

ORDINANCE NO. 400

ANIMAL ORDINANCE

Section 1. REGISTRATION AND VACCINATION REQUIRED; FEE

- (a) All pets over six months of age shall be registered annually with the city clerk. The owners name and address along with the name, sex and description of each pet owned and kept within the city must be on file. It shall be unlawful for the owner of any newly acquired pet brought into the city to fail to register such animal within 30 days from acquisition or bringing the pet into the city. It shall be unlawful for the owner of any previously registered pet to fail to maintain current registration of such pet.
- (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 pet over six months of age to fail to maintain effective rabies immunization of such pet.
- (c) The owner of any pet shall, at the time of registering such pet, present to the city clerk a certificate from an accredited veterinarian showing that a male pet has been neutered or a female pet has been spayed, if the pet has been neutered or spayed.
- (d) The city clerk shall collect an annual registration fee of \$5.00 for each neutered male pet and each spayed female pet, and \$10.00 for each un-neutered male pet and for each unspayed female pet.
- (e) The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before April 1st of each year without penalty.

Every owner or keeper of any pet who shall fail to register the same prior to the 1st of April of each year, shall pay in addition to the registrations fee a fine of not less than \$25.00 and no more than \$500.00.

Section 2. PET TAGS.

It shall be the duty of the City Clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee herein before required, to keep in a book suitable for the registration of pets, the date of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefore. The City Clerk shall deliver to the owner or keeper of the pet a certificate in writing, stating the name of the person registering the pet and the number by which the pet is registered, and shall deliver to the owner or keeper of the pet a tag with the registration number. Said tag shall be attached to the collar to be used on the pet so registered by said owner or keeper. When any tag has become lost during a registration period, the owner of the pet 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 \$2.50 fee. It shall be unlawful for any person to take off or remove the city registration tag from any pet belonging to another, or remove the strap or collar on which the same is fastened.

Section 3. SAME; COUNTERFEIT TAG.

It shall be unlawful for any person to place on any pet a tag issued for any other pet or to make or use any false, forged or counterfeited tag or imitation thereof.

Section 4. Evidence of vaccination.

- (a) It shall be unlawful for any person to own, keep or harbor any pet, over six (6) months old, unless such pet has been inoculated for rabies by a licensed veterinarian.
- (b) It shall be unlawful for the owner of any pet kept within the city to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such pet within two years, when requested by the animal control officer or any law enforcement officer.
- (c) It shall be unlawful for any pet six (6) months of age or older and not registered and inoculated against rabies in accordance with the ordinance to be or remain within the city limits of the City of Edna. And it shall be the duty of the Animal Enforcement Officer; or of such other person who may be designated by the Mayor with the approval of the City Council; for such purpose to impound in the City's temporary holding pen any such pet so found within the city limits of said City, unless such pet be inoculated against rabies and registered in accordance with Section 1 and Section 2, hereof within three (3) days from the date such pet is impounded and the sum of \$10.00 per day is paid to the City Clerk for the keeping of said pet during the time it is impounded. An Animal Enforcement Officer or other designated person may destroy said pet at the expiration of said three (3) day period.

Section 5. VISITING PETS.

The provisions of this article with respect to registration shall not apply to any pet owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such pets shall be kept under restraint by the owner thereof at all times and will be subject to all other pet regulations.

Section 6. RUNNING AT LARGE; FINE.

- (a) It shall be unlawful for the owner or harbinger of any animal to permit such animal to run at large within the city at any time;
- (b) Any animal running at large within the city shall be impounded as set out in Section 7;

- (c) The owner of any animal impounded for running at large without the tag required by Section 2 shall, for the first offense, pay a fine of \$25.00 and be required to register the dog under the guidelines of Section 1 and Section 2, plus any boarding bill.
- (d) For the first offense of an animal running at large with a tag as required by Section 2, the owner or harbinger claiming any animal, shall, in addition to presenting a registration receipt, pay the cost of the boarding bill. For a second offense within a one year period, the owner or harbinger shall pay a fine of \$25.00 plus the boarding bill. For a third and all subsequent offenses within a one year period, the owner or harbinger shall pay a fine of \$75.00 plus the cost of the boarding bill.

Section 7. IMPOUNDMENT; NOTICE; REDEMPTION; MINIMUM FEE

- (a) Any animal found in violation of the provisions of this article shall be subject to impoundment by the city.
- (b) No animal impounded shall be disposed of until after expiration of a minimum of three full business days of custody during which the public has access to recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, the city shall attempt to notify the owner or custodian of any animal impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such animal may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, euthanized by a licensed veterinarian, released in any manner deemed necessary by the city or including but not limited to adoption or sale.
- (c) If at any time before the adoption, sale or destruction of any animal impounded under the provisions of this article, the owner of an impounded animal does appear and redeem the animal, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, along with a \$10.00 release fee. The aforementioned shall not apply to any animal alleged as being vicious under Section 11 or suspected of rabies under Section 10.
- (d) Within the 3 days the owner shall pay a minimum impoundment fee of \$10.00 per day for the keeping of said animal during the time it is impounded.
- (e) Any animal impounded may not be released without a current rabies vaccination.
- (f) 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.
- (g) The redemption of any animal impounded for a violation of any provision shall be prima facie evidence of the violation of such provision by the person redeeming the animal.

Section 8. DISPOSITION OF UNCLAIMED ANIMALS.

- (a) If any animal is not redeemed by its owner or harborer within the time allowed for redemption as specified in Section 7 thereof, the City of Edna may have such animal destroyed, sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year or adopt the animal out.

Section 9. CONFINEMENT OF ANIMALS IN HEAT.

Any unspayed female animal in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other animal or animals may gain voluntary access to the confined animal except for purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisance, shall be removed to a boarding kennel, to a veterinary hospital or to an animal shelter. All expenses incurred as a result of the confinements shall be paid by the owner.

Section 10. MUZZLING.

The Mayor of said City of Edna, Kansas is hereby authorized and it is hereby made his or her duty, whenever in his opinion the danger to the public safety from rabid animals with hydrophobia is made imminent, to issue a proclamation ordering all persons owning, keeping or harboring any animal in said City, to muzzle the same with a good and sufficient muzzle completely enclosing the head of any animal, or confine the animal in a good and sufficient enclosure from which said animal cannot escape, or fasten such animal by means of a chain on the premises where the owner, keeper, or harborer may reside, for such time as may be specified in such proclamation. Any animal not so muzzled or confined during said time may be disposed of whenever found by an Animal Enforcement Officer, or the duly authorized animal officer of the City, and the owner of such animal shall be prosecuted for such violation thereof, and if found guilty, shall be punished as hereinafter provided.

Section 11. Vicious Animals

It shall be unlawful for any person owning, keeping or harboring a vicious, dangerous or diseased animal in the City of Edna, Kansas, to permit such animal to run at large or keep such animal in any place accessible to people or used by the public. An animal which bites anyone shall be considered vicious and dangerous and upon the complaint of any person filed in the Municipal Court of the City of Edna, Kansas, that an animal is dangerous or diseased, will be seized, impounded and destroyed by the proper authority as directed by the Judge, unless the owner shall post suitable bond in the sum of \$100.00 that said animal will not be allowed to run at large and will be treated for its disease.

- humanely euthanized; or other care as is needed for the health or well-being of such kind of animal; or
- (2) Abandon or leave any animal in any place. For the purpose of this provision, **abandon** means for the owner or keeper to leave any animal without demonstrated or apparent intent to recover or to resume custody; leave any animal for more than 12 hours without providing for adequate food, potable water, and shelter for the duration of the absence; or turn out or release any animal for the purpose of causing it to be impounded; or
 - (3) Leave any animal unattended in a vehicle when such vehicle does not have adequate ventilation and temperature to prevent suffering, disability, or death of such animal.
- (b) An animal impounded for being kept in violation of this section or any other sections may be humanely euthanized by the designated Animal Enforcement Officer if he or she deems it necessary to relieve suffering. The owner of any animal that is not euthanized shall be entitled to regain custody of such animal only after such custody is authorized by the court. All expenses accrued for the treatment or care of such animal shall be paid by the owner, whether or not he or she seeks to regain custody of such animal.

Section 14. Limitation on Numbers of Animals Owned; Exemptions

- (a) It shall be unlawful for any person in charge of a residence to have more than four dogs or four cats, or any combination of such animals exceeding four in number, over the age of 90 days at such residence unless the residence is licensed as a commercial animal establishment and all of the dogs and cats over 90 days of age kept at the residence are registered as required under this article and the person in charge of the residence upon the request of the assigned city agent, presents for inspection, the certificates of registry for all such animals showing continuous registration for all such animals.
- (b) Any kennel or hobby breeding establishment shall be limited in size to no more than 10 animals over four months of age.
- (c) When animals in excess of the limits established in this article are found at a residence, all of the animals found at the residence may be removed by the Animal Enforcement Officer and impounded, except that the person in charge of the residence may designate and retain up to those limits established in this Ordinance.

Section 15. Animal Protection Responsibility of all Persons.

- (a) No person shall willfully and wantonly kill, beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal, or cause, instigate or permit any dog fight, cock fight, or other combat between animals and humans, nor shall any person attend such unlawful exhibition or be umpire or judge at such.

- (b) The operator of a motor vehicle which strikes any animal shall, as soon as possible, report the accident to the local sheriff.
- (c) No person shall expose any known poisonous substance whether mixed with food or not, so that the same shall be liable to be eaten by any animal, providing that it shall not be unlawful for a person to expose, on his or her own property, poison mixed with only vegetable substances, except for commercial exterminators.
- (d) It shall be unlawful for any person to use a spring steel trap in the city limits except rat and mice traps.
- (e) No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he or she is not the owner for more than 24 hours without first reporting the possession of such animal to the City of Edna or the Animal Enforcement Officer.

Section 16. EXOTIC ANIMALS

- (a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, vicious or dangerous propensities.
- (b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:
 - (1) All poisonous animals including rear-fang.
 - (2) Apes: Chimpanzees; gibbons; gorillas, orangutans; and siamangs
 - (3) Baboons.
 - (4) Badgers.
 - (5) Bears
 - (6) Bison.
 - (7) Bobcats.
 - (8) Cheetahs.
 - (9) Crocodilians
 - (10) Constrictor snakes
 - (11) Coyotes.
 - (12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
 - (13) Elephants.
 - (14) Game cocks and other fighting birds.
 - (15) Hippopotami.
 - (16) Hyenas.
 - (17) Jaguars.
 - (18) Leopards.
 - (19) Lions.
 - (20) Lynxes.
 - (21) Monkeys.
 - (22) Ostriches & Emu.
 - (23) Pumas; also known as cougars, mountain lions and panthers.

- (24) Raccoons.**
- (25) Rhinoceroses.**
- (26) Skunks.**
- (27) Tigers.**
- (28) Wolves.**
- (29) Possums**
- (30) Armadillos**

- (c) The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if**
 - (1) Their location conforms to the provisions of the zoning ordinance of the city.**
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.**
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.**
- (d) The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.**

Section 17. FARM ANIMALS. It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals;

- (1) Horses (subject to subsection (b) below and limited to two (2) head per acre.)**
- (2) Cattle (subject to subsection (b) below and limited to two (2) head per acre.)**
- (3) Donkeys**
- (4) Pigs**
- (5) Goats**
- (6) Fowl (subject to subsection (b) below.)**
- (7) Rabbit (subject to subsection (b) below.)**
- (8) Any varieties including domesticated versions of the previous.**

(b) Except in agricultural areas which are defined as an area of land greater than one (1) contiguous acre used exclusively for agricultural purposes and not for residential or commercial purposes of any sort. Any such animal(s) remain subject to care and nuisance provisions of this ordinance.

Section 18. USE OF FORCE

If, after all reasonable means and methods to catch any animal, which is in violation of the terms of this ordinance, have been exhausted by the City of Edna, the designated agents for the city are hereby authorized and empowered to shoot or kill or otherwise dispose of said animal.

Section 19. PENALTY

All persons, firms, or corporations violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than \$25.00 and no more than \$500.00

Section 20. EFFECT

This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

APPROVED BY the Governing Body this 12th day of May, 2005.

SIGNED BY the Mayor this 12th day of May, 2005.

W.V. Stine Jr., Mayor

ATTEST:

Joyce Rosson, City Clerk