

ORDINANCE NO. 710

AN ORDINANCE PROVIDING FOR ASSESSMENT OF FEES RELATING TO: LICENSING, IMPOUNDMENT AND REDEMPTION OF DOGS, RELEASE, EUTHANASIA OR ADOPTION OF DOGS; VACCINATION; RECEIPT AND DUTY OF CLERK; DOGS RUNNING AT LARGE; NOTICE TO OWNER; VICIOUS DOGS; DOG BITES AND QUARANTINE; ABANDONMENT OF DOGS; NOISY DOGS; PENALTY; AND REPEALING ORDINANCE NO. 593 OF THE CITY OF LYNDON, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LYNDON:

SECTION 1. ANNUAL FEES FOR DOGS. An annual fee of \$3.00 per tag, when purchased before March 1st each year and a fee of \$5.00 per tag thereafter, will be levied upon all persons, firms or corporations, owning or harboring a dog or dogs within the limits of the City. Tags for newly-acquired dogs may be purchased for \$3.00, if the owner obtains the same within 30 days of acquiring the dog.

SECTION 2. PAYMENT: VETERINARIANS CERTIFICATE. (a) It shall be the duty of each owner or harborer of a dog or dogs to pay the fee imposed in Section 1 hereon to the City Clerk for the general revenue fund of the City on or before the first day of March in each and every year, or upon acquiring ownership or possession of any dog or upon establishing residence in the City of Lyndon.

(b) The City Clerk shall cause a notice of the necessity of purchasing such a tag to be printed in the official paper before February 1st of each year.

SECTION 3. VACCINATION REQUIRED: (a) From and after publication of this Ordinance, it shall be unlawful for any person, firm or corporation to own, keep or harbor any dog, over the age of six (6) months, within the City unless said dog shall have been vaccinated for rabies.

(b) Before the City Clerk shall register and issue a metal tag for a dog over the age of six (6) months, the person registering said dog and purchase of a dog tag required in this article, shall furnish to the City Clerk a certificate from a licensed veterinarian showing that said dog has been immunized against rabies and that said immunization shall be effective for the year(s) for which the dog is licensed.

(c) A rabies tag for the current period shall be affixed to the dog's collar.

SECTION 4. RECEIPT: DUTY OF CLERK. Upon payment of said fee, the City Clerk shall execute a duplicate receipt showing payment of the same, and shall deliver the original receipt to the fee payer and retain the duplicate. The Clerk shall also procure a sufficient number of metallic tags numbered and lettered and deliver one appropriate tag to such fee payor. The City Clerk shall keep a book in which the Clerk shall enter the names and addresses of the persons paying fees on dogs, and the dog's name, breed, age, sex, color and if it has been spayed or neutered.

SECTION 5. TAG KEPT ON DOG. It shall be the duty of the person receiving a tag or tags as provided in Section 4 thereof to cause said tag or tags to be affixed by a permanent metal fastening to the collar of the dog, in a manner that said tag may be easily seen by the officers of the City, and it shall be the further duty of such person to see that said tag is constantly worn by such dog.

SECTION 6. IMPOUNDING. Any law enforcement officer of the City of Lyndon, County of Osage or State of Kansas shall have the authority to enforce the provisions of this article. The Mayor may also appoint some suitable person or persons as dog officers to enforce the provisions of this Ordinance and may pay them an hourly wage or a suitable sum for each dog taken up by them and all dogs taken up by an officer shall be immediately taken to a suitable pound to be disposed of according to the terms of this Ordinance.

SECTION 7. REDEMPTION. Any dog may be redeemed from the pound by the owner or keeper of said dog within 72 hours after impounding by the payment to the City Clerk of the fee for the current year, a \$25.00 impoundment fee for the taking up by the officers and a \$40.00 boarding fee charged by the pound, provided, however, that the claiming of a dog so impounded shall be prima facie evidence of the ownership of said dog and shall be prima facie evidence of the violation of Section 10.

SECTION 8. RELEASE OF DOG. Upon the presentation of receipt from the City of all charges referred to in Section 7 and current license tag, the pound keeper shall release, to any owner or keeper presenting said receipt, any dog or dogs claimed by him or her.

SECTION 9. KILLING OR SALE OF DOG. Any dog which is not claimed as provided in Section 8, within 72 hours after impounding, may be euthanized or otherwise disposed of, and buried by the pound keeper. If any person other than the owner desired to purchase such dog, the pound keeper may sell said dog for not less than all of the charges provided in Section 7 and these sums shall be reimbursed to the appropriate parties. Nothing in this section shall be construed to prohibit the pound keeper from adopting out a dog, with or without charge, after 72 hours.

SECTION 10. RUNNING AT LARGE UNLAWFUL. It shall be a violation of this Ordinance for any owner, keeper or harbinger of any dog to allow the dog to run at large within the City of Lyndon, Kansas.

SECTION 11. RUNNING AT LARGE DEFINED. A dog shall be kept within the owner's private premises or otherwise led by a chain, strap or rope or similar restraint by some person in charge of the dog. A dog shall be deemed running at large when found upon public or private property or the property of the owner when not under the control of the owner, keeper or harbinger as above provided.

SECTION 12. RUNNING AT LARGE - PICK UP. Whenever any dog shall be found running at large within the city limits of Lyndon, Kansas, such dog may be taken up by any law enforcement officer of the City of Lyndon, County of Osage or State of Kansas or dog officer appointed by the Mayor, and such animal shall be held three (3) days after notice to the owner or harbinger at a shelter provided for such purpose and if within said three (3) days the owner or harbinger complies with the redemption provisions of Section 7, such animal shall be released to the owner or harbinger. If not so claimed and after notice, if possible, as provided in the next Section, the dog will be disposed of in accordance with the provisions of Section 9 of this Ordinance. In addition to or in the alternative, the owner or harbinger of said dog may be issued a citation for their dog running at large in accordance with Section 18 of this Ordinance.

SECTION 13. NOTICE TO OWNER. Notice of pick up shall be immediately mailed by the City Clerk to the owner or keeper of the dog as shown by the licensing records of the City. Failure to receive such notice shall not prevent the City or its authorized agency to carry out the provisions of this Ordinance.

SECTION 14. VICIOUS DOGS. It shall be unlawful for any person within the City to keep, own or harbor any cross or vicious dog, unless such person shall keep such dog securely fastened and tied so that it cannot reach any person to cause him damage; injury or harm, and shall keep said dog in an enclosure securely fenced so that said dog cannot escape therefrom. In addition such person shall comply with all applicable provisions of City of Lyndon Ordinance No. 680. The City may take up the dog and impound it and dispose of it in the manner as provided in Section 12 and other provisions of this Ordinance and Ordinance No. 680. Nothing in this Ordinance shall be construed to limit or supercede the requirements of Ordinance No. 680 relating to vicious dogs, which shall remain in full force and effect.

SECTION 15. DOG OR ANIMAL BITES - QUARANTINE. It shall be unlawful for the owner of any animal or any person harboring an animal, when notified that such animal

has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such animal and it shall be the duty of such owner or keeper upon receiving notice of the character aforesaid to immediately place such animal in a licensed veterinary hospital, where such animal shall be confined until said animal has been checked for rabies and any other disease the veterinarian deems reasonable and necessary under the circumstances. The owner or harborer of any animal confined as aforesaid, shall forthwith notify the City Clerk of the name and location of said veterinary hospital along with the date that said animal was confined and the circumstances giving rise to the confinement. Under no circumstances shall said animal be released from confinement until the results of said test(s) prove to be negative.

If the owner or harborer of any animal neglects or refuses to quarantine said animal immediately upon notice, or if the owner/harborer of any animal is not immediately available to notify, or if the City cannot immediately locate the owner/harborer of said animal, the City through its agents or any city or county law enforcement officer shall have the authority to immediately impound said animal for testing, as aforesaid. The costs of impounding the animal, including but not limited to all veterinary hospital and veterinarian fees shall be the responsibility of the owner/harborer of said animal.

SECTION 16. ABANDONING DOGS UNLAWFUL. It shall be unlawful for a person or persons to abandon any dog or dogs and allow them to run at large in the streets, alleys and public places in the City.

SECTION 17. NOISY DOGS. The keeping or harboring of any dog which by loud frequent and habitual barking, howling or yelping shall disturb the peace of any neighborhood is hereby prohibited and declared to be a public nuisance and unlawful under this Ordinance. It shall be the duty of any person harboring or keeping such loud or noisy dog or dogs to abate said nuisance by taking up, impounding and disposing of the dog. Failing to forthwith abate said nuisance shall subject said dog to the provisions of Section 6 through 9 of this Ordinance and may subject the owner or harborer of said dog to the penalties provided by Section 18.

SECTION 18. PENALTY. Any person, firm or corporation violating any of the provisions of this Ordinance shall upon conviction thereof, be fined a sum not to exceed Five Hundred Dollars (\$500.00) or be imprisoned not to exceed thirty (30) days or be both so fined and imprisoned.

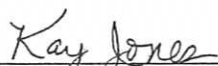
SECTION 19. Ordinance No. 593 of the City of Lyndon, Kansas, is hereby expressly repealed in full as well as all other Ordinances and Sections and parts of Ordinances or Sections in conflict herewith, with the exception of Ordinance No. 680 which shall remain in full force and effect.

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

PASSED AND APPROVED, this 21st day of June 2004.


ALDEN CHRISTESEN, Mayor

Attest:


Kay Jones, City Clerk

STATE OF KANSAS, COUNTY OF OSAGE, SS: