

## Ordinance # 591

# Domestic Animals in General

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS IN THE CITY OF ALTAMONT, KANSAS; PROVIDING FOR THE INOCULATION AGAINST RABIES; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; AND ANY OTHER ORDINANCE IN CONFLICT THEREWITH AND REPEALING ORDINANCE NO. 352, 451, AND 547:

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

### Section (1) Definitions

- A. Animal shall include dogs, cats, and domesticated animals not otherwise prohibited within the City.
- B. At large means any animal off the premises occupied by the owners household as their abode and when not accompanied by its owner on a leash.
- C. Dog shall mean all members of the canis familiaris, male or female, six (6) months of age or older.
- D. Harborer or Keeper shall mean any person who allows or permits any animal to remain or to be fed or lodged within or upon the premises of such person.
- E. Own shall mean and include own, keep, harbor, shelter, manage, possess, or have part interest in any animal.
- F. Owner shall mean the one who owns, his or her employee, agent, or other competent person into whose charge the owner has placed the animal.
- G. Police Officer shall mean any officer designated by the governing body of the City of Altamont, to perform or enforce the provisions of this ordinance.
- H. Vicious Animal shall include any animal that is dangerously aggressive, and through its actions present a danger of attacking, biting, injuring, or maiming of any person or animal.

### Section (2) Emergency Measures

In the event of rabies or other domestic animal epidemic, this ordinance may be temporarily suspended by order of the Mayor and such emergency measures as are necessary may be substituted by proclamation of the Mayor.

### Section (3) Catching Animals

It shall be lawful for any person designated to enforce the provisions hereof to use any device, rope, net, or enticement now devised or hereafter devised, or tranquilizer guns, darts or any other method to enforce such law so long as such method is humane. Provided, however, such methods are optional with the City, and nothing herein shall be construed to be condition precedent to the application hereof.

### Section (4) Destruction of Animals

The police, or humane officer of the city may slay, without notice, any animals that are dangerous, vicious, cause destruction to property while at large and unable to be taken up by means of cage trapping and or become a public Nuisance, or suspected of being infected with rabies, or injured with no apparent chance of survival, or in such pain as to warrant humane destruction.

### Section (5) License

It shall be unlawful for any person to own, keep, or harbor any animal over six (6) months of age within the city limits, without registering such animal and paying a yearly license tax thereon. An annual license tax of \$1.00 will be assessed for each animal. Designated officer may conduct an Animal Census whenever deemed necessary in any and all areas of the city as needed to insure that all animals over six (6) months old harbored in the City are vaccinated and licensed. Failure to comply with the

requirements of this ordinance, owners, who fail to have animals licensed and vaccinated, violate this ordinance. Their animals will be impounded at a local veterinarian facility at the owner's expense. All vaccination and city license requirements must be met before being allowed back into the City. The above provisions (in section #5) shall not be intended to apply to "seeing eye" dogs or medically certified therapy dogs with proper paperwork.

The animal control officer, the zoning enforcement officer, or any law enforcement officer shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection.

#### **Section (6) Vaccinations**

Any person making application for a license for an animal shall be required to present to the City Clerk, at the time of making such application a certificate issued by a licensed Doctor of Veterinary Medicine (DVM) showing that such animal has been vaccinated with anti-rabies vaccine. The showing that the vaccination must be current and effective at the time in which the application is made.

#### **Section (7) Date Payable and Registration Tags**

The license tax shall become due on April 1<sup>st</sup>, and each April 1<sup>st</sup> thereafter, and payable on or before the fifteenth day of April each year. The owner or harbinger of any animal over the age of six (6) months in the city shall register such animal with the City Clerk or official. Tags will be issued. The owner must keep the tag attached to the collar of the animal to be used on the animal so registered.

#### **Section (8) Running at Large Unlawful**

It shall be unlawful for any owner, keeper, harbinger of any animal to allow that animal to run at large within the city limits. At large means any animal off the premises occupied by the owners household as their abode and when not accompanied by its owner on a leash.

Any animal found running at large within the city can be taken up by the designated officer and held at a veterinary shelter until the animal is claimed by owner. All license fees need to be paid, rabies vaccination completed, and any cost incurred to DVM paid before animal will be released. DVM will hold dogs impounded by officers for a certain amount of days as determined by DVM. If animal is not claimed, the DVM will become property owner and dispose of animal in a humane manner or adoption.

Any animal found running at large within the City of Altamont, whether captured or not, will incur a \$50.00 animal at large fee for the first offense. It is \$75.00 for the second offense during the same calendar year payable to the City Clerk. The third offense the owner will have charges filed through Altamont Municipal Court.

#### **Section (9) Keeping of Animal that is inherently dangerous, destructive or vicious**

It shall be and hereby declared unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Altamont, Kansas:

- A. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, including but not limited to non-human primates, raccoons, skunks, foxes, deer and wild and exotic cats.
- B. Any animal having poisonous bites.
- C. Any dangerous, destructive or vicious dog including, but not limited to:
  - a. "Pit Bull Dog" is defined to mean:
    - i. Bull terrier breed of dog.
    - ii. Staffordshire bull terrier breed of dog.
    - iii. American pit bull terrier breed of dog.
    - iv. American Staffordshire terrier breed of dog.
    - v. Dogs of mixed breed or of other breeds other than above listed which breed or mixed breed is known as pit bulls, pit bulls dogs, or pit bull terrier, American Staffordshire terrier, and other breed commonly known as pit bull dogs, or pit bull terriers, or a combination of any of these breeds.

#### D. Animals Bites.

- a. Dangerous propensity is the tendency of an animal to bite a person or another animal without provocation. The intention of the animal is immaterial. Furthermore, it is not necessary to prove that an animal previously bit a person or another animal, but by their action(s) indicated it wanted to bite.
  - i. Any owner, harborer or keeper of any domestic animal, dog, or cat shall be issued a summons to appear in Altamont Municipal Court if said animal attacks or bites a person or another animal.
  - ii. Upon conviction of an animal biting a person or another animal the Altamont Municipal judge shall deem the animal vicious and dangerous. A fine is issued of not less than \$100.00 dollars for the first offense and special regulations for keeping animal within the Altamont City Limits. If a second offense occurs with same animal the judge shall impose a fine of not less than \$200.00 and not more than \$500.00 dollars and order the animal removed from the corporate Altamont City Limits.
- b. Nothing within this ordinance shall keep a person who is a victim of an animal bite from taking civil action against animal owner(s), harborers or keepers for medical cost incurred from animal attack or bites.

#### **Section (10) Nuisance Animals**

Any person who maintains any animal in any building, enclosure, runway, pen on his or her premises which is not kept clean, sanitary, and free from filth, garbage, and offensive odors at all times, or which is or becomes offensive to those residing in the vicinity, upon written complaint to the City and an investigation completed, the city may deem said person(s) to maintain a nuisance.

The keeping of any animal which by loud, frequent, and habitual barking, howling, yelping, meowing, or screeching shall disturb the peace of any neighborhood or area, upon written complaint to the city and an investigation completed, the City may deem said person(s) to maintain a nuisance animal.

It shall be the duty of any person(s) found to be in violation of this section to abate said nuisance. If he or she fails to do so after receiving notification from the City, the City may abate the nuisance by taking up, impounding or disposing of said animal(s) at the expense of the owner.

#### **Section (11) Removal of Animal Feces Required**

The owner of any animal, when such animal is off the owner's property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas, or private property. It shall be a violation of this section for such owner to fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred.

#### **Section (12) Quarantine**

It shall be unlawful for any owner, or harborer of any animal, when notified that such animal has bitten or so injured any person or another animal as to cause an abrasion or breaking of the skin, to allow such animal to be taken beyond the city limits, except to place under the care of a licensed DVM, for a period of not less than 10 days. It shall be the duty of the owner or keeper to immediately place such animal in a quarantine area where no contact with persons or other animals besides the harborer, as long as current proof of rabies vaccination is provide to the police department. If a quarantine area is not available or current proof of rabies vaccination cannot be provided, the animal shall be placed with a licensed DVM hospital where such animal shall be confined for a period of not less than 10 days, at the owner's expense. The owner shall notify the City of the name and location of the hospital and date of confinement.

**Section (13) Cruelty to Animals**

It shall be unlawful for any owner, keeper, or harbinger of any animal to:

- A. Fail to provide such animal with sufficient and humane care and treatment.
- B. Ill-treat or abuse any animal.
- C. Intentionally injure, mame, destroy, or kill any animal in the City, unless such animal is an immediate threat to the physical safety of such person or persons.
- D. Abandon any animal within the City of Altamont.

**Section (14) Financial Responsibility**

In the event any owner, keeper or harbinger or other person found in violation of any section of this ordinance, any financial liability incurred for the care and treatment of such animal shall be the personal financial responsibility of such person.

**Section (15) Penalties**

In addition to aforesaid financial responsibility any person(s) violating sections of this ordinance shall be fined of not less than \$50.00 dollars and not more than \$500.00 dollars.

**Section (16) Collections**

All fees for registration and license, and fines collected hereunder, shall be paid into the general fund of the City of Altamont.

**Section (17) Effective date of Ordinance**

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

**Passed by the City Council of Altamont, Kansas: June 22<sup>nd</sup>, 2017**

  
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**Herbert C. Bath, Mayor, City of Altamont**

**Attest:**

  
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**Lizabeth Finley, Altamont City Clerk**