

ORDINANCE NO. 191

AN ORDINANCE FOR THE CONTROL, REGISTRATION, KEEPING OF ANIMALS AND FOWL WITHIN THE CITY OF WALTON, KANSAS.

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

ARTICLE 1. CONTROL, REGISTRATION, KEEPING

1-101. DEFINITIONS. For purposes of this article the following words shall be defined as follows:

- a. Bite. Shall mean any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin caused by any animal, and which bite is commonly or may reasonably be presumed to be, contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.
- b. Cattery. Any premise where there is being maintained or harbored a total of more than three (3) cats or more than two (2) unspayed female cats over the age of three (3) months, except veterinary hospitals.
- c. Domestic Animals. All vertebrate and invertebrate animals, such as, but not limited to, bovine, cattle, horses, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild mammals or birds that have been tamed or domesticated.
- d. Domestic Animal Shelters. All pens, houses, or fenced enclosures where domestic animals are confined, such as, but not limited to, hutches, cotes, lofts, kennels, warrens, feedlots, barns or other buildings and enclosures.
- e. Fowl. All domesticated animals that are included in the zoological class Aves.
- f. Garbage. The putrecible animal and vegetable waste resulting from handling, preparation, cooking and consumption of food for human beings.
- g. Harboring. Any person who shall allow any animal to habitually remain or lodge or to be fed within his home, store, yard, enclosure or place of business or any other premise in which he resides or controls, shall be considered as keeping and harboring such animal within the meaning of this article.
- h. Health Officer. The public health sanitarian of the city appointed under the provisions of Section 1-102 of this code, or his authorized representative.
- i. Animal Control Officer. The public Animal Control Officer of the city appointed under the provisions of Section 1-102a of this code, or his authorized representative.

1-103. ENFORCEMENT. It shall be the duty of any duly appointed health officer, animal control officer or designated official to enforce the provisions of this article; and the same are hereby authorized to make whatever investigations and to issue such notices, orders or directions as are necessary for the enforcement of the provisions of this article. Where one of the above named officers is specifically referred to in any provisions of this article, that reference shall be construed to mean any officer authorized to enforce this article.

1-104. CONTROL OR PROTECTION OF ANIMALS IN GENERAL. It shall be unlawful for any person to:

- a. Permit any animal to run at large within the corporate limits of the City.
- b. Carry out inhumane treatment against any animal. The Animal Control Officer may take charge of any animal found abandoned or clearly showing evidence of cruel neglect upon either private or public property and inspect, care for, treat or transport such animal to a licensed veterinarian for treatment, boarding or other care or, if it appears the animal is diseased or disabled beyond recovery for any useful purpose, for disposition.
- c. Keep or harbor any animal which by loud, frequent or habitual barking, yowling or other noise or action disturbs any person or neighborhood within the corporate limits of the city.
- d. Keep or harbor a dangerous or vicious animal within the corporate limits of the city. When it has been determined such an animal is vicious, the animal shall be destroyed upon orders of the Health Officer or confined in a manner and location approved by the Health Officer. Any person authorized to enforce this Ordinance may kill any animal having a vicious or dangerous nature found doing or effecting damage to persons or property outside the premises of the animal's owner, keeper or harbinger.
- e. Keep or harbor for any purpose, the following animals in any area zoned residential under the Zoning Ordinance of the City of Walton; cattle, hogs, sheep, goats, horses, oxen, geese, turkeys, ducks; fur-bearing animals, such as, but not limited to, mink, chinchilla, muskrats, skunks, raccoons and beavers; and wild fowl or mammals that have been tamed and that are commonly kept out of doors as opposed to inside the house, except for the following:
  - (1) The keeping of pigeons and rabbits is not prohibited by this subsection.
  - (2) The keeping of horses shall be permitted subject to the following limitations: a minimum of a three (3) acre contiguous tract of land shall be necessary for the keeping of a horse; a minimum of two (2) additional acres of land, contiguous with this first tract stated herein, shall be required for each additional horse harbored, provided that the

issued; provided, that vaccination may not be required if the owner of the dog shall exhibit to the City Clerk a statement from a veterinarian certifying that the vaccination would be injurious to the dog due to its health.

- j. Aid, abet or encourage any dog to attack or fight any other dogs; or by words, signs or otherwise set on or encourage any dog to attack or chase any human being not engaged in a malicious or criminal act; or keep or harbor any dog and knowingly permit the dog to fight without endeavoring to prevent the same.
- k. Permit any dog 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 case of a person legally blind who has charge of and is accompanied by a seeing eye dog, as defined by State Statute. This section shall not apply to the operator of a pet shop or related business.
- l. Break or train any horse or other animal, except dogs and cats, on any street, sidewalk or other public place within the corporate limits of the city.
- m. Picket any horse, cow or other animal on any street, sidewalk or other public place within the corporate limits of the city, with the exception of fairs, parades and other official events.
- n. Kill any squirrel or song bird within the corporate limits of the city provided that it shall be permissible for any Police Officer upon orders of the Health Officer to kill squirrels, skunks or birds that have become so numerous as to cause destruction or nuisance to property or in the event of disease occurring among such squirrels, skunks or birds that may be considered contagious to human beings.
- o. Keep or harbor bees, provided that bees may be harbored on any property during the months from November through March.
- p. Sell, or offer for sale, barter, or give away living chicks, rabbits, ducklings or other fowl, except pigeons, except by persons engaged in operating hatcheries with proper brooder facilities with the intent of selling such animals and fowl for recognized animal husbandry purposes. Nor shall any person offer for sale, barter or give away any animal or fowl that has been dyed, colored or treated so as to impart to them an artificial or unnatural color.
- q. Permit any animal, whether or not tethered or otherwise restrained, to have access to public walkways or street ways so as to impede safe pedestrian or vehicular traffic.

1-105. IMPOUNDING, REDEMPTION, DISPOSITION OF ANIMALS IN VIOLATION OF THIS ARTICLE. The enforcing officer shall take on any property, either public or private, any animals in violation of this

1-107.           REGISTRATION, VACCINATION, LICENSING OF DOGS; FEES.  
Rules and regulations pertaining to registration, vaccination,  
the licensing of dogs and fees for such shall be as follows:

- a.   Registration; Dog Tag. It shall be the duty of the owner or harbinger of any dog to register it with the City Clerk who shall issue a receipt therefor in the form of a tag of metal or other durable material stamped or engraved with the registration number and the year of registration, which tag shall be attached to a suitable collar and kept on the dog at all times: Provided, That this section does not apply to a dog under six (6) months of age.
- b.   Vaccination. Any person applying for a license for a dog shall be required to present the City Clerk at the time of making application a certificate issued by a licensed veterinarian showing that the dog has been vaccinated or inoculated with a recognized anti-rabies vaccine and showing that the inoculation will be effective for the entire period of time for which the license is issued: Provided, That this requirement shall not apply to any dog under the age of six (6) months.
- c.   License Tax; Fees. There is hereby levied an animal tax upon the owner or harbinger of each dog within the corporate limits of the City as follows:
  1. Each neutered male or spayed female the sum of one dollar (\$1). A certificate of spaying or neutering signed by a licensed veterinarian must be presented when paying the fee to receive the lower rate.
  2. For each unneutered male or unspayed female the sum of five dollars (\$5). The license tax herein levied shall cover the period from June 1 through May 31 or part thereof each year. The license tax shall be due and payable on June 1 of each year. If the license fees are not paid within sixty (60) days of the due date, a penalty of two dollars and fifty cents (\$2.50) shall be added: Provided, That new residents of the city or persons acquiring a dog or owning a dog that attains the age of registration after August 1 of any year shall have thirty (30) days in which to register the dog at the regular fee. If such license fees are not paid within the time herein provided, a penalty of two dollars and fifty cents (\$2.50) shall be added.

1-108.           VACCINATION OF ANIMALS OTHER THAN DOGS. All cats are  
are required to be vaccinated against rabies by a veterinarian using  
a proper vaccine with the animals being subject to Section 1-105 of this  
article, except that no license or registration is required. The animals  
shall wear a rabies tag on a suitable collar.

1-109.           DOMESTIC ANIMAL SHELTERS. Maintenance of domestic animal  
shelters, shall be by permit only. A person desiring to maintain  
a domestic animal shelter shall obtain a permit from the Health Officer. The  
Health Officer shall inspect the premises on which the proposed shelter will  
be located, and upon a determination by the Health Officer that the proposed  
shelter does not violate the terms of this article, and upon presentation of the

rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies.

- i. Use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
- j. Garbage shall not be fed to fowl.
- k. Refuse shall be stored in proper containers or in a manner approved by the Health Officer and disposed of at least once each week or as frequently as may be required by the Health Officer.
- l. Holding lots, pens and floors of sheds and buildings where domestic animals are held shall be surfaced with concrete or asphaltic materials and the drainage system of such surface area shall include proper retaining walls and traps to control the waste from draining into water courses and such drainage system shall be subject to the approval of the Health Officer: Provided, That the Health Officer may waive this standard for domestic animal holding operations where such animal holding is no longer than twenty-four (24) hours for any domestic animal involved or where dirt lots are more appropriate for the proper care of cattle, horses or sheep: Provided, further, That solid wastes accumulated from the cleaning of domestic animal shelters shall be stored on concrete slabs or other facilities such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the Health Officer and all solid wastes shall be properly disposed of at least once each week or less often as may be required by the Health Officer.

1-111. AUTHORIZATION FOR QUARANTINE. The Health Officer shall report to the Mayor in the event a potential outbreak of rabies is suspected in the dog or cat population. If the Mayor concurs with the Health Officer that the danger of the public safety from rabid animals is reasonably imminent, the Mayor is hereby authorized and it shall be his duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or to confine it as herein provided for such times as may be specified in such quarantine proclamation. All dogs, cats or other animals found at large during the time specified by the Mayor in his quarantine proclamation without being properly confined or muzzled may be destroyed by any officer of the City under procedures established by the Health Officer.

1-112. EXCLUSION. Properly licensed veterinary hospitals are excluded from the provisions of this article.

1-113. EFFECTIVE DATE OF CERTAIN PROVISIONS. All persons harboring animals described in Sections 1-104e and 1-104f of this article, shall be permitted to continue to harbor the animals for a period of one (1) year after May 22, 1978: Provided, That the owner or keeper of