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RESOLUTION 24-89

A resolution relating to the keeping of animals in Finney County, Kansas; preventing owner(s) from allowing said animals to run at large within the confines of Finney County, Kansas providing for the licensing of certain animals; providing for the disposition of animals; providing for fines for violations.

SECTION 1. It shall be unlawful for the owner or keeper or persons in charge of any horse, mule, jack, hogs, sheep, goat or any other animal belonging to the Class called "Neat", or any domestic animal, the same to include dogs, willfully to allow or permit the same to be or to run at large within the confines of Finney County, Kansas, or to be herded upon the roads or highways of Finney County, or to graze thereon, unless picketed in such a manner as to restrict any such animals from being upon any road or highway of Finney County or premises of another; provided, however, that nothing herein shall be construed to prohibit the driving any of the above named Class of animals through or into Finney County, Kansas when closely herded or driven by drovers over such roads or highways as shall be designated and permitted by the Sheriff of Finney County, Kansas.

Any person violating any provision of this Section shall upon conviction thereof, be fined in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 2. There is hereby imposed upon an owner, keeper or harbinger of all dogs over the age of four (4) months, an annual tax of Two Dollars (\$2.00) for each spayed female or neutered male, and Five Dollars (\$5.00) for each unspayed female or unneutered male over the age of four (4) months; provided, that any person paying the tax for a spayed female or neutered male shall present to the County Clerk a certificate from an accredited veterinarian to the effect that said animal has been spayed and/or neutered.

SECTION 3. At the time of registration and payment of the tax provided for in Section 2, there shall be presented to the County Clerk a certificate from an accredited veterinarian to the effect that any dog so registered has been inoculated for rabies within ninety (90) days prior to applying for registration; provided, that any dog which has been inoculated for rabies with the chick embryo attenuated vaccine need be inoculated only every third year; provided further, that all cats shall be vaccinated yearly.

SECTION 4. (a) The tax year shall run from January 1 to December 31, and all dog taxes shall be due and payable at the

office of the County Clerk from and after January 1 of each year; provided, that if the taxes required to be paid for any such animal as described herein shall not be paid prior to May 1 within a year, when such animal shall be owned or harbored in the County, the owner or harborer shall pay, as a penalty, an additional One Dollar (\$1.00) per month, for each month delay in the payment of the tax required.

(b) The owner or harborer of any such animal that becomes four (4) months of age, or any such animal four (4) months of age or more which is brought into the County on and after the first day of May each year, shall at such time be liable for the penalty as above provided.

SECTION 5. It shall be the duty of the person or persons with police authority of the County, and any person appointed by the Board of County Commissioners as animal warden, to take into custody and impound all animals found in the County not provided with or wearing the animal tag for the current year as provided for in this article. All such animals shall be placed in an animal shelter operated by the County or its licensee, and after seventy-two (72) hours from the time of such taking up, if no person has appeared to claim such animal and paid the costs as hereafter provided in connection with the taking up and impounding of such animal, the County or its licensee may destroy such animal, or the County or its licensee shall deal with the animal as it would any other abandoned animal.

SECTION 6. It shall be the duty of such officers of the County, or any person appointed by the Board of County Commissioners as animal warden, to capture or take into custody and impound animals running at large within the County. All animals captured or taken into custody while running at large within the County shall be impounded and disposed of as provided by Sections 5 and 7.

SECTION 7. As soon after the impounding of any animal as may be reasonably possible, the animal warden shall maintain and also furnish to the Sheriff, a complete description and tattoo number of each animal held in custody at the animal shelter, together with information concerning the time and place of capture or impoundment, and the time limit within which such animal may be redeemed by the owner. This required information shall be maintained within the Sheriff's department in such a manner as to be available in response to personal or telephonic requests. If any animal which has been impounded shall have been registered as required, and is wearing a tag for the current registration year, the owner of any such animal or the keeper or harborer thereof, as shown by the records in the office of the County Clerk, shall be notified of the impounding of such animal; furthermore, the

owner, keeper or harbinger of such animal shall be notified by the person charged with the duty of destroying such animal, of the intent to destroy such animal of the intent to place such animal in a new home, at least twenty-four (24) hours before such animal is destroyed or placed in a new home, which notice may be given personally, by telephone or by registered mail with return receipt, and for such purposes, the depositing of a letter containing such notice in the post office at Garden City, Kansas, seventy-two (72) hours, excluding Saturdays, Sundays and holidays, prior to the disposition of said animal, addressed to the owner, keeper or harbinger thereof, postage prepaid, at his last address as shown by the animal registration records in the office of the County Clerk, shall be deemed sufficient notice; provided, that mad animals or animals which any officer of the County, including the duly appointed animal warden may have reasonable grounds for believing to be mad, or any animals which are in such physical condition because of injuries, wounds or sickness as to indicate that such injuries or sickness would result in imminent death, may be humanely disposed of without the necessity of impounding or attempting to impound such animal and without giving notice provided herein prior to disposition; however, if such destroyed animals wear current registration tags issued by the County, the Sheriff, upon receiving notice of the disposition of any such animal, shall advise or attempt to advise the registered owner as reflected by animal registration records in the office of the County Clerk.

SECTION 8. (a) Any person who desires to redeem an animal which has been impounded shall pay to the County Clerk or designee the amount of the unpaid animal tax, if the same is owing and unpaid, or produce a receipt from the County Clerk showing that the tax on such animal has been paid for the current year. In addition to the payment of said tax, such person shall pay to the County or its licensee a reasonable fee for the care and maintenance of any animal that has been impounded, such fee to be based upon the length of time said animal has been impounded, plus any veterinarian care. All such impoundment fees shall be calculated on each twenty-four (24) hour period of impoundment or fraction thereof; provided, each unneutered animal to be released to a new home or new owner at the expiration of the prescribed impoundment period shall be neutered at the expense of the new owner prior to release. A fee of not more than the average boarding fee charged by the local kennels will be charged as an impoundment fee for each twenty-four (24) hour period of impoundment or fraction thereof.

(b) If an animal has not been claimed within seventy-two (72) hours after impoundment, it shall be deemed to be an abandoned animal. An abandoned animal may be adopted provided the person wishing to adopt the animal fulfills the following

requirements:

- (1) Pay all impoundment fees;
- (2) Present a receipt showing that a rabies vaccination has been paid for the animal from a local, State licensed veterinarian;
- (3) Pay for a County license;
- (4) Present a receipt of payment to the animal warden showing that a spay or neuter operation for the animal has been arranged with a State licensed veterinarian;
- (5) Agree, in writing, that the animal will be duly vaccinated and presented to the veterinarian for neutering as soon as it is recommended by the veterinarian.

(c) Any portions of subsections (b)(2), (3), (4) or (5) above may be waived, provided adequate proof is presented to the animal warden that the animal to be adopted has a current rabies vaccination, is registered with the County, or is already spayed or neutered.

SECTION 9. All fees and fines collected pursuant to this Resolution shall be deposited in the County General Fund.

SECTION 10. This Resolution shall be effective on January 1, 1990.

Passed, October 7, 1989.

APPROVED BY

Martin Huschka
Martin Huschka, Chairman

ATTEST:

Carol Brown
Carol Brown, County Clerk