

ORDINANCE NO. 6016

AN ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PARSONS BE AMENDED BY CHANGING SECTIONS OF CHAPTER 5 FOR THE PURPOSE OF MODIFYING THE PROCEDURE FOR RECOVERING AN ANIMAL FROM IMPOUNDMENT, INCLUDING REQUIRING REGISTRATION AND VACINATIONS BEFORE RELEASE, ENHANCING THE FINE FOR A DOG AT LARGE THAT BITES AN INDIVIDUAL AND CREATING AN ORDINANCE FOR PUNISHMENT OF AN INDIVIDUAL THAT HARBORS A DOG THAT HAS BEEN DECLARED VICIOUS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PARSONS THAT:

Section 1. That Chapter 5 of the Code of Ordinances of the City of Parsons be and is hereby amended so that the said sections of the said Chapter shall read as follows:

Section 5-1 DEFINITIONS

(h.1) City Clerk: The City Clerk for Parsons, Kansas and/or his/her authorized agent or designee.

Note: None of the other paragraphs of this Section are amended and shall remain in full force and effect as written.

Section 5-5 ENFORCEMENT PROCEDURES

(b.) The animal control officer and police department officers are hereby authorized to take up and impound any animal in violation of any provision of this chapter if the person owning such animal cannot be issued a summons because such person is not known or present or impound any animal that is prohibited under sections 5-11 or 5-27. Such animal shall be confined in a humane manner and shall be released upon proof that the party claiming the animal is entitled to possession thereof and upon satisfying the requirements of Section 5-64.

Note: None of the other paragraphs of this Section are amended and shall remain in full force and effect as written.

Section 5-11 PROHIBITED ANIMALS

(4)(E) In determining if a dog is one of the above listed breeds or has the characteristics and appearance of these breeds, it shall be prima facie evidence

that the dog is such if signed affidavits are presented to the Court from the Animal Control Officer and the impounding entity.

Section 5-24 RUNNING AT LARGE

It shall be unlawful for the owner of any animal to permit such animal to run at large within the City at any time. Any animal shall be deemed running at large when such animal is not inside a residence structure, secure fence, or pen; on a leash held by a person capable of controlling such animal; or tethered in such a manner as to prevent its getting onto public rights-of-way or another's property. This provision shall not apply to domestic pigeons, or to cats, which shall, however, be kept under reasonable restraint to prevent such nuisance activities. If while said animal is at large it bites an individual, the owner shall have a minimum fine of \$150.00 in addition to the penalties allowed under section 5-2.

Section 5-27 HARBORING A VICIOUS ANIMAL

It shall be unlawful for any person to keep, own, harbor or possess in any way within the corporate limits of the City any animal that has been declared to be viscous under Section 5-25 or fits the definition of vicious animal under Section 5-1 unless said animal is lawfully allowed within the corporate limits of the City pursuant to 5-25. Any person violating or permitting the violation of any provision of this section shall upon conviction in Municipal Court be fined a sum not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the County Jail for a period not to exceed thirty (30) days. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care, scientific testing and testimony necessitated by enforcement of this section.

Section 5-64. PROCEDURE AND FEES FOR RECOVERY OF ANIMALS

(a) Except as provided by section 5-11, any owner of an impounded dog or cat shall be entitled to recover such animal if, if within the prescribed holding period, such person shall appear to claim such animal and shall make payment of the required fees and comply with all other requirements of this section.

(b) There is hereby established a fee of \$50.00 payable to the City of Parsons, Kansas by any person desiring to retrieve and obtain possession of any dog impounded by the City of Parsons, Kansas, under provisions of Section 5-5 of the Parsons City Code, and requiring such person to reimburse the City for any expenses for any animal for veterinary services with regard to the impoundment of such animal. Such \$50.00 fee shall be payable in advance to the City Clerk and a receipt shall be provided therefore to the payor prior to the release of any

impounded dog. The cost of veterinary services shall be payable directly to the provider of said services. Said \$50.00 fee shall be credited towards any person's fees and court costs if they are subsequently convicted of any section of this Chapter.

(c) Proof of registration as required under section 5-42 and proof of rabies immunization shall be provided at the time of release from impoundment. If said animal is not licensed under section 5-42 and/or proof of rabies immunization is not provided, no animal shall be released from impoundment until these are obtained at the owner's expense. This section shall not apply to animals prohibited from being in the City.

(d) The \$50.00 fee required in paragraph (b) shall be waived if at the time of impoundment the animal was properly licensed under section 5-42, the animal had proof of current rabies immunization, the listed owner of the licensed animal has not had any animal impounded within the prior 12 months, and the animal impounded did not bite or attack an individual at the time of impoundment. The \$50.00 fee shall also be reimbursed if a person is acquitted after being charged with violation sections 5-11 and/or 5-19.

5-65 PROCEDURE AND FEES FOR ADOPTING ANIMALS

(b) The Animal Control Officer, veterinarian, or other impounding entity shall collect such fees for animal adoption as are established by resolution.

Note: None of the other paragraphs of this Section are amended and shall remain in full force and effect as written.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinances or parts of ordinances or sections of the Code of Ordinances of the City of Parsons not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. This ordinance shall be effective upon its passage and publication in the official city newspaper.

Passed by the Governing Body, this 7th day of September 2004.

William W. Wheat

William W. Wheat
President of the Board

Attest: *Deborah L. Lamb*
Deborah L. Lamb, City Clerk