

(Ordinance Summary published in The Harvey County Now on June 22, 2023 and the full text of the Ordinance made available at www.hesstonks.org for a minimum of one (1) week from the date of publication.)

ORDINANCE NO. 020-2023-183

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, SECTIONS 2-201 AND 2-206 OF THE CODE OF THE CITY OF HESSTON, KANSAS RELATING TO ANIMAL CONTROL AND REGULATIONS.

WHEREAS, the governing body of the City of Hesston, Kansas (the “City”) adopted Ordinance No. 020-1987-039 establishing the terms and conditions of animal control within the City;

WHEREAS, the governing body has determined that it is in the best interest of the City of Hesston, Kansas (the “City”) to amend and restate certain portions of the Code of the City (the “Code”) to update the City’s animal control practices, relating to the registration, fees, and impoundment of dogs and cats.

NOW, THEREFORE, BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF HESSTON, HARVEY COUNTY, KANSAS:

Section 1. Sections 2-201 and 2-206 of the Code of the City of Hesston are hereby deleted and replaced as follows:

2-201. REGISTRATION AND VACCINATION REQUIRED; FEE. (a) Every owner of any dog or cat over six months of age shall annually register with the city clerk, or the Clerk’s designated agent, his or her name and address with the name, sex and description of each dog or cat owned and kept within the city. It shall be unlawful for the owner of any newly acquired dog or cat or any dog or cat brought into the city to fail to register such animal within 30 days from acquisition or bringing the dog or cat into the city. It shall be unlawful for the owner of any previously registered dog or cat to fail to maintain current registration of such dog or cat.

(b) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog or cat over six months of age to fail to maintain effective rabies immunization of such dog or cat.

(c) The city clerk shall collect an annual registration fee of \$20.00 for each dog or cat.

(d) The registration and licensing tax shall be due and payable within three days after a dog or cat is brought into the city or arrives at the age of six months. All licenses shall expire one year from the date issued.

2-206. IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE. (a)

Any dog or cat found in violation of the provisions of this article shall be subject to impoundment by the city.

(b) A record of all dogs or cats impounded shall be kept by the city containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment.

(c) No dog or cat impounded under this section shall be disposed of until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the dog or cat through time periods ordinarily accepted as usual business hours. During such time of custody, the city shall attempt to notify the owner or custodian of any dog or cat impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog or cat may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such dog was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog or cat is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the dog or cat, then the dog or cat may be sold, euthanized or otherwise disposed of.

(d) If at any time before the sale or destruction of any dog or cat impounded under the provisions of this article, the owner of an impounded dog or cat does appear and redeem the dog or cat, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, and shall not apply to any dog or cat alleged as being vicious under section 2-115 or suspected of rabies under section 2-119 of this code.

(e) The minimum impoundment fee shall be \$15.00. If a dog or cat is impounded for more than 24 hours, the owner will be billed the current boarding rates incurred by the City for each day beyond 24 hours. The owner is required to pay all incurred fees prior to the animal's release.

(f) Any dog or cat impounded may not be released without a current rabies vaccination and a license issued by the city.

(g) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.

(h) The redemption of any dog or cat impounded for a violation of any provision of this chapter shall be prima facie evidence of the violation of such provision by the person redeeming the dog or cat.

SECTION 2. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.


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PASSED, ADOPTED AND APPROVED by the Governing Body of the City of Hesston, Kansas this 12th day of June, 2023.



ATTEST

CITY OF HESSTON, KANSAS



David K. Kauffman, Mayor



Jason Thrasher, City Clerk