

(Summary Published in the McPherson Sentinel \_\_\_\_\_, 2018, once)

**ORDINANCE NO. 3261**

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS AMENDING A SECTION TO CHAPTER 10, ARTICLE II, SECTION 10-46 OF THE CODE OF THE CITY OF MCPHERSON, KANSAS RELATING TO DOGS RUNNING AT LARGE.**

**WHEREAS**, the current City Code does not allow for the imposition of impoundment fees for the day of impoundment despite costs being incurred on such date; and

**WHEREAS**, the governing body desires to amend the Code to correct the oversight.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:**

**Section 1. Amended Section.** From and after the effective date of this Ordinance, the existing Code Section 10-46 of the Code of the City of McPherson, Kansas is deleted in its entirety and in its place the following new Code section 18-381 is inserted:

**Sec. 10-46. - Dogs running at large.**

- (a) Dogs may not run at large in the city. ("At large" is defined in [section 10-41.](#))
- (b) The owner, keeper or harbinger of any dog found running at large shall be guilty of a Class C violation, punishable by a fine as described below and/or imprisonment for a term of up to 30 days.

1st offense ..... \$50.00

2nd offense ..... \$100.00

3rd offense ..... \$150.00

4th offense ..... \$250.00

5th offense ..... \$500.00

The number of prior offenses as referenced above refers to the owner of the dog found running at large and not the dog. Offenses shall be tracked as of January 1, 2014 for purposes of determining prior offenses and shall not be considered if such prior offense was older than five years on the date the current violation was found to have occurred. In lieu of payment of the fine for the first offense, the owner, keeper or harbinger may provide certification that the dog has received a microchip implanted in the dog that

may be read by law enforcement and animal shelter personnel to allow identification and has satisfied all other conditions of release as stated below.

Any dog found running at large that appears dangerous, fierce or vicious, and cannot be safely apprehended and impounded, may be killed by any law enforcement officer.

- (c) It shall be the duty of every law enforcement officer or dog catcher to apprehend any dog found running at large contrary to the provisions of this section, and to impound such dog in the city pound or other suitable place. Upon receiving any dog, the poundmaster or other authorized personnel shall make a complete registry, entering the breed or predominant breed, color and sex of such dog and whether the dog is licensed. If such dog is licensed, the poundmaster or other authorized personnel shall enter the name and address of the licensee and the number of the license tag of such dog.
- (d) Not later than two days after the impounding of any dog, the licensee, owner, or keeper of the dog shall be notified if known. The owner or keeper of any impounded dog may reclaim such dog upon payment of the license fee, if unpaid, and the following fees charged by the city for impounding and maintaining the dog, which fees shall be paid to the city clerk:
  - (1) An impoundment fee to be set from time to time by resolution of the governing body.
  - (2) A daily boarding fee for keeping any dog, including the day of impoundment, which fee is to be set from time to time by resolution of the governing body.
- (e) It shall be the duty of the poundmaster to keep all impounded dogs for a period of six days, unless sooner reclaimed. If, at the expiration of six days, the dog shall not have been redeemed, it may be destroyed or released by the poundmaster for a redemption fee to be set by resolution of the governing body from time to time, and the money remitted to the city clerk or designee. Any unlicensed dog required by ordinance to be licensed, or any dog for which no proof of inoculation against rabies can be furnished or which appears to be suffering from, or infected with, rabies, mange or other infectious or dangerous disease, shall not be released unless it has been properly licensed, treated or inoculated. If, in the opinion of the poundmaster, any dog may not be safely released, it may be forthwith destroyed. Prior to redemption of any unclaimed dog, the city clerk or the poundmaster shall be furnished an affidavit stating that the dog is not being redeemed for or on behalf of its owner or keeper. The poundmaster may refuse to allow a dog to be redeemed if there is reasonable cause to believe that the dog will be used for other than as a pet or working dog.

**Section 2. Repeal.** All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

**Section 3. Publication and Effective Date.** This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

PASSED by the city commission and signed by the Mayor this 2<sup>nd</sup> day of January, 2018.

CITY OF MCPHERSON, KANSAS

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Thomas A. Brown, Mayor

[SEAL]

Attest:

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Tamra K. Seely, City Clerk

## Ordinance No. 3261, Summary

On January 2, 2018, the City of McPherson, Kansas adopted Ordinance No. 3261 to amend a section of Chapter 10, Article II, Section 10-46 of the Code of the City of McPherson, Kansas relating to dogs running at large. A complete copy of this Ordinance is available at [www.mcpcity.com](http://www.mcpcity.com) or at the Municipal Center, 400 E. Kansas, McPherson, Kansas. Jeffrey A. Houston, City Attorney, certified this summary.