

ORDINANCE NO. 246

AN ORDINANCE RELATING TO DOGS AND OTHER ANIMALS, PROVIDING FOR THE CONTROL AND LICENSING OF DOGS, PROVIDING FOR IMMUNIZATION OF DOGS AGAINST RABIES, PROVIDING FOR THE IMPOUNDING OF DOGS, CATS AND OTHER ANIMALS WHICH HAVE BITTEN ANOTHER ANIMAL OR A PERSON, PRESCRIBING PENALTIES FOR VIOLATION HEREOF AND REPEALING ORDINANCE NO. 18 OF SAID CITY OF WATHENA.

BE IT ORDIANED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

SECTION 1. All dogs in the City of Wathena, Kansas shall be licensed by license issued by the City Clerk of said City. Licenses shall be valid for a period of one (1) year extending from May 1st, to the following April 30th. Application for licenses shall be filed with the City Clerk by the party desiring same. Upon payment of the license fee, as prescribed in Section 2 of this Ordinance, there shall be issued by the City Clerk a license tag of suitable size and shape and with appropriate means of attaching to the dog's collar. Such license tag shall be attached to the collar, harness, halter or other strap on said dog and shall be and remain so attached to such dog during the license period.

SECTION 2. That the annual license fee for licensing and keeping one male dog or one sprayed female dog shall be the sum of two dollars (\$2.00) and for each additional male dog or sprayed female dog licensed by any one owner or household the sum of Three dollars (\$3.00). The license fee for keeping one unsprayed female dog shall be the sum of Three dollars (\$3.00), and for each additional unsprayed female dog licensed by any one owner or household the sum of five dollars (\$5.00).

Section 3. Every dog of the age of six months or over, within the corporate limits of the City of Wathena, Kansas shall be immunized agaist rabies and shall remain so effectively immunized. The owner or harboror of each dog shall upon request by proper authority, produce a certificate from a licensed, as-credited veterinarian, attesting to the dog's current immunity against rabies.

SECTION 4. Before the City Clerk shall issue a license or register the name of the owner or harboror of a dog over six months old, the owner or harborer of such dog shall funrinsh to the City Clerk a certificate from a licensed, accredited veterinarian showing currently effective immunization agaist rabies.

SECTION 5. Whenever a person shall file with the City Marshall of the City of Wathena a sworn complaint that a certain dog, cat, or other animal has bitten another animal or a person (describing such dog, cat, or other animal iwth particularity, and giving the name of the owner, harborer, or keeper of the same, as well as complete information as to what animal or person was bitten, and setting out further, with reasonable exactness, the time and place of such occurrence) and there is reason to believe that the said animanl may be infected with rabies or any other disease dangerous to the public, then the City Marshall shall order the owner, harborer or keeper of such dog, cat, or other animal to forthwith deliver up and surrender the said animal to any peace officer. The animal so alleged to have bitten another animal or person shall then be impounded in a separate compartment at a veterinarin's kennel for observation for a period of not in excess of fifteen (15) days. If the veterinarian shall determine that such animal is diseased and by reason of such disease is dangerous to persons or other animals, he shall so notify the City Marshall oft he City of Wathena who shall then arrange for the immediate destruction of said animal. If the veterinarian shall determine that such animal is not so diseased, then the City Marshall or his designated officer shall so inform the owner of the animal. It shall then be the duty of the owner of said animal to obtain the said animal from the veterinarian and to pay all of the veterianrian's costs for the keeping, care, and maintenance of the animal while so impounded. If the owner of said dog, cat or other animal does not appear at the office of the veterinarian and secure the release of the animal within five (5) days after receiving notice to do so, then the City Marshall may, in his discretion, sell, destroy, or otherwise dispose of the animal without further notice and the City of Wathena shall pay the veterinarian the regular and usual charge for the care, keep and maintenance of the animal while so impounded, provided, however, that the owner of said animal, at any time during its confinement at the veterianarian's for observation, may demand a hearing before the Police Judge of the City of Wathena to determine the validity of the facts alleged in the affidavit filed in said Court, and provided, further, that if the Police

Judge, on the basis of the evidence presented at the trial, shall find, that the facts as alleged in the affidavit are not correct and are not such as to justify the impounding of the animal, then such animal shall forthwith be released to its owner by the veterinarian on order of the Police Judge and the accrued costs of the keep, care and maintenance of said animal shall be charged to the affiant.

SECTION 6. It shall be the duty of the City Marshall to ascertain whether or not all dogs found within the City limits of said City of Wathena are currently licensed and currently immunized and any unlicensed or un-immunized dog found within the City limits of the City of Wathena shall be impounded by the City Marshall.

SECTION 7. Any person desiring the return of his dog from the City Marshall, after the same shall have been impounded by said City Marshall pursuant to the provisions of Section 6 above, shall complete the following; (a) If the dog does not have a current license or is not currently immunized against rabies, then secure such license and/or immunization, and (b) Pay to the City Marshall the sum of One Dollar (\$1.00) per day for the care and feeding of said dog by said Marshall prior to the release of the dog to its owner,

SECTION 8. If any dog remains in the possession of the City Marshall for five (5) or more days after the City Marshall shall have notified the owner thereof of his possession of said animal without the owners securing its release, the said City Marshall shall sell or humanely dispose of the said dog and retain the proceeds from any sale hereunder for his care and feeding of said dog, provided, however, that said Marshall shall within two (2) days after taking said dog into his possession, notify the owner thereof, if known, of the fact that he has said dog in his possession.

SECTION 9. Any person who shall allow any dog or dogs to habitually remain or be lodged or fed at his home, store, yard, or other enclosure shall be deemed to be the owner or harbinger of such dog,

SECTION 10. Any person who shall keep, own or harbor a dog in violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction therefor, be subject to a fine of not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00) for each such offense.

SECTION 11. Ordinance No. 18 and all other Ordinances of said City of Wathena in conflict herewith are hereby repealed.

SECTION 12. This Ordinance shall take effect and be in force from and after its publication in the Wathena Times, official City Paper.

Passed by the Council and Approved by the Mayor this \_\_\_\_ day of April, 1966.

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Mayor, City of Wathena, Kansas

ATTEST:

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City Clerk

(CITY SEAL)