

(First Published in the Western Butler County Times, April 30, 1970)

ORDINANCE NO. 135

AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS OVER SIX MONTHS OF AGE WITHIN THE CORPORATE LIMITS OF ANDOVER, KANSAS, AND MAKING AS A CONDITION PRECEDENT TO SUCH LICENSING FOR THE OBTAINING OF A RABIES INNOCULATION CERTIFICATE, PROVIDING FOR A LICENSE FEE AND CERTAIN EXCEPTIONS THEREFROM: PROVIDING FOR A DOG LICENSE TAG AND PROVIDING PROCEDURE FOR THE DISPOSAL OF DOGS EXPOSED OR INFECTED BY RABIES AND PRESCRIBING THE DUTIES OF THE OWNER OF AN INFECTED DOG AND PROVIDING FOR A MAYORS PROCLAMATION TO SAFEGUARD THE PUBLIC FROM HYDROPHOBIA OR RABIES AND PROVIDING THAT ANY FUNDS RECEIVED FROM SUCH LICENSES SHALL BE CREDITED TO THE GENERAL OPERATING FUND OF SAID CITY AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

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

Section 1. LICENSE REQUIRED. It shall be unlawful for any person to own, keep or harbor any dog over six (6) months of age within the corporate limits of the City of Andover without first having obtained a license therefor.

Section 2. REGISTRATION. It shall be the duty of the owner, keeper or harborer of any dog over six (6) months of age to register the same with the City Clerk. The owner, keeper or harborer of any such dog shall, at the time of registration, make application on a form provided by the city, stating his name and address and the name, breed, color and sex of each such dog: PROVIDED: That the provisions of this section shall not apply to a nonresident temporarily in the city for a period less than two (2) weeks, nor to dogs brought into the city for the specific purpose of participating in a dog show, nor to so-called "seeing-eye" dogs properly trained to assist blind persons when such dogs are being actively used in aiding blind persons in going from place to place.

Section 3. LICENSE AND LICENSE FEE. Any person who shall own, keep or harbor any dog or dogs six (6) months of age or over within the corporate limits of the City of Andover shall apply for registration of the same to the City Clerk of said City on or before the 15th day of June, 1970, and on or before the 1st day of April each year thereafter. After the 1st day of April, 1971, the term of registration and license shall run from the 1st day of April each year to the last day of March of the following year. For the purposes of this ordinance, any dog or dogs becoming six

(6) months of age prior to April 1, 1970, shall be registered and licensed on or before the 15th day of June, 1970; but nothing herein shall be construed as exempting such dog or dogs from registration and from payment of such license fee should the owner or harborer thereof refuse and neglect to license such dog or dogs, and the same provisions shall apply to dogs becoming six (6) months of age prior to April 1, of any succeeding year.

The annual registration and license fee for each dog shall be \$1.00; PROVIDED; however, that any dog becoming six (6) months of age after the 1st day of October of any year and prior to April 1st of the succeeding year shall have license and registration fee reduced to One-half the amount set out hereinabove for that proportional period of one year.

Section 4. TAG AND COLLAR. Upon registration, the City Clerk shall issued to the owner a license certificate and metallic tag for each dog so licensed. The license tag shall have stamped thereon the calendar year for which the same is issued and the license number of such dog. Each owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall be responsible that the tag and collar are worn by such dog. Should a dog tag be lost or destroyed, the owner shall forthwith apply to the City Clerk for a duplicate license tag and shall pay unto the City Clerk the sum of Fifty Cents (50¢) for such duplicate dog tag. Dog licenses and tags shall not be transferrable from one dog to another and no refunds shall be made on any dog license fee because of the death of the dog or the removal of the dog from the city before the expiration of the license.

Section 5. VACCINATION REQUIRED. Any person making application for a license for a dog shall be required to exhibit to the City Clerk at the time of making such application a certificate issued by a licensed veterinarian showing that such dog has been vaccinated or innoculated with a recognized anitrabies vaccine and showing that the innoculation so administered to such dog will be effective for the entire period of time for which such license is issued.

Section 6. MAYORS PROCLAMATION. Whenever it shall become necessary to safeguard the public from the dangers of hydrophobia or rabies, the Mayor is hereby empowered to issue his proclamation of declaring it necessary to muzzle or confine, or both, all dogs in the city.

Section 7. DOGS EXPOSED OR INFECTED BY RABIES. When the City Marshal believes that any dog has been exposed to or is infected by rabies, it shall be the duty of the Marshal to impound such dog and notify the owner in writing of such impoundment and not to release such dog until the owner thereof has furnished the certificate of a licensed veterinarian to the effect that such dog is not infected with rabies. In the event that such dog is found to be incurably infected with rabies, then in that event three (3) days notice of such infection shall be furnished to the owner, if known and thereafter the dog shall be destroyed.

Section 8. DUTY OF OWNER OF INFECTED DOG. The owner of any dog which may be reasonably suspected of being infected by rabies or any other infectious disease dangerous to the public, shall forthwith notify the City Marshal of such belief, and any owner, keeper, or harbinger of a dog who knows or has reasonable belief that such dog is infected with rabies, or where such dog has attacked or bitten a human being, shall at his own expense confine said dog in a manner such that the dog cannot bite or attack any person or other animal for a period of at least ten (10) days and shall not release such dog from confinement until the City Clerk has been presented with a certificate of a doctor of veterinary medicine certifying that the dog is not rabid.

Section 9. MONEYS. All funds obtained by the City Treasurer under the provisions of this article for licensing fees charged herein shall be credited to the General Operating Fund of the City.

Section 10. PENALTY. Any person violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00), or be imprisoned for a period of not to exceed thirty (30) days, or be both so fined and imprisoned.

Section 11. VALIDITY. Should any section or portion of section of this article be deemed invalid or unconstitutional, then in that event all other sections or portions of sections shall remain in full force and effect notwithstanding such invalidity or unconstitutionality.

The above Ordinance duly passed and adopted by the Governing Body of the City of Andover this 11th day of April, 1970.

Eugene Miller
ACTING Mayor, Mayor AND PRESIDENT
OF THE COUNCIL

ATTEST:

(Seal)

Patricia M. Stuenkel
Patricia M. Stuenkel
City Clerk