

ORDINANCE NO. 324

AN ORDINANCE PERTAINING TO THE REGULATION AND MAINTENANCE OF ANIMALS AND FOWL WITHIN THE CITY LIMITS OF ROLLA, KANSAS; REPEALING CITY OF ROLLA, KANSAS ORDINANCE NUMBERS 232 AND 270 AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, it is deemed necessary and desirable that regulations governing the owning, keeping, and harboring of animals within the corporate limits of the City of Rolla be promulgated; and

WHEREAS, it is deemed necessary and desirable that current City of Rolla, Kansas Ordinance Numbers 232 and 270 be amended and repealed and that an ordinance be passed setting forth regulations for control of animals;

SECTION 1: MAINTAIN CONTROL.

(a) It shall be unlawful for any person owning, harboring or having in custody any animal to permit the same to become a public nuisance within the City of Rolla, Kansas.

(b) It shall be the responsibility of any owner or harbinger of any animal to maintain restraint of such animal by keeping it under the control of a responsible person.

SECTION 2: PICKETING ANIMALS ON PUBLIC PROPERTY.

It shall be unlawful for any person owning, harboring or having in his or her custody any animal to picket it upon any public property.

SECTION 3: ANIMAL OR FOWL PENS.

It shall be unlawful for any person to maintain any stable, shed, yard, pen or other confinement upon which any number of animals or fowl shall be kept in such a manner as to be offensive to those residing in the vicinity or annoying to the public. It shall also be a nuisance and unlawful for any pen to not be kept free of excessive debris, garbage, water and excretion.

SECTION 4: VICIOUS ANIMALS.

It shall be unlawful for any person to keep, harbor, or maintain within the City of Rolla, Kansas any vicious or dangerous animal.

SECTION 5: KEEPING SWINE.

It shall be unlawful to keep any pigs, hog or swine of any kind within the City except for the transport to market of such pig, hog or swine.

SECTION 6: DEAD ANIMALS.

The owner of any animal that shall die within the City shall, within twenty-four (24) hours, cause the carcass to be removed and properly disposed of or buried. In no case shall an owner permit a carcass to remain in the open air in the City until it becomes offensive in smell.

SECTION 7: TRAPPING, SNARING PROVOCATION, ETC.

(a) It shall be unlawful for any person to use any trap, cage, snare, or bait to catch, kill, maim, destroy or otherwise take any animal within the City without the permission of the designated official. This subsection shall not apply to common household pests, including, but not limited to rats, mice, bats or moles.

(b) The designated official may authorize private citizens to trap, cage, snare or bait animals within the City where such authorization will aid city, county, state, or federal animal or game control officers in the performance of their appointed duties.

(c) It shall be unlawful for any person to willfully and intentionally tease, harass, injure or abuse an animal or enter into a fenced or enclosed area or building in which an animal is lawfully kept or harbored with the intent to tease, harass, injure or abuse an animal; or make any threatening actions or conduct taken against, or battery of, a person without legal cause or justification, and done in the presence of an animal which is owned, kept or harbored by such person or by a member of such person's immediate family or household.

(d) This section shall not apply to persons designated and authorized by the city to act or serve as animal control officers.

SECTION 8: NUISANCE ANIMALS.

No animal shall be allowed to cause a public nuisance. The owner or harborer of any animal shall be held responsible for every behavior of such animal under the provisions of this ordinance. Activities including without limitation such as excessive, continuous, or untimely noise, running loose, attempting to attack or attacking and injuring persons or other domestic animals; damaging public or private property by its activities or with its excretion; scatters refuse that if bagged or otherwise contained; or activity which threatens or endangers the health or well being of persons or other animals, shall be deemed a nuisance.

SECTION 9: DESTRUCTION OF ANIMALS.

Any animal, which upon the second finding by the municipal court to be a nuisance, may be ordered destroyed if the actions of the animal are deemed to be serious. Any animal which if found to be vicious by the municipal court shall be ordered destroyed or removed from within the City limits within forty-eight (48) hours.

SECTION 10: ABANDONMENT OR NEGLECT.

It shall be unlawful for any person to abandon or neglect to care or otherwise provide for the safety of any animal within the City of Rolla.

SECTION 11: STRAY ANIMALS.

The designated official of the city is hereby authorized to destroy summarily any dog or cat found at large in the city without an identifying tag showing the payment of the tax herein imposed, or any dog or cat obviously a stray and not owned or harbored by any resident of the city.

SECTION 12 - 15: RESERVED

DOGS AND CATS
DIVISION 1, Generally

SECTION 16: OWNER OR HARBORER DEFINED.

Any person who shall keep a dog or cat or allow a dog or cat to remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or at any other premises which he controls or in which such person is lodged, shall be considered as owning or harboring such dog or cat.

SECTION 17: PUBLIC NUISANCE.

(a) It shall be unlawful for the owner or harborer of a dog or cat to permit the same to become a public nuisance with the City of Rolla.

SECTION 18: IMPOUNDMENT AND REDEMPTION

(a) Any police officer or other person charged with enforcing the provision of this ordinance is authorized to capture all dogs or cats creating a public nuisance within the city and impound and safely keep all such dog or cat for the period of three (3) days following the day of receipt of the dog or cat, during which time such dog or cat may be released upon the owners or harborer thereof paying to the city clerk any tax due and fees for such dog or cat and paying the costs of impounding and keeping such dog or cat. If such dog or cat is unredeemed by the owner or harborer within such

period, the designated officer may release such dog or cat to any person who pays the tax due, fees, if any, and costs of impounding.

(b) The designated officer, after expiration of the three (3) day redemption period, may destroy or dispose of all unredeemed and unclaimed dogs or cats. The fee for each impounded after capture shall be fifty dollars (\$ 50.00) for the first offense and one hundred dollars, (\$ 100.00) for each offense thereafter. The fee for keeping a dog or cat, which shall be in addition to the impoundment fee, shall be a reasonable fee as established by the party providing the boarding for said animals.

SECTION 19: HYDROPHOBIA.

If at any time hydrophobia shall be reported or suspected to be in the city or vicinity, the designated officer shall have the right and power to compel the muzzling of all dogs during a period to be fixed by him in a notice published in the official paper; and it shall be unlawful to disobey such notice.

SECTION 20: DOG OR CAT BITES AND QUARANTINES.

Whenever a dog or cat has bitten a person, the person bitten shall immediately notify the designated officer. All such incidents shall be reported to the county health officer who shall order the dog or cat quarantined and impounded for a period of not less than ten (10) days either at the city pound or at a commercial animal hospital and until such time as the county health officer finds that such dog or cat shows no evidence of having rabies. If it is determined that such dog or cat is suffering from rabies, it shall be forthwith destroyed; otherwise, it shall be released from quarantine. The fee for the City holding a quarantined animal shall be established by the city clerk or the designated officer.

SECTION 21: UNAUTHORIZED RESTRAINT ON PREMISES OF ANOTHER.

No dog or cat shall be confined or restrained by the owner or harbinger thereof in or upon any premises without the express consent of the owner or party in control or possession thereof.

SECTION 22: ANIMAL VIOLATIONS.

In addition to, or in lieu of, impounding an animal creating a public nuisance, any police officer or other person charged with enforcing the provisions of this ordinance may issue to the known owner or harbinger of such dog or cat a notice of ordinance violation.

SECTION 23: REMITTANCE OF TAXES AND FEES.

The designated officer shall remit all taxes, fees and costs collected under

the provisions of this ordinance and shall account therefore to the City Clerk at least once monthly.

SECTION 24: PROPER CONFINEMENT OF CATS AND DOGS IN HEAT REQUIRED.

The owner of any female cat or dog shall, during the period that such animal is in heat, keep it securely confined and enclosed to prevent unintended breeding. Such animal may be allowed out of such confinement for temporary periods of time for toilet purposes provided that it is supervised by the owner or harborer during such time that it is not confined.

DIVISION 2. Registration and Licensing

SECTION 25: REQUIRED.

It shall be the duty of every owner or harborer of a cat or dog within the limits of the city to cause said dog or cat to be registered in accordance with the provisions of this ordinance.

SECTION 26: FEE OR TAX.

(a) The owner or harborer of a dog or cat shall pay an annual registration and licensing tax as follows:

- (1) For each neutered male dog or cat or spayed female dog or cat, one (\$1.00) dollars.
- (2) For each unneutered male dog or cat or unspayed female dog or cat, two dollars and fifty cents (\$2.50) dollars.

(b) The annual registration and licensing tax shall be due and payable within the first five (5) months of each year or within three (3) days after the dog or cat has attained the age of three (3) months, whichever occurs sooner. All dogs and cats must display a current year tags no later than May 31st of each year. If the tax imposed and required to be paid by this ordinance is not paid by May 31st it is hereby increased fifty cents (\$.50) for each calendar month or part thereof during which such tax remains unpaid. Licenses shall become delinquent June 1st of each year.

SECTION 27: APPLICATION, PROOF OF VACCINATION AND ISSUANCE OF TAG.

(a) It shall be the duty of every dog or cat owner or harborer within the City to annually furnish to the City Clerk an apt description of any dog or cat of which he or she is the owner or harborer, and to pay to day clerk the tax thereon, and it shall be the duty of the Clerk to receive said tax and receipt therefor in duplicate one to be delivered to the person paying such tax and the other to be retained by the Clerk.

(b) The Clerk shall also deliver to the person paying such tax a new metallic

tag for each year, which shall be stamped or engraved thereon the year of issue, the words, "Rolla Dog Tax" or "Rolla Cat Tax" with a number which shall correspond with a number assigned to each receipt as outlined in Section 27 (a) of this ordinance provided, that no receipt shall be given or tag issued until the owner or harbinger shall furnish to the City Clerk a certificate signed by a registered veterinarian showing thereon said dog or cat has been inoculated for rabies either with:

- (1) Killed tissue vaccine (referred to as "one-year vaccine"); or
- (2) With the modified live virus vaccine (sometimes known as "three year vaccine"); and that said vaccination is current and valid.

SECTION 28: DISPLAY OF TAG; REPLACEMENT TAGS.

It shall be the duty of every owner or harbinger of a dog or cat upon which tax has been paid and which has been registered and licensed as provided to put around the neck of such dog or cat a collar and annually attach thereto securely with a metallic fastening the metallic tag provided for in this ordinance and cause such tag to be constantly worn by such dog or cat until the license is renewed. When any tag has been lost, the Clerk shall, upon presentation of the receipt showing that the tax has been paid on such dog or cat, issue to the person requesting the same a replacement tag upon payment of the sum of two dollars (\$2.00).

SECTION 29: ENFORCEMENT.

The designated official shall enforce the provisions of this division.

SECTION 30: EXEMPTIONS.

The provisions of this division shall not apply to:

- (1) A dog or cat which is less than three (3) months old; or
- (2) A dog or cat temporarily in the City accompanied by its owner or harbinger who is a nonresident of the City, provided that a dog or cat visiting in the City for more than (30) days shall be registered and licensed.

SECTION 31: PENALTY.

Any owner or harbinger violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars (\$100.00), or be imprisoned not exceeding three (3) months, or be both so fined and imprisoned.

SECTION 32:


Any ordinances or parts of ordinances in conflict with the foregoing are hereby repealed.

SECTION 33:


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

PASSED AND ADOPTED by the Governing Body of the City of Rolla, Kansas this 19th day of April, 1999.




Neill Brent Hays, Mayor

ATTEST:


Gonza Randle, City Clerk