

(First published in the Western Butler County Times March 9, 1972.)

ORDINANCE NO. 165

AN ORDINANCE PROHIBITING ANY PERSON FROM PERMITTING A DOG, WHETHER LICENSED OR UNLICENSED, TO RUN AT LARGE; AND PROVIDING FOR THE IMPOUNDMENT OF SUCH DOGS; AND PROVIDING A METHOD, NOTICE AND PROCEDURE OF IMPOUNDMENT; AND A MANNER FOR REDEEMING, AT CERTAIN COSTS, DOGS SO IMPOUNDED; AND PROVIDING A METHOD FOR THE DISPOSAL OF UNCLAIMED DOGS; AND PROVIDING FOR THE IMPOUNDMENT OF DOGS OF FIERCE, DANGEROUS OR VICIOUS PROPENSITIES.

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

Section 1. "DOGS AT LARGE" PROHIBITED AND DEFINED. It shall be unlawful for any person who shall own, keep or harbor any dog or dogs, whether licensed or unlicensed, to permit the same to run at large within the City; provided that any dog within the City not confined to a vehicle or automobile or to the lead of its master or owner, or kept on the premises of its master or owner shall be considered, for the purpose of this section, to be running at large.

Section 2. IMPOUNDING. It shall be the duty of every City law enforcement officer or any dog catcher or pound master employed by the City to apprehend any dog found running at large in violation of Section 1 of this Ordinance and to: (A) Impound such dog in a place provided by the City, or (B) If the owner, keeper or harbinger of the dog can be determined, a warning or citation may be issued in lieu of such impoundment.

Section 3. IMPOUNDING NOTICE. When any dog is impounded pursuant to Section 2 hereof the City's Marshall, or some other person who may be designated by the Mayor, shall cause notice to be given by mail or by telephone to the owner of said dog if the same can be ascertained and at the time of such impoundment a description of all dogs, whose owner cannot be ascertained, shall be publicly posted in the City Hall for the information of any person interested in such dog so impounded. Provided however, that failure to ascertain the ownership or to notify the owner of any such dog shall not constitute a violation of any of the procedures with respect to the disposal of any unclaimed dogs.

Section 4. REDEEMING IMPOUNDED DOGS. In the event that the owner of any dog impounded under the aforesaid Section 2, shall appear at the City Hall, or at any other place that may be designated by the Mayor, within seventy-two (72) hours after said dog shall be impounded, the owner shall be entitled to redeem such dog upon the payment of the sum of \$5.00 and the cost of the care and maintenance of said dog or dogs (which cost is hereby determined to be \$1.25 per day for dogs weighing less than 45 pounds and \$1.50 per day for dogs weighing more than 45 pounds) for each day or portion of a day of impoundment and shall

pay the license registration (as provided for in Ordinance No. 135 of said City) of such dog if such dog is unlicensed. Provided however, that Saturdays, Sundays and legal holidays shall not be considered in computing the seventy-two (72) hour period of impoundment as aforesaid.

Section 5. DISPOSAL OF UNCLAIMED DOGS. After the expiration of the seventy-two (72) hours provided in the above Section, the City's Marshall, or any other person designated by the Mayor, is hereby empowered to dispose of any unclaimed dog by sale, destruction or by delivery to some humane society recognized by the laws of the State of Kansas. In the event of sale, the price of any dog shall be \$3.00 plus any costs of care and maintenance, fixed above, shall be paid and such dog shall be immunized for rabies at the expense of the purchaser. In the event that any animal to be purchased shall be by a person residing within the City limits of Andover, then the additional charge for a license shall also be paid, with a license issued, except that the penalty of fifty cents (50¢) per month, as prescribed in said Ordinance No. 135, shall not be assessed against such purchaser.

Section 6. CONFINEMENT OF CERTAIN DOGS. All dogs of fierce, dangerous or vicious propensities, and any female dog in heat, whether licensed or unlicensed, shall not be allowed to run at large at any time and any such dog found running at large be impounded pursuant to Section 2 of this Ordinance and may be redeemed pursuant to Section 4 of this Ordinance or may be disposed of pursuant to Section 5 of this Ordinance.

Section 7. That any moneys received by the City under the terms of this Ordinance shall be kept in a separate fund and used only for the maintenance of impounded dogs and expenses incidental thereto.

Section 8. This ordinance shall become effective after publication and on 1st day of April, 1972.

The above and foregoing Ordinance duly passed and adopted by the Governing Body of the City of Andover, Kansas, this 29th day of February, 1972.

Eugene Miller
Eugene Miller
Mayor

ATTEST:

Patricia M. Stuenkel
Patricia M. Stuenkel
City Clerk

(SEAL)