

ORDINANCE NO 412

AN ORDINANCE RELATING TO DOG REGISTRATION REPEALING
ORDINANCE NO. 295, CHAPTER II, ARTICLE 2, SECTIONS 2-201-203, 2-205-207, 2-211-215

Be it Ordained by the Governing Body of the City of Longton, Kansas:

SECTION 1. REGISTRATION AND IMMUNIZATION REQUIRED; FEE.

- (a) The 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. For purposes of this ordinance, "owner" shall be defined to include any person who owns, keeps or harbors a dog within the city and "city clerk" shall be defined to include any designee of the city clerk. It shall be unlawful for the owner of any newly acquired dog or any dog brought into the city to fail to register such animal within thirty (30) days from the acquisition or bringing of 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.
- (b) At time of registration, the owner shall present a current certificate of immunization for rabies for each dog registered. No registration shall be accepted without proof of immunization for rabies. It shall be unlawful for the owner of any dog over six months of age to fail to maintain a current rabies immunization of such dog.
- (c) The owner of any dog shall, at the time of registering such dog, present to the city clerk satisfactory evidence that a male dog as been neutered or a female dog has been spayed, if the dog has been neutered or spayed.
- (d) The annual registration fee shall be \$4.00 for each neutered male dog and for each spayed female dog, and \$6.00 for each unneutered male dog and each unsprayed female dog.
- (e) The registration period shall be from January 1st through December 31st of each year. There shall be no proration of the registration fee. The fee shall be payable before March 1st of each year without penalty. Every owner of a dog who fails to register the dog prior to the 1st day of March shall pay a late fee of \$15.00 for each dog required to be registered.

SECTION 2. DOG TAGS.

- (a) The city clerk, upon a showing of a current immunization certificate for rabies, and upon receipt of the required registration fee, shall keep a record of the date of registration of each dog, the owner thereof, the registration number assigned to the dog, and the amount paid by the owner.
- (b) Upon successful registration of a dog, the city clerk shall deliver to the owner of each dog a registration certificate and a registration tag signifying that the owner has registered the dog and indicating thereon the registration number assigned to the dog. The owner of each dog shall be required to attach the registration tag to the collar of the dog.
- (c) 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 clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of \$2.00 fee.
- (d) 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 same is fastened. 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.

SECTION 3. EVIDENCE OF IMMUNIZATION FOR RABIES. It shall be unlawful for the owner of any dog kept within the city to fail to display a current certificate of immunization for rabies issued by a licensed veterinarian evidencing the vaccination of such dog within two years, when requested by the animal control officer or any law enforcement officer.

SECTION 4. VISITING DOGS. The provisions of this article with respect to registrations shall not apply to any dog owned by any person visiting or temporarily remaining within the city for less than thirty (30) days. However, such dogs shall be kept under restraint by the owner thereof at all times.

SECTION 5. RUNNING AT LARGE; FINE

- (a) It shall be unlawful for the owner of any dog to permit such dog to run at large within the city at any time.
- (b) Any dog running at large within the city may be impounded as set forth in this ordinance.

SECTION 6. IMPOUNDMENT; RECORD; NOTICE; CLAIMING OF DOGS; FEES.

- (a) Any dog found in violation of the provisions of this ordinance may 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, identifying marks, registration number (if any), date of impoundment, and owner's name and address if known.
- (c) No dog impounded shall be disposed of until after expiration of a minimum of three full business days of impoundment during which time the public has clear access to inspect and claim the dog during usual business hours. During the impoundment, the city shall attempt to notify the owner of any dog impounded if the owner is

known or reasonably ascertainable. 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.

- (d) If the owner appears and claims the dog before the sale or disposal of the dog, the dog shall be turned over to the owner upon payment of all required fees.
- (e) An impounded dog shall not be released without a current rabies immunization.
- (f) The fees required to be paid by an owner claiming an impounded dog shall be as follows:
 - (i) \$25.00 if the dog is properly registered with the city;
 - (ii) \$56.00 if the dog is not properly registered with the city;
 - (iii) an additional boarding bill of \$10.00 per day for each day, or any part thereof, that the dog has been impounded by the city.

SECTION 7. DISPOSITION OF UNCLAIMED DOGS.

- (a) If any dog impounded is not claimed by its owner within the time specified by this ordinance, the city may cause the dog to be euthanized, or may sell the dog to cover the costs of impoundment and boarding fees, plus any registration fees that may be due and owing.
- (b) No dog impounded may be sold to a new owner unless the new owner signs an agreement to have the dog spayed or neutered and deposits with the city the sum of \$50.00. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the dog, the city shall keep the deposit and may reclaim the unsprayed or unneutered dog.
- (c) Nothing shall be construed to require sterilization of a dog which is being held by the city and which may be claimed by its rightful owner within the holding period established by this ordinance.

SECTION 8. MUZZLING. Whenever the mayor shall deem it necessary for the protection, health, safety and welfare of the inhabitants of the city, he or she may issue an order requiring all dogs kept within the city to be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall not become effective until it is published in the official newspaper for the city.

SECTION 9. KENNELS; PERMIT; REGULATION; REVOCATION OF PERMIT; FINE.

- (a) Any person who shall desire to keep dogs for breeding, raising or commercial purposes, shall make application to the city clerk for a kennel permit.
- (b) Such application shall state the name, address and contact information for the applicant, the location of the premises where the kennel is to be maintained, and a statement that the applicant acknowledges and consents that the permit, if issued, may be revoked if the applicant fails to comply with the requirements of this ordinance. An applicant for a kennel permit must be in compliance with all other registration requirements of this ordinance before issuance of a kennel permit.
- (c) Persons issued kennel permits shall keep the premises in a clean and sanitary manner, free from filth, accumulation of garbage and other debris, and free from offensive odors and noises; shall provide appropriate care for dogs in the kennel in a humane manner; shall clean the kennel daily; shall remove all excreta from the kennel, and if stored on the premises, such excreta shall be stored in metal containers with a fly-tight lid; shall maintain the water supply so as to avoid excess dampness and shall provide for adequate drainage; and no kennel shall be located within fifty (50) feet of any dwelling other than the dwelling of the owner of the kennel.
- (d) The city clerk, upon inspection of the premises upon which the kennel will be located, shall issue a kennel permit if the premises are in substantial compliance with this ordinance.
- (e) If at any time the holder of a kennel permit fails to meet the requirements of this ordinance with regard to maintenance of the kennel, the city may cause, after notice and an opportunity to be heard, the kennel permit to be revoked.

SECTION 10. DOG KENNEL DEFINED. The term "dog kennel" as herein used shall mean a place of business where dogs are bought, sold, traded, bred, raised or kept for the purpose of sale, resale, trading, training or reaching and which business is done commercially and for profit, or as a hobby.

SECTION 11. PENALTY.

- (a) It is unlawful for any person to violate any of the provisions of this ordinance.
- (b) A person who is convicted of a violation of any of the provisions of this ordinance shall be punished for the first conviction by a fine of not more than \$100; for the second conviction by a fine of not more than \$250; and for the third or subsequent conviction by a fine of not more than \$500 or by imprisonment for not more than sixty (60) days, or both such fine and imprisonment.

SECTION 12. This Ordinance shall become effective upon its publication in the official city newspaper.

ADOPTED BY THE GOVERNING BODY OF LONGTON, KANSAS, ON THE 13th DAY OF July, 2010.

Stephen H. Fielder
STEPHEN H. FIELDER, MAYOR

ATTEST:

Lotus McDow
LOTUS MCDOW, CITY CLERK