

ORDINANCE NO. 1635

AN ORDINANCE REGULATING THE KEEPING OF DOGS, DECLARING DOGS AND CATS RUNNING AT LARGE TO BE A PUBLIC NUISANCE AND PROVIDING FOR THE CAPTURE, IMPOUNDMENT AND DESTRUCTION OR RELEASE THEREOF.

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

SECTION 1. REGISTRATION, VACCINATION, DOG TAGS REQUIRED; FEE.

Every owner, keeper or harborer of any dog over (4) months of age within the limits of the City of Burlingame shall annually register with the Clerk Clerk of Burlingame, Kansas, his or her name and address with the name, sex and description of each dog owned and kept within the City Limits of Burlingame, Kansas. It shall be unlawful for the owner, keeper or harborer of any dog over (4) months of age to fail to maintain a current registration of such dog.

SECTION 2. Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog over (4) months of age to fail or maintain effective rabies immunization of such dog.

SECTION 3. Once registration of dog(s) is completed by the owner of said animal, a dog tag shall be issued by the City. The dog tag is to be attached to a suitable collar which is to be kept on the neck of each dog so registered. In the event a tag is lost, a replacement tag may be obtained at the City Clerk's Office.

SECTION 4. The City Clerk shall collect an annual registration fee of \$6.00. The registration fee being from January 1st to December 31st. The registration fee shall be prorated at any time newly acquired dog(s) or for dogs owned by a person or persons moving to and establishing a home in the City during a calendar year.

SECTION 5. The City Clerk shall maintain a record of dogs registered within the city limits of Burlingame, Kasnas, in a calendar year.

SECTION 6. That it shall be the duty of every owner, keeper or harborer of any dog or cat within the City limits of Burlingame, Kansas, to have each dog or cat under leash control or confined to the property of said owner, keeper or harborer.

SECTION 7. Any dog or cat running at large, as hereinafter defined, within the City limits of Burlingame, Kansas, are hereby declared a public nuisance whether or not licensed or registered. A dog or cat shall be deemed running at large when found upon public property or private property not the property of the owner, keeper or

harborer of said dog or cat and when not on a leash or direct control accompanied by the owner, keeper or harborer.

SECTION 8. Whenever any dog or cat shall be found running at large within the City limits of Burlingame, Kansas, such dog or cat may be taken up by the Animal Control Officer or any City employee and such dog or cat shall be impounded for a period of (5) five days after taking up said animal. After the expiration of the (5) five day period if such dog or cat has not been claimed and the impounding fees not paid by the owner, keeper or harborer, then such dog or cat shall be destroyed or disposed of by the Animal Control Officer or one of the employees of the City of Burlingame.

For the purpose of this ordinance the impounding fee shall consist of \$10.00 plus an amount of \$10.00 for each day the dog or cat is impounded. All such fees shall be payable to the City of Burlingame and paid to the City Clerk before any impounded dog or cat is released.

SECTION 9. When any dog or cat is impounded as provided in Section 8, the notice of such impoundment shall be posted in the City Hall. The City will also notify the owner of such animal(s) by mail if animal(s) are currently registered with the City.

SECTION 10. It shall be unlawful for any person or persons to abandon any dog or cat and allow them to run at large in any public or private property within the City of Burlingame, Kansas.

SECTION 11. No person shall permit any dog or cat to destroy another person's property or to keep or harbor any cross, savage or vicious dog or any dog given to habitual barking or howling, and any such dog or cat, whether the registration fee has been paid upon the same or not, is declared a nuisance, and the keeper or harborer of the same shall, upon notice by the Animal Control Officer, forthwith dispose of such dog or cause the same to be permanently removed from the City. Failing to do so, it shall be the duty of the Animal Control Officer to forthwith remove such dog to the City pound.

SECTION 12. The owner, keeper or harborer of any dog or cat that has bitten, scratched or otherwise caused injury to a person shall provide evidence of current certification of rabies immunization to the City Animal Control Officer. Any such dog or cat without current rabies immunization shall be held and confined by the owner or keeper thereof or by the City or an authorized kennel or pound at the expense of the dog's owner for a period of 10 days. Any dog infected with rabies shall be destroyed.

SECTION 13. (a) The Animal Control Officer or any law enforcement officer shall have the right of entry upon private un-enclosed lots or lands for the purpose of collecting any dog or cat that has been deemed to be in violation of this Ordinance.

(b) It shall be unlawful for any person to interfere with the Animal Control Officer or law enforcement officer in the exercise of his or her duties.

SECTION 14. Any dog or cat found in violation of the provisions of this ordinance shall be subject to impoundment by the City.

A record of any dog or cat impounded shall be kept by the City containing the information of the sex, color and size of the animal and date of impoundment.

Any dog or cat impounded that has not been claimed by the owner thereof and all impoundment fees hereinabove as defined in Section 8 paid, shall be destroyed after (5) days from the date of impoundment, subject to the provisions of Section 12.

SECTION 15. It shall be unlawful for any unauthorized person to open, unlock or attempt to open any pound for purposes of releasing or attempting to release any dog or cat impounded therein.

SECTION 16. Any person or owner, keeper or harborer of a dog or cat, who shall violate any of the provisions of this ordinance shall, upon conviction, be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense.

SECTION 17. For purposes of this ordinance, the Animal Control Officer shall be the Chief of Police of the police department or a person designated by him or the Governing Body.

SECTION 18. That all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 19. This Ordinance shall be published in the Osage County Chronicle, the Official paper of said City, as provided for by law.

PASSED AND APPROVED this 2nd day of November, 1992.

William R. Kraus
Mayor

ATTEST:

Cheryl D. Holloway
City Clerk

(SEAL)