

## ORDINANCE NUMBER 393

AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, REGULATING THE KEEPING AND HARBORING OF DOGS WITHIN THE SAID CITY, AND PROVIDING FOR THE REGISTRATION THEREOF, AND REPEALING ORDINANCE NUMBERS 290 AND 305 OF THE CITY OF HIGHLAND, KANSAS, AND ALL OTHER ORDINANCES OF SAID CITY REGULATING THE KEEPING AND HARBORING OF DOGS IN CONFLICT HERewith.

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

### **SECTION 1. REGISTRATION-FEES-RABIES VACCINATION-CERTIFICATE.**

A. The owner, keeper, or harborer of any dog over two months of age shall annually register the name, sex and description of such dog with the City Clerk and shall pay said City Clerk annual registration fees as follows:

- (1) For each non-spayed female, \$6.00.
- (2) For each spayed female and for each male, \$3.00.
- (3) For each dog kennel (the term "dog kennel" being herein defined as the keeping or harboring within the City of four or more dogs registered to one owner, or which are owned, harbored by or registered to members of one family, or by or to any or all persons residing at one residence), notwithstanding subsections (1) and (2), \$100.00.

B. Before any such dog or dogs may be registered, the owner, keeper, or harborer thereof shall produce and exhibit to the City Clerk a certificate, signed by a registered veterinarian, showing that such dog or dogs have been vaccinated against rabies within a sufficiently recent period of time so as to be effective for the purpose of prevention of said disease for the duration of the registration (calendar) year. Said vaccination need not necessarily be within the current registration (calendar) year as long as the certificate indicates its effectiveness for the current registration (calendar) year. In case such application is for a spayed female, it shall be accompanied by a certificate signed by a registered veterinarian showing that such dog has been spayed.

C. The City Clerk or the council may designate an appropriate agent, such as a licensed veterinarian, to perform all duties to be performed by said City Clerk or the Police Department under the terms of this ordinance. Wherever the term "City Clerk" or "Police Department" is used within the provisions of this ordinance, the same refers to the person or persons filling said offices as well as any agent designated to perform such duties.

### **SECTION 2. REGISTRATION-FEES-FINES-RECORD KEEPING.**

A. Registration fees shall be paid annually on or before the 31st day of January in each registration (calendar) year; and if such fees are not paid on or before the 28th day of February of each year, then the owner, keeper, or harborer of any such dogs shall pay to the City Clerk a fee of \$8.00 for each non-spayed female dog, and a fee of \$5.00 each for each spayed female and male dog, rather than the normal fee as set forth in SECTION 1.

B. Persons becoming the owner, keeper, or harborer of a dog subsequent to January 1st of each registration (calendar) year shall, within 30 days, register such dog with the City Clerk and pay the full registration fee for the current registration (calendar) year.

C. The City Clerk shall issue a receipt for all such fees paid and maintain proper records in connection therewith.

**SECTION 3. REGISTRATION-FEES-VIOLATION-PENALTY.** It is unlawful for any owner, keeper, or harbinger of any dog to keep said dog in the City without registering and paying the registration fees as provided for in Section 1; and the keeping and harboring of any dog in the City after the 31st day of January of each registration (calendar) year without such registration and payment of the registration fee, shall be deemed an ordinance violation and, upon conviction thereof, shall be punished as set forth in SECTION 12. of this ordinance.

**SECTION 4. REGISTRATION-RECORD KEEPING-ISSUANCE AND DISPLAY OF TAG.**

A. It shall be the duty of the City Clerk to keep a suitable book for the registry of dogs and to register therein all dogs for which the registration fees or license taxes are paid, together with the items of description of each dog, as provided for in SECTION 1.; and he shall enter the date of registration and furnish the person causing any dog to be registered a suitable metal tag or check to be fastened on the neck of such dog.

B. It shall be the duty of the owner or person paying the fee to affix the tag to the collar of the dog in such a manner that the tag may be readily seen by the police officers of the City or by any other person responsible for the enforcement of this ordinance; and it shall be the further duty of the owner or person to see that the tag is constantly worn by the dog.

**SECTION 5. RABIES-DESTRUCTION-IMPOUNDMENT.**

A. It shall be the duty of the Police Department to confine, at once, if possible, or kill any dog infected with rabies. If killed by means of destruction, a means should be used whereby the brain of the animal is not mutilated.

B. Any dog suspected of having rabies shall be confined or impounded for a period of time sufficient to determine if such animal actually has rabies.

**SECTION 6. RABIES-MAYOR'S PROCLAMATION DUTY-MUZZLING REQUIRED.**

A. The Mayor is authorized, and it is made his duty, whenever, in his opinion, the danger to the public safety from rabid dogs or dogs with hydrophobia is imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog in the City to do the following:

- (1) Muzzle the dog with a sufficient and good wire muzzle, completely enclosing the head of the dog;
- (2) Confine the same in a good and sufficient enclosure from which the dog cannot escape; and/or
- (3) Fasten the dog by means of a chain on the premises where the owner, keeper, or harbinger may reside at a safe distance from all sidewalks abutting the premises.

B. Any dog which appears upon the street, alley, or public place, with or without the owner or keeper, during the time the proclamation set out in subsection A. of this section is in full force and effect, without being securely muzzled as provided in

subsection A. of this section, may be killed whenever found by any police officer in the City.

**SECTION 7. VICIOUS-MUZZLING REQUIRED.** It shall be the duty of every owner, keeper, or harbinger of any dog in this City that is known to be of vicious disposition to keep the same duly muzzled with a good and sufficient wire, leather or metal muzzle securely fastened so as to wholly prevent such dog from biting any person or animal.

**SECTION 8. RUNNING AT LARGE-UNLAWFUL-IMPOUNDMENT.**

A. It is unlawful for any dog to run at large upon the streets, alleys and public places of the City.

B. All dogs shall be penned, tied, leashed, or confined to their owners' property at all times.

C. It shall be the duty of the Police Department and/or other designated City employee or agent to catch and impound all dogs found running at large upon the streets, alleys, and public places in the City, whether or not such dogs are licensed, and to catch and impound such dogs which are not penned, tied, leashed, or confined.

D. All dogs so caught shall be impounded and disposed of as provided by SECTION 9. of this ordinance.

**SECTION 9. IMPOUNDMENT-ENFORCEMENT-DISPOSAL.**

A. It shall be the duty of the Police Department, or other designated employees or agents, to strictly enforce the provisions of this ordinance.

B. All dogs captured or given up to said officers shall be taken immediately to a pound or other suitable location provided by the City; and after 72 hours, unless the owner, keeper, or harbinger of any dog has claimed the dog and complied with the provisions of this ordinance, said officers or designated agent shall destroy such dog, may sell such dog or shall otherwise dispose of such dog according to the law. Upon claiming any such dog, and prior to regaining possession, the owner shall pay to the City a pickup fee of \$25.00 for each dog taken into custody, along with payment of all costs and fees of impounding incurred.

**SECTION 10. UNLAWFUL ACTS.** It is unlawful for any person other than a duly authorized officer or other designated agent to do the following:

- (1) Break open or attempt to break open the city pound or any other animal confinement location;
- (2) Take or let out any dog placed therein by an officer of this City;
- (3) Take or attempt to take from an officer of this City any dog taken up by him under the provisions of this ordinance;
- (4) In any manner interfere with or hinder any officer of this City in catching or taking up any dog.

**SECTION 11. ABANDONMENT PROHIBITED.** No person shall bring, carry, haul, or lead any dog into the City and leave or abandon the same.


**SECTION 12. PENALTY.** The penalty for violating any of the provisions of this ordinance shall be a fine in an amount not less

than \$5.00 and not exceeding \$100.00, for each such violation, except where specifically provided for otherwise herein.

**SECTION 13. REPEAL OF ORDINANCE NUMBERS 290 AND 305.** That Ordinance Number 290 and Ordinance Number 305 of the City of Highland, Kansas, and any other ordinances of said City regulating the keeping and harboring of dogs and in conflict herewith are hereby repealed.

**SECTION 14. EFFECTIVE DATE.** This ordinance shall take effect upon publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 4th day of December, 1996.

  
Roger Hopkins, Mayor

ATTEST:

  
Bill Butrick, City Clerk

REVISED TO JOURNAL #5  
WITH ORDINANCE # TAB  
3-13-98

(SEAL)

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 4 day of December, 1996; that the record of the final vote on its passage is found on page 8 of journal 6; that it was published in the Highland Vidette on the 13 day of February, 1997

 City Clerk