It shall be unlawful to take off or remove said tag. The tag shall be non-transferable.

Animals must be re-registered by April 30 of each new year. The annual license fees are as follows:

- a) One dollar (\$1.00) for each neutered male or spayed female animal; providing that the person registering and paying the license fee for a neutered or spayed animal present a certificate from a licensed veterinarian to the City Clerk showing that such animal has been spayed.
- b) Three dollars (\$3.00) for each non-neutered or unspayed animal.
- c) The owners of "seeing eye dogs" shall not be subject to the license fee but registration is still necessary.
- d) Lost tags: When sufficient evidence is supplied to the City Clerk that the tag has been lost, the Clerk will issue a duplicate tag upon payment of fifty cents (50¢).

SECTION 3. IMPOUNDING. A duly appointed City official may capture, take up and impound animals found at large in the City or without tags. The City official shall attempt to notify the owner or keeper of any animal impounded, if such owner or keeper is known or reasonably ascertainable. Notices will be posted in public places. There will be a minimum holding period of three full business days before the animal will be removed unless requiring veterinarian care. If the animal is not released to the owner within three working days, the animal may be taken to and disposed of by a humane society in accordance with the humane society's practice, or taken to the veterinarian center working with the City (unless the vet authorizes the animal to be euthanized by the Animal Control Officer). The animal may be released to the owner or keeper when all fines, including prior unpaid fines for animal violations, have been paid in full, the animal has been registered with the City (if it has not been registered), written proof given to the City that the animal has had their rabies vaccination and payment has been made for the impoundment fee of a twenty-five dollar (\$25.00) for each animal per day,

SECTION 4. ABANDONMENT OF ANIMAL. It shall be unlawful for any person to abandon a animal within the City limits. Violations of this section shall be punishable with incarceration not to exceed thirty (30) days and a fine of fifty dollars (\$50.00) on a first offense, one hundred dollars (\$100) on a second offense, and two hundred dollars (\$200.00) and incarceration of not to exceed thirty (30) days on a third or subsequent offense on a third or subsequent offense.

SECTION 5. KENNEL REGULATIONS. No person shall be permitted to maintain an animal kennel within the corporate limits of the City.

SECTION 6. DANGEROUS ANIMAL. It shall be unlawful for any person within the City to keep or own any vicious animal, unless the animal is kept in compliance with Ordinance No. 377. For the first offense, a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00) shall be imposed; For the second offense, a fine of not less than Five hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00) shall be imposed; For the third offense, a fine of not less than One Thousand Dollars (\$1,000.00) and not more than One Thousand Five Hundred Dollars (\$1,500.00) or imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment shall be imposed.

In addition, the court shall order the registration of the subject dangerous animal and animals having poisonous bites be revoked, and the animal removed from the City. Should the owner, keeper or harbinger refuse to remove the animal from the City, the Municipal Court Judge shall find the owner, keeper or harbinger in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and treatment necessitated by the enforcement of this ordinance.

SECTION 7. NOISY ANIMALS. The keeping of any animal, which by loud, frequent and habitual barking, howling, yelping or other loud noise disturbs the peace, is hereby prohibited. It shall be the duty of any person keeping such loud animal to abate such, and if he or she fails to do so, the duly appointed City official is hereby authorized to abate such by taking up, impounding and disposing of the animal in the same manner as provided in Section 3 of this Ordinance.

SECTION 8. ANIMAL BITES: QUARANTINE. Whenever any animal has bitten a person, the owner or keeper of such animal shall immediately notify the City Code Enforcement Officer. The Code Enforcement Officer may order the animal quarantined impounded at the owner or keeper's expense for a period of at least ten (10) days or until such time as the Code Enforcement Officer finds that such animal shows no evidence of having rabies. If it is determined that such animal is suffering from rabies it shall be forthwith destroyed; otherwise, it shall be released from quarantine upon payment of impounding charges as provided in Section 3 of this ordinance. Any and all testing, veterinary costs, destruction or disposal costs shall be the responsibility of the owner or keeper of the animal.

SECTION 9. MUZZLING ANIMALS; MAYOR'S PROCLAMATION. The Mayor is hereby authorized, whenever in his or her opinion the danger to the public safety from rabid animals, or animals with hydrophobia, is made imminent, to issue a proclamation ordering all persons owning and/or keeping any animal to muzzle the same with a good and sufficient wire muzzle, completely enclosing the head of said animal or confine the same in a good and sufficient enclosure from which said animal cannot escape, or fasten such animal by means of chains on the premises where the owner and/or keeper may reside. Upon the owner or keeper's failure to so muzzle, the animal may be impounded and disposed of pursuant to Section 3 of this ordinance.

SECTION 10. VIOLATOR. In the event the owner or keeper is charged in the Haviland Municipal Court with a violation of any provisions of this Ordinance for which a fine is not specified the violator shall be punishable with a fine of twenty-five dollars (\$25) on a first offense; fifty dollars (\$50) on a second offense; and two hundred dollars (\$200) and incarceration of not to exceed thirty (30) days on a third or subsequent offense along with all other assessed fees and court costs.

SECTION 11. when deemed necessary by the Code Enforcement Officer or the Animal Control Officer for the health, safety and welfare of the residents of the City of Haviland, such officers may:

- a) place a humane trap on public or a requesting resident's property for this purpose of capturing any animal defined in the Ordinance as creating a nuisance to the City,

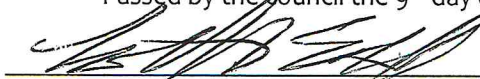
- b) use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture any animal that is deemed by the Animal Control Officer, in his or her discretion, to be of a danger to itself or to the public's health and safety,
- c) have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this Ordinance.

It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties including the tampering with or moving City traps.

SECTION 12. REPEAL OF CONFLICTING ORDINANCES. Ordinance No. 358 is hereby repealed.

SECTION 13. EFFECTIVE DATE. This Ordinance shall take effect and be in force, from and after its publication in the official City newspaper, The Merchant's Directory.

Passed by the council the 9th day of September 2019 and approved by the mayor.



Robert Ellis, Mayor



Attest: Shari McAfee, City Clerk