

(First published in the Minneapolis Messenger Thursday, December 6, 2018)

## **ORDINANCE NO. 135**

**AN ORDINANCE ESTABLISHING REGULATIONS PERTAINING TO THE OWNING, KEEPING, HARBORING OF ALL ANIMALS WITHIN THE CITY LIMITS OF THE CITY OF CULVER, KANSAS; REGISTRATION AND VACCINATION REQUIREMENT OF DOGS AND FEES; RUNNING AT LARGE; CONTROLLING ANIMALS; CONFINING REQUIREMENTS OF ANIMALS; FINES FOR BEING IN VIOLATION OF THIS ORDINANCE; AND REPEALING ORDINANCE NUMBERS 18, 19, 75, 76, 88, 104A, 107B, 109 and 118.**

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

### **SECTION 1: DEFINITIONS.**

- a) Owner(s): shall include the following: Owner(s), harborer(s), keeper(s), authorized person(s) in charge of, authorized person(s) in control of any animal(s) in the City of Culver, Kansas.
- b) At Large: Animals not on the owner(s) property; on another residents property without permission or supervision; not under the control of owner(s); without control or supervision of the owner(s) on the streets, alleys and right-of-ways in the city limits.
- c) Wild or Exotic Animals: All poisonous animals including rear-fang; Apes, all varieties; Baboons; Badgers; Bears; Bison; Bobcats; Cheetahs; Crocodilians; Constrictor snakes; Coyotes; Deer, includes all member of the deer family; Elephants; Game cocks and other fighting birds; Hippopotami; Hyenas; Jaguars; Leopards; Lions; Lynxes; Monkeys; Ostriches; Emus; Pumas, also known as cougars, mountain lions and panthers; Raccoons; Rhinoceroses; Skunks; Tigers; and Wolves.

### **SECTION 2. Registration and vaccination of dogs required; Fees.**

- a) Every owner(s) bringing in a new puppy into their home or any dog(s) over 6 months of age shall register with the city clerk his or her name, current address and telephone number along with the name, sex and a picture of the dog(s) being registered to be kept in the city limits. It shall be unlawful for the owner(s) of any previously registered dog(s) to fail to maintain current registration of said dog(s).

- b) Upon registration, the owner(s) shall present a current certificate of vaccination against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner(s) of any dog(s) over 6 months of age to fail to maintain effective rabies immunization of said dog(s).
- c) The owner(s) of any dog(s) shall, at the time of registering said dog(s), present to the city clerk a certificate from an accredited veterinarian showing that a male dog(s) has(ve) been neutered or a female dog(s) has(ve) been spayed. If the dog(s) have been neutered/spayed, the city clerk shall collect a registration fee of \$7.00 for each dog. If the dog(s) have not been neutered/spayed the city clerk shall collect a registration fee of \$14.00 for each dog.
- d) The registration shall be for one year. Verification of valid rabies vaccination (1 to 3 years) shall be presented when renewing registration. Every/all owner(s) of a dog(s) who fails to register their dog(s) prior to the first day of January of each year shall in addition to the registration fee, pay a penalty fee of \$5.00 for late registration.
- e) Registration fees as established in subsection c) may be prorated for owner(s) registering newly acquired dog(s) or for owner(s) moving into and establishing a home in the city limits during a calendar year.
- f) It shall be the duty of the city clerk, upon being presented the information, items and fees as established in subsections a), b) and c), to keep in a book/record/file suitable for the registration of dogs, the time of registration, name(s) of owner(s), the number of the registration and the amount paid. The owner(s) of the dog(s) shall receive a certificate in writing from the city clerk, stating that the person(s) has(ve) registered the dog(s) and the number by which each dog is registered. This/these receipt(s) should be kept in a safe place by the owner(s). It will be their only 'proofs of registration'. Certificates of vaccination should be kept safe with this/these receipt(s) as well, so both can be presented to law enforcement should the need arise.

**SECTION 3. Vicious Animals.** If an animal bites any person or other animal and it is deemed vicious, it will no longer be allowed in the city limits of the City of Culver, Kansas.

**SECTION 4. Visiting Dogs.** The provisions of this ordinance with respect to registration shall not apply to any dog(s) owned by any person visiting or temporarily remaining within the city for less than 2 weeks. However said dog(s) shall be kept under restraint by the owner(s) thereof at all times. A picture of the dog(s), owner(s) name(s), address where they are visiting and proof(s) of valid rabies vaccination(s) shall be filed with the city clerk.

**SECTION 5. Running at large; Fine.**

- a) It shall be unlawful for the owner(s) of any dog(s) to permit said dog(s) to run at large within the city limits at any time. Dogs do not need to be captured and

impounded, but photographic proof with date and time of occurrence will be accepted for proof of violation of this ordinance.

- b) The owner(s) of any dog(s) running at large for the first offense shall receive a warning letter that includes the cost of the second and third offenses. For the second offense within one year of the first offense, the owner(s) will receive a letter requiring payment of a fine of \$200.00. For the third offense within the same year of the first offense, the owner(s) will receive a letter requiring payment of a fine of \$400.00. Said letter shall also inform the owner(s) that dog(s) will be taken and the owner(s) will not be allowed to own another dog(s) in the City of Culver, Kansas for a period of 2 years. These fines will be per incident, not per dog. If the owner has no other offenses during the year following the date of the notification letter, the year will have expired. A new offense following the expiration will be reset to the year following the date of the new notification letter.
- c) All dogs out for a walk with owner(s), the dog must be on a leash no longer than six (6) feet and under the complete control of the person walking the dog at all times.

**SECTION 6. Impoundment.** When dog(s) have been impounded; the owner(s) will pay to the city clerk all fines and fees. The city clerk will notify the pound upon receipt, that the dog(s) may be released to the owner(s).

**SECTION 7. Disposition of unclaimed dogs.** Disposition of dogs impounded and not claimed by owner(s) shall be considered on a case by case basis. Health and other considerations will determine the remedy for any particular dog.

**SECTION 8. Confinement of animals.**

- a) Any animal(s) shall be confined in a secure enclosure with a suitable house for shelter, and the area of the enclosure shall be so constructed that no other animals may gain voluntary access to the confined animal. Any animal that is not properly confined or any animal that is creating a neighborhood nuisance shall be removed to a boarding kennel or to the animal shelter. All expenses incurred as a result of removal and confinement shall be paid by the owner(s). The owner(s) of animals removed to the animal shelter shall be charged at the current rate established by the animal shelter for routine confinement.
- b) Chains can be used temporarily, until a decent enclosure is erected. Said animals can be on a chain as long as it does not result in a choking manner and owner(s) is/are with them. Chains that are used as a permanent means of confinement shall be used with a harness, not a collar.

**SECTION 9. Dog Kennels.** Dog kennels will be not be allowed in the city limits. If owner(s) has(ve) a pregnant dog, the puppies can remain in the city limits up to 4 months of age. City clerk shall be notified when the puppies are born.

**SECTION 10. Number of Dogs.** There will be a 4 dog limit per household. If city council finds that you have been false on how many dogs you have on the property,

there will be a \$100.00 fine per extra dog on the property per day that the extra dog(s) remain. Each day will be a separate offense per dog.

**SECTION 11. Sanitary Conditions.** If you are sent a notice to clean up your yard from fecal matter or other unsanitary conditions, you will be given 2 weeks from the date on the letter sent to you to clean up the animal(s) enclosure space. If the conditions are not corrected, the animals can be removed by the city at the owners expense.

**SECTION 12. Animals allowed in city limits.** The only animals allowed in the city limits are dogs, cats, rabbits, hamsters, Guinea pigs, and poultry. Horses and any other animals not listed here need permission from the city council. Wild or exotic animals shall not be allowed in the city limits.

**SECTION 13. Poultry.** The number of poultry allowed on one property is 18 or less. The birds must be in a fenced, predator proof pen with a proper coop for roosting and shelter. The outer pen must have a cover to protect from predators from above and to prevent the escape of the birds in the enclosure. This enclosure must be of appropriate size to house the specific number and kind of birds. They must be locked up in their coop at night so as not to attract predators. Poultry for the purpose of this ordinance includes chickens, ducks, turkeys and geese.

**SECTION 14. Fighting of dogs or poultry.** There will be no fighting of any dogs (K.S.A. 21-6414) or poultry (K.S.A. 21-6417) in the city limits of the City of Culver, Kansas.

**SECTION 15.** Ordinance numbers 18, 19, 75, 76, 88, 104A, 107B, 109 and 118 are hereby repealed.

**SECTION 16.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed this \_\_\_13th\_\_\_ day of \_\_November\_\_, 2018, by the City Council.

Approved this \_\_13th\_\_ day of \_\_November\_\_, 2018, by the Mayor.

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Mayor

ATTEST:

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City Clerk

(SEAL)

CERTIFICATION OF ORDINANCE

"I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the \_\_13<sup>th</sup>\_\_ day of \_November\_, 2018; that the record of the final vote on its passage is found on page \_\_\_\_\_ of journal \_\_\_\_\_; that it was published in the Minneapolis Messenger on the \_\_6th\_\_ day of December, 2018."

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City Clerk

[SEAL]