

(First published in The Sabetha Herald October ____, 2008)

ORDINANCE _____

AN ORDINANCE AMENDING IN PART PORTIONS OF THE CURRENT CODE OF THE CITY OF SABETHA, KANSAS, REGULATING AND ESTABLISHING PROCEDURES FOR LICENSING, TAGGING, AND IMPOUNDMENT OF DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF SABETHA, KANSAS.

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

Section 1. That Section 2-201, Section 2-205, Section 2-206, and Section 2-207, Chapter II, Article 2. of the Code of the City of Sabetha are hereby repealed and the following adopted in its place and stead, including any other provisions of said City Code which are inconsistent with the provisions herein.

Section 2. That Section 2-201, Section 2-205, Section 2-206, and Section 2-207 of the Code of the City of Sabetha shall read as follows:

2-201. REGISTRATION AND VACCINATION REQUIRED; FEE.

(a) Every owner of any dog over six months of age shall annually register with the city clerk his or her 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 or any dog brought in 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 dog. Every owner of harborer of any dog may register such dog for the lifetime of the animal by paying the requisite fee as set out below. Lifetime registration shall not relieve the owner of the vaccination requirements set out herein.

(b) 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.

(c) The owner or harborer of dog shall, at the time of registering such dog, present to the city clerk a certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed.

(d) The city clerk shall collect a registration fee as follows:

Annual license - \$10.00 for each dog with intact reproductive organs; \$5.00 for each dog which is spayed or neutered.

Lifetime license - \$45.00 for each dog with intact reproductive organs; \$22.50 for each dog which is spayed or neutered.

(e) The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty.

Any dog registered in October, November, or December for an annual license shall be licensed for the following year.

Registration fees as enumerated above may be prorated for newly acquired dogs or for dogs owned by a person or persons moving to and establishing a home in the city during a calendar year. Every owner or harbinger of dog or dogs who shall fail to register the same prior to the 1st of March of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$3.00.

2-205. VISITING DOGS. The provisions of this article with respect to registration shall not apply to any dog owned by an 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 and shall be subject to the prohibition on running at large.

2-206. 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 limits at any time;

(b) Any dog running at large within the city shall be impounded as set out in Section 2-207;

(c) The owner of any dog running at large without the license tag required by Section 2-202 shall pay the registration fee and, for the first offense, pay a fine of \$25.00 plus the impound fee, if impounded; the owner of an animal running at large with the license tag required by Section 2-202, for the first offense shall pay only the costs of feeding the animal, if impounded; for the second offense of running at large the owner shall pay a fine of \$50.00 plus the impound fee if the animal is impounded; for the third and subsequent offenses the owner shall pay a fine of \$100.00, plus the impound fee if the animal is impounded;

2-207. IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.

(a) Any dog found in violation of the provisions of this article shall be subject to impoundment by the city.

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

(c) 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 clerk shall be notified in writing as soon as possible or at least 24 hours before such dog is disposed of by destruction or sale. If, at the end of five days the city clerk has been unable to locate the owner, then the dog may be sold, euthanized or otherwise disposed of.

(d) 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 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. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized or otherwise disposed of.

(e) If at any time before the sale or destruction of any dog impounded under the provisions of this article, 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 or penalties plus the actual costs of impoundment, and upon compliance with the registration provisions of this article. This subsection shall not apply to any dog alleged as being vicious under section 2-115 or suspected of rabies under section 2-119 of this code.

(f) The minimum impoundment fee shall be \$25.00 plus the costs of feeding the animal at 50 cents per day.

(g) Any dog impounded may not be released without a current rabies vaccination and without a microchip identification implant. The cost of any required vaccination and the microchip identification implant, along with impound fees and applicable fines, shall be paid by the owner prior to release of the animal from impound. No dog with intact reproductive organs shall be released to any person for adoption or sale without payment of a deposit in the amount of \$50.00. The person adopting or purchasing such animal shall be entitled to a refund of this deposit upon providing proof of having such animal neutered or spayed.

(h) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.

(i) The redemption of any dog impounded for a violation of any provision of this chapter shall be prima facie evidence of the violation of such provision by the person redeeming the dog.

Section 3. That this ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed and Approved by the Governing Body this _____ day of October, 2008.

ATTEST: _____
Steve Compo, City Clerk

Douglas Clark, Mayor