

AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF DOGS,
CATS AND OTHER ANIMALS.

→ THIS ~~REPEALS~~ REPEALS ORDINANCE No 84.000. ? Question
Be it ordained by the governing body of the City of Roeland Park:

SECTION 1. LICENSURE. It shall be the duty of every person owning, keeping or harboring in the City of Westwood Hills, Kansas, any domestic dog or cat over the age of six (6) months of age, to procure a license therefor from the City Clerk. No animal or reptile other than the common varieties of domestic dog or cat shall be licensed nor kept within the city limits of this City. Provided, however, that this section shall not be applicable to pet birds kept caged within a residence nor to hamsters or mice used for educational or scientific purposes in connection with school projects.

SECTION 2. LICENSE FEE. The license year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty. Any dog or cat over the age of six (6) months of age brought into the City on or after March 1st of any license year shall be licensed within ten (10) days after being brought into the City or attaining six (6) months. The annual license fee upon the owners of each dog or cat shall be as follows:

(a) Three Dollars and Fifty Cents (\$3.50) for any animal whose owner produces proof that the same is spayed or neutered.

(b) Ten Dollars (\$10.00) for each animal where there is proof that the same is not spayed or neutered.

Failure to pay the license fee within times prescribed herein constitutes a violation of this ordinance.

SECTION 3. PENALTY FOR OVERDUE LICENSE FEE. If the license fee required by Section 2 is not paid within the times provided in that section, the following penalties will apply in addition to the normal license fee:

(a) Five Dollars (\$5.00) beginning March 1st;

(b) Ten Dollars (\$10.00) beginning April 1st, and

(c) Twenty Dollars (\$20.00) beginning May 1st.

After May 31st of each calendar year, if the tax imposed and required to be paid by Section 2 of this ordinance remains unpaid, the City Clerk may issue a complaint against the owner, keeper or harborer for violation of Section 2 of this ordinance.

In the case of any animal brought into the City on or after March 1st or an animal attaining the age of six (06) months on or after March 1st of any license year, if the license fee required by section 2 is not paid within the times provided in said section, the following penalties will apply in addition to the normal license fee:

- (a) Two Dollars (\$2.00) during the first 30 days of delinquency;
- (b) Five Dollars (\$5.00) after the first 30 days of delinquency up to 90 days;
- (c) Ten Dollars (\$10.00) for a delinquency over 90 days; and
- (d) Twenty Dollars (\$20.00) for a delinquency of 120 days or more.

SECTION 4: ANTIRABIES VACCINATION REQUIRED. Any person making application for a license for a dog or cat shall be required to present to the City Clerk or designated agent at the time of making such application, a certificate issued by a licensed veterinarian showing that such animal has been vaccinated or inoculated so administered to such animal will be effective for the entire period of time for which such license is issued.

SECTION 5: REGISTRATION: TAG. It shall be the duty of the City Clerk or designated agent, upon receipt of the license tax herein before required, to keep in a book suitable for the registration of dogs and cats, the time of such registration, the name of the owner or keeper, the number of such registration and the amount paid therefor, and shall deliver to the owner or keeper of such animal a certificate in writing, stating that such person has registered such animal and the number by which he is registered, and shall also deliver to the owner or keeper of such animal a ~~color~~ coded tag with the letters and the registration number marked thereon, which shall be by the owner or keeper attached to the collar to be used on said animal so registered. Application for registration of animal may be made by mail or in person. If made by mail, the applicant must send a rabies certificate, (as described in Section 4), a check made payable to the City of ~~Rock~~ ^{Westwood Hills} ~~land Park~~ for the correct amount due and a stamped, self-addressed envelope. The City Clerk will return the tag, rabies certificate and receipt to the applicant. When it shall be made to appear to the City Clerk that any tag has become lost, he shall, upon presentation of the certificate, issue a duplicate of such tags

3

upon the payment of one dollar (\$1.00) fee. It shall be unlawful for any person to take off or remove the City license tag from any animal belonging to another, or remove the strap or collar on which the same is fastened.

SECTION 6: NUMBER OF ANIMALS LIMITED. (a) The owning, harboring ~~or keeping of animals~~ over six (06) months of age in excess of two (2) upon any property in the City shall be deemed a nuisance per se: Provided, that the owner or keeper may secure from and at the discretion of the Governing Body, a permit to keep or harbor animals in excess of two (2) upon adequately showing that the premises are so situated, and that special circumstances exist which would not constitute a nuisance to the neighborhood. Written objections by the owners or residents of two (2) separate tracts of land, portions of which lie within two hundred feet (200') of the premises shall be held sufficient evidence of nuisance and the permit shall be revoked. The Governing Body may limit said permit as to time and may also limit the maximum number of animals that may be maintained at any one time.

(b) Any person who shall allow any animal to habitually remain or to lodge or to be fed within his home, store, yard, enclosure or place, shall be deemed and considered as owning, keeping and harboring said animal within the meaning of this article.

SECTION 7: ANIMALS RUNNING AT LARGE DEFINED. Any animal shall be deemed running at large when it is off the premises of the owner or keeper. All animals must remain on the premises of the owner except when taken off the premises on a leash, in a cage, or in a car or other conveyance.

SECTION 8: RUNNING AT LARGE WITHOUT TAG. Whenever any animal shall be found running at large within the City limits of ~~Los~~ ^{Westwood} ~~land Park~~ ^{Niles}, without having a license or registration tag attached to a collar, such animal shall be taken up by the Humane Officer or by any other duly authorized City employee designated by the City, however such animal shall be held ten (10) days at a shelterhouse provided by said agency or veterinarian and if within said ten (10) days the owner of any animal so held shall

4

present to the person in charge of said shelterhouse a license receipt, if required, and receipt of payment of the appropriate fine, such animal shall be delivered to the owner. If impounded the Police Department shall make a good faith effort to notify the owner of such animal. If not claimed within ten (10) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 9: RUNNING AT LARGE WITH TAG. Whenever a complaint is received under Section 12(c) that any animal is running at large within the City limits with a license or registration tag attached to a collar, such animal may be seized and impounded. If impounded, all owners of animal under this section shall be notified by the Police Department of the City by a means designed to insure said notification. Such animal shall be held ten (10) days after such notification but not more than twenty (20) days after date of impoundment at a shelterhouse provided for such purposes or veterinarian, however, if within the said time period the owner of any animal so held shall present to the person in charge of such shelterhouse a license receipt, such animal shall be delivered to the owner. If not so claimed within twenty (20) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 10: FEMALE DOGS. It shall be unlawful to keep or harbor any female dog, hereafter referred to in this section as bitch, within the City during such times as she is in heat in such a manner that other dogs frequent or congregate on or near the premises where such bitch is harbored. If other dogs frequent or congregate on or near the premises where such bitch is harbored, the owner or keeper shall upon notification of complaint being received by the City, then remove the bitch from the premises, and should the owner or keeper fail to do so, then the City may take said bitch and impound her and dispose of her in the manner as provided in Section 8 if without a tag and as provided in Section 9 if with a tag.

SECTION 11: DESTRUCTIVE AND NOISY ANIMALS. It shall be unlawful for the owner or harborer of any dog, cat or other animal to carelessly, willfully or maliciously permit such dog, cat or other

animal to destroy or damage property or habitually cause a disturbance of the peace.

SECTION 12: VICIOUS ANIMALS. (a) Vicious Animal Defined: If a law enforcement officer or humane officer has reasonable cause to believe that an animal exhibits vicious or dangerous tendencies and because of said condition is likely to do immediate physical injury to persons or animals with which it comes in contact if allowed to remain at liberty, that animal shall be deemed to be a vicious animal for the purposes of this ordinance.

(b) Unlawful conduct. It shall be unlawful for any person within the City to keep, own or harbor any cross or vicious animal, unless such person shall keep such animal securely fastened, tied and muzzled so that it cannot reach any person to injure such person or shall keep said animal in an enclosure securely fenced so that said animal cannot escape therefrom: Provided, that if any such animal is not so fastened, tied and muzzled or fenced, the City may take said animal and impound it at a shelterhouse provided for such purposes or by a veterinarian, until such time as a hearing for determination as herein provided can be had or until release to the owner upon condition that said animal shall be temporarily kept fastened, tied and muzzled or fenced, as aforesaid and considered to be a vicious animal until said hearing can be effected.

(c) Procedures with Vicious Animals. Procedures for dealing with and handling of vicious animals may be initiated in any one of the following ways:

- i. If a complaint be made by anyone, under oath, before any law enforcement or humane officer and
- ii. If, following such complaint, under oath, the officer before whom the complaint be made, shall find there is probable cause to believe such complaint is true or
- iii. If, upon his own observation of an animal, a law enforcement officer shall have reasonable belief that an animal is vicious.

6

Following the initiation of procedures as set forth above, it shall be the duty of the officer to make a reasonable attempt to notify the owner, keeper or harborer of the animal and request the confinement of the animal, as set forth above. In the event, however, that the owner, keeper or harborer cannot be notified, or refuses or is unable to act upon such notification, or in the further event that the immediate nature of the situation warrants action without notice, any law enforcement or humane officer may capture and impound any such animal.

(d) Determination Hearing. In all cases where procedures regarding a vicious animal are commenced, regardless of whether the animal is taken into custody, a hearing for the determination of whether such animal is dangerous or vicious shall be had before the Municipal Court. Upon a determination that an animal is not dangerous nor vicious, it shall be released to its owner, keeper or harborer upon payment of accrued boarding fees, if any. If the Court should find that an animal is dangerous or vicious, the animal shall be released to the custody of its owner, keeper or harborer upon the conditions above set forth regarding keeping and restraining said animal; and the accrued boarding fees be first paid.

SECTION 13: ANIMAL BITES; PROCEDURE.

A. Except as provided in sub-section E herein, a dog, cat, other domestic animal and any other warm-blooded animal which bites or otherwise so injures a person as to cause an abrasion of the skin shall immediately be quarantined at the owner's expense with a licensed veterinarian of the owner's choice or with the City's impounding agent for a reasonable period of observation.

B. If the owner, keeper or harborer of the animal cannot be immediately notified, authorized personnel shall immediately impound such dog, cat, other domestic animal or warm-blooded animal with an authorized impounding agent, at the owner's expense, for a reasonable period of observation. If the address

7

of the owner of the animal can be determined, the Police Department shall make reasonable effort to notify the owner that said animal is impounded under the provisions of this section and the owner has the right to redeem the animal at the expiration of confinement upon payment of board bill, any veterinarian fees and any license and penalty fees then due and owing the City.

C. In the event the original place of impoundment is not the choice of the owner, the owner may cause the animal's place of impoundment to be changed to a licensed veterinarian of the owner's choice provided all other provisions of this ordinance are complied with.

D. The veterinarian or authorized impounding agent with whom the dog, cat, other domestic animal or warm-blooded animal is impounded shall give immediate written notice to the Police Department that such animal has been confined and designate the number of days to be so confined. At the expiration of the aforesaid confinement period, the veterinarian or impounding agency shall give immediate written notice to the Police Department as to the health of such animal pertaining to the diagnosis of rabies.

E. In the event an investigating officer determines (1) that the animal which injured the person did so while confined within a fence or building enclosing property under the control of the owner; (2) that the person injured was upon the property without the consent of the owner; and (3) that the animal had an effective rabies inoculation and was duly licensed under this ordinance at the time of injury, then, the animal need not be impounded in accordance with section 13-A, but the following alternative procedure shall be followed:

- (a) If the injured person, his parent, or guardian desires that the animal be impounded and agrees in writing to pay for its board during the period of impoundment, it shall be so impounded for the period specified in Section 13-A notwithstanding any other provision of this ordinance.

8

(b) If the injured party, his parent, or guardian is unwilling to agree in writing to pay for animal's board during the period of impoundment, the animal shall be permitted to remain confined in the residence or enclosed yard of its owner or keeper, provided no animal shall be allowed to remain on the property of its owner or keeper under this section unless such person signs a written agreement to keep the animal on the property in confinement for the period required and further agrees to allow the animal to be examined periodically to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such an agreement, the animal shall immediately be impounded in accordance with section 13-A of this ordinance.

SECTION 14: CRUELTY TO ANIMALS. It shall be unlawful for any owner to fail to provide his or her animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. No owner of any animal shall abandon such animal.

SECTION 15: DOGS AND CATS TEMPORARILY IN CITY. The licensing and vaccination provisions of this article shall not apply to dogs, and cats belonging to and kept by nonresident persons temporarily in the City; Provided, that if said dog or cat remain in the City longer than ten (10) days they shall be subject to the provisions of this article. Such dogs or cats shall not be allowed to run at large at any time.

SECTION 16: ENFORCEMENT OF ORDINANCE. It is made the duty of the Humane Officer or anyone having the authority of Humane Officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this ordinance, and the Chief of Police and Police Committee may appoint some suitable person to be known as Humane Officer, whose duties it shall be to assist in the enforcement of this or-

97
dinance and to work under the immediate supervision and direction of the Police Department. Anyone having the authority of a Humane Officer is given the authority to seize any animal found outside the City limits when he has reasonable grounds to believe said animal committed any act within the City which is prohibited by the provisions of this ordinance or which subjects said animal to seizure if found within the City. Any private person may, upon signed complaint, bring charges against any owner of a dog, or other animal, for the violation of any of the provisions of this ordinance.

SECTION 17: PENALTIES FOR VIOLATION OF ORDINANCE.

(a) FOR RUNNING AT LARGE WITHOUT TAG. For the first offense the owner shall pay a fine of twenty-five dollars (\$25.00) plus the board bill; for the second offense a fine of fifty dollars (\$50.00) plus the board bill; for a third and subsequent offense a fine of One Hundred Dollars (\$100.00), plus the board bill.

(b) FOR RUNNING AT LARGE WITH TAG. For the first offense of an animal running at large within the meaning of this section, the owner or keeper claiming any animal, shall, in addition to presenting a license receipt, pay the cost of the board bill. For a second offense, the owner shall pay in addition to presenting a license receipt a fee of twenty-five dollars (\$25.00) plus the board bill. For a third and all subsequent offenses, the owner or keeper shall pay a fee of not less than fifty dollars (\$50.00) plus the cost of the board bill and imprisonment for not more than ten (10) days.

(c) FOR A VICIOUS ANIMAL. The penalty for failure to keep an animal found to be dangerous or vicious securely fastened and tied and muzzled or within a fenced enclosure pursuant to the provisions of this section shall be One Hundred Dollars (\$100.00) for a first offense or 30 days in jail or both. Two Hundred Dollars (\$200.00) for a second offense or 60 days in jail or both and Three Hundred Dollars (\$300.00) for third and subsequent offenses or 90 days or both.

(d) FOR CRUELTY TO ANIMALS. Any person who shall violate this section shall, on conviction thereof, be subject to a fine of Fifty Dollars (\$50.00) or not more than ninety (90) days in jail or both.

(e) FOR ANIMALS AT LARGE TEMPORARILY IN CITY. The owner of any animal running at large who resides outside the limits of the City may claim his or her dog or cat within ten (10) days of the impounding upon the payment of a fee of Ten Dollars (\$10.00) to the designated agency, plus the cost of the board bill. After the first offense, the provisions are the same as those in Section 9 and 17-B.

(f) FOR VIOLATION OF SECTIONS OF THIS ACT FOR WHICH NO OTHER PENALTY IS SPECIFICALLY SET FORTH. Any person who shall violate, neglect or refuse to comply with any provision, regulation or requirement of this article for which a penalty is not specifically set forth for said violation and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or ninety (90) days or both.

SECTION 18. VALIDITY OF CHAPTER. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

SECTION 19. Ordinances Nos. _____ are hereby repealed.

SECTION 20. This ordinance shall take effect from and after its publication in the official city newspaper.

PASSED BY THE GOVERNING BODY, and approved by the Mayor, this _____ day of _____, 1977.

~~Jack N. Carpenter, Mayor~~
AL W TIKWART, JR Mayor

ATTEST: _____

~~City Clerk of Reelands Park~~
Westwood Hills, KS

Published: _____

First published in Johnson County Herald Wednesday, February 22, 1978.

AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF DOGS, CATS AND OTHER ANIMALS.

Be it ordained by the governing body of the City of Westwood Hills:

SECTION 1. LICENSURE. It shall be the duty of every person owning, keeping or harboring in the City of Westwood Hills, any domestic dog or cat over the age of six (6) months of age, to procure a license therefor from the City Clerk. No animal or reptile other than the common varieties of domestic dog or cat shall be licensed nor kept within the city limits of this City. Provided, however, that this section shall not be applicable to pet birds kept caged within a residence nor to hamsters or mice used for educational or scientific purposes in connection with school projects.

SECTION 2. LICENSE FEE. The license year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty. Any dog or cat over the age of six (6) months of age brought into the City on or after March 1st of any license year shall be licensed within ten (10) days after being brought into the City or attaining six (6) months. The annual license fee upon the owners of each dog or cat shall be as follows:

(a) Three Dollars and Fifty Cents (\$3.50) for any animal whose owner produces proof that the same is spayed or neutered.

(b) Ten Dollars (\$10.00) for each animal where there is proof that the same is not spayed or neutered. Failure to pay the license fee within times prescribed herein constitutes a violation of this ordinance.

SECTION 3. PENALTY FOR OVERDUE LICENSE FEE. If the license fee required by Section 2 is not paid within the times provided in that section, the following penalties will apply in addition to the normal license fee:

- (a) Five Dollars (\$5.00) beginning March 1st;
- (b) Ten Dollars (\$10.00) beginning April 1st, and
- (c) Twenty Dollars (\$20.00) beginning May 1st.

After May 31st of each calendar year, if the tax imposed and required to be paid by Section 2 of this ordinance remains unpaid, the City Clerk may issue a complaint against the owner, keeper or harboring of violation of Section 2 of this ordinance.

In the case of any animal brought into the City on or after March 1st or an animal attaining the age of six (6) months on or after March 1st of any license year, if the license fee required by section 2 is not paid within the times provided in said section, the following penalties will apply in addition to the normal license fee:

- (a) Two Dollars (\$2.00) during the first 30 days of delinquency;
- (b) Five Dollars (\$5.00) after the first 30 days of delinquency up to 90 days;
- (c) Ten Dollars (\$10.00) for a delinquency over 90 days; and
- (d) Twenty Dollars (\$20.00) for a delinquency of 120 days or more.

SECTION 4: ANTIRABIES VACCINATION REQUIRED. Any person making application for a license for a dog or cat shall be required to present to the City Clerk or designated agent at the time of making such application, a certificate issued by a licensed veterinarian showing that such animal has been vaccinated or inoculated so administered to such animal will be effective for the entire period of time for which such license is issued.

SECTION 5: REGISTRATION: TAG. It shall be the duty of the City Clerk or designated agent, upon receipt of the license tax herein before required, to keep in a book suitable for the registration of dogs and cats, the time of such registration, the name of the owner or keeper, the number of such registration and the amount paid therefor, and shall deliver to the owner or keeper of such animal a certificate in writing, stating that such person has registered such animal and the number by which he is registered, and shall also deliver to the owner or keeper of such animal a coded tag with the letters and the registration number marked thereon, which shall be by the owner or keeper attached to the collar to be used on said animal so registered. Application for registration of animal may be made by mail or in person. If made by mail, the applicant must send a rabies certificate, (as described in Section 4), a check made payable to the City of Westwood Hills for the correct amount due and a stamped, self-addressed envelope. The City Clerk will return the tag, rabies certificate and receipt to the applicant. When it shall be made to appear to the City Clerk that any tag has become lost, he shall, upon presentation of the certificate, issue a duplicate of such tags upon the payment of one dollar (\$1.00) fee. It shall be unlawful for any person to take off or remove the City license tag from any animal belonging to another, or remove the strap or collar on which the same is fastened.

SECTION 6: NUMBER OF ANIMALS LIMITED. (a) The owning, harboring or keeping of animals over six (6) months of age in excess of two (2) upon any property in the City shall be deemed a nuisance per se. Provided, that the owner or keeper may secure from and at the discretion of the Governing Body, a permit to keep or harbor animals in excess of two (2) upon adequately showing that the premises are so situated, and that special circumstances exist which would not constitute a nuisance to the neighborhood. Written objections by the owners or residents of two (2) separate tracts of land, portions of which lie within two hundred feet (200') of the premises shall be held sufficient evidence of nuisance and the permit shall be revoked. The Governing Body may limit said permit as to time and may also limit the maximum number of animals that may be maintained at any one time.

(b) Any person who shall allow any animal to habitually remain or to lodge or to be fed within his home, store, yard, enclosure or place, shall be deemed and considered as owning, keeping and harboring said animal within the meaning of this article.

SECTION 7: ANIMALS RUNNING AT LARGE DEFINED. Any animal shall be deemed running at large when it is off the premises of the owner or keeper. All animals must remain on the premises of the owner except when taken off the premises on a leash, in a cage, or in a car or other conveyance.

SECTION 8: RUNNING AT LARGE WITHOUT TAG. Whenever any animal shall be found running at large within the City limits of Westwood Hills, without having a license or registration tag attached to a collar, such animal shall be taken up by the Humane Officer or by any other duly authorized City employee designated by the City, however such animal shall be held ten (10) days at a shelterhouse provided by said agency or veterinarian and if within said ten (10) days the owner of any animal so held shall present to the person in charge of said shelterhouse a license receipt, if required, and receipt of payment of the appropriate fine, such animal shall be delivered to the owner. If impounded the Police Department shall make a good faith effort to notify the owner of such animal. If not claimed within ten (10) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 9: RUNNING AT LARGE WITH TAG. Whenever a complaint is received under Section 12(c) that any animal is running at large within the City limits with a license or registration tag attached to a collar, such animal may be seized and impounded. If impounded, all owners of animal under this section shall be notified by the Police Department of the City by a means designed to insure said notification. Such animal shall be held ten (10) days after such notification but not more than twenty (20) days after date of impoundment at a shelterhouse provided for such purposes or veterinarian, however, if within the said time period the owner of any animal so held shall present to the person in charge of such shelterhouse a license receipt, such animal shall be delivered to the owner. If not so claimed within twenty (20) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 10: FEMALE DOGS. It shall be unlawful to keep or harbor any female dog, hereafter referred to in this section as bitch, within the City during such times as she is in heat in such a manner that other dogs frequent or congregate on or near the premises where such bitch is harbored. If other dogs frequent or congregate on or near the premises where such bitch is harbored, the owner or keeper shall upon notification of complaint being received by the City, then remove the bitch from the premises, and should the owner or keeper fail to do so, then the City may take said bitch and impound her and dispose of her in the manner as provided in Section 8 if without a tag and as provided in Section 9 if with a tag.

SECTION 11: DESTRUCTIVE AND NOISY ANIMALS. It shall be unlawful for the owner or harboring of any dog, cat or other animal to carelessly, willfully or maliciously permit such dog, cat or other animal to destroy or damage property or habitually cause a disturbance of the peace.

SECTION 12: VICIOUS ANIMALS. (a) Vicious Animal Defined: If a law enforcement officer or humane officer has reasonable cause to believe that an animal exhibits vicious or dangerous tendencies and because of said condition is likely to do immediate physical injury to persons or animals with which it comes in contact if allowed to remain at liberty, that animal shall be deemed to be a vicious animal for the purposes of this ordinance.

(b) Unlawful conduct. It shall be unlawful for any person within the City to keep, own or harbor any cross or vicious animal, unless such person shall keep such animal securely fastened, tied and muzzled so that it cannot reach any person to injure such person or shall keep said animal in an enclosure securely fenced so that said animal cannot escape therefrom: Provided, that if any such animal is not so fastened, tied and muzzled or fenced, the City may take said animal and impound it at a shelterhouse provided for such purposes or by a veterinarian, until such time as a hearing for determination as herein provided can be had or until release to the owner upon condition that said animal shall be temporarily kept fastened, tied and muzzled or fenced, as aforesaid and considered to be a vicious animal until said hearing can be effected.

(c) Procedures with Vicious Animals. Procedures for dealing with and handling of vicious animals may be initiated in any one of the following ways:

- i. If a complaint be made by anyone, under oath, before any law enforcement or humane officer and
- ii. If, following such complaint, under oath, the officer before whom the complaint be made, shall find there is probable cause to believe such complaint is true or
- iii. If, upon his own observation of an animal, a law enforcement officer shall have reasonable belief that an animal is vicious.

Following the initiation of procedures as set forth above, it shall be the duty of the officer to make a reasonable attempt to notify the owner, keeper or harboring of the animal and request the confinement of the animal, as set forth above. In the event, however, that the owner, keeper or harboring cannot be notified, or refuses or is unable to act upon such notification, or in the further event that the immediate nature of the situation warrants action without notice, any law enforcement or humane officer may capture and impound any such animal.

(d) Determination Hearing. In all cases where procedures regarding a vicious animal are commenced, regardless of whether the animal is taken into custody, a hearing for the determination of whether such animal is dangerous or vicious shall be had before the Municipal Court. Upon a determination that an animal is not dangerous nor vicious, it shall be released to its owner, keeper or harboring upon payment of accrued boarding fees, if any. If the Court should find that an animal is dangerous or vicious, the animal shall be released to the custody of its owner, keeper or harboring upon the conditions above set forth regarding keeping and restraining said animal; and the accrued boarding fees be first paid.

SECTION 13: ANIMAL BITES; PROCEDURE.

A. Except as provided in sub-section E herein, a dog, cat, other domestic animal and any other warm-blooded animal which bites or otherwise so injures a person as to cause an abrasion of the skin shall immediately be quarantined at the owner's expense with a licensed veterinarian of the owner's choice or with the City's impounding agent for a reasonable period of observation.

B. If the owner, keeper or harboring of the animal cannot be immediately notified, authorized personnel shall immediately impound such dog, cat, other domestic animal or warm-blooded animal with an authorized impounding agent, at the owner's expense, for a reasonable period of observation. If the address of the owner of the animal can be determined, the Police Department shall make reasonable effort to notify the owner that said animal is impounded under the provisions of this section and the owner has the right to redeem the animal at the expiration of confinement upon payment of board bill, any veterinarian fees and any license and penalty fees then due and owing the City.

C. In the event the original place of impoundment is not the choice of the owner, the owner may cause the animal's place of impoundment to be changed to a licensed veterinarian of the owner's choice provided all other provisions of this ordinance are complied with.

D. The veterinarian or authorized impounding agent with whom the dog, cat, other domestic animal or warm-blooded animal is impounded shall give immediate written notice to the Police Department that such animal has been confined and designate the number of days to be so confined. At the expiration of the aforesaid confinement period, the veterinarian or impounding agency shall give immediate written notice to the Police Department as to the health of such animal pertaining to the diagnosis of rabies.

E. In the event an investigating officer determines (1) that the animal which injured the person did so while confined within a fence or building enclosing property under the control of the owner; (2) that the person injured was upon the property without the consent of the owner; and (3) that the animal had an effective rabies inoculation and was duly licensed under this ordinance at the time of injury, then, the animal need not be impounded in accordance with section 13-A, but the following alternative procedure shall be followed:

(a) If the injured person, his parent, or guardian desires that the animal be impounded and agrees in writing to pay for its board during the period of impoundment, it shall be so impounded for the period specified in Section 13-A notwithstanding any other provision of this ordinance.

(b) If the injured party, his parent, or guardian is unwilling to agree in writing to pay for animal's board during the period of impoundment, the animal shall be permitted to remain confined in the residence or enclosed yard of its owner or keeper, provided no animal shall be allowed to remain on the property of its owner or keeper under this section unless such person signs a written agreement to keep the animal on the property in confinement for the period required and further agrees to allow the animal to be examined periodically to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such an agreement, the animal shall immediately be impounded in accordance with section 13-A of this ordinance.

SECTION 14: CRUELTY TO ANIMALS. It shall be unlawful for any owner to fail to provide his or her animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. No owner of any animal shall abandon such animal.

SECTION 15: DOGS AND CATS TEMPORARILY IN CITY. The licensing and vaccination provisions of this article shall not apply to dogs, and cats belonging to and kept by nonresident persons temporarily in the City; Provided, that if said dog or cat remain in the City longer than ten (10) days they shall be subject to the provisions of this article. Such dogs or cats shall not be allowed to run at large at any time.

SECTION 16: ENFORCEMENT OF ORDINANCE. It is made the duty of the Humane Officer or anyone having the authority of Humane Officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this ordinance, and the Chief of Police and Police Committee may appoint some suitable person to be known as a Humane Officer, whose duties it shall be to assist in the enforcement of this ordinance and to work under the immediate supervision and direction of the Police Department. Anyone having the authority of a Humane Officer is given the authority to seize any animal found outside the City limits when he has reasonable grounds to believe said animal committed any act within the City which is prohibited by the provisions of this ordinance or which subjects said animal to seizure if found within the City. Any private person may, upon signed complaint, bring charges against any owner of a dog, or other animal, for the violation of any of the provisions of this ordinance.

SECTION 17: PENALTIES FOR VIOLATION OF ORDINANCE.

(a) FOR RUNNING AT LARGE WITHOUT TAG. For the first offense the owner shall pay a fine of twenty-five dollars (\$25.00) plus the board bill; for the second offense a fine of fifty dollars (\$50.00) plus the board bill; for a third and subsequent offense a fine of One Hundred Dollars (\$100.00), plus the board bill.

(b) FOR RUNNING AT LARGE WITH TAG. For the first offense of an animal running at large within the meaning of this section, the owner or keeper claiming any animal, shall, in addition to presenting a license receipt, pay the cost of the board bill. For a second offense, the owner shall pay in addition to presenting a license receipt a fee of twenty-five dollars (\$25.00) plus the board bill. For third and all subsequent offenses, the owner or keeper shall pay a fee of not less than fifty dollars (\$50.00) plus the cost of the board bill and imprisonment for not more than ten (10) days.

(c) FOR A VICIOUS ANIMAL. The penalty for failure to keep an animal found to be dangerous or vicious securely fastened and tied and muzzled or within a fenced enclosure pursuant to the provisions of this section shall be One Hundred Dollars (\$100.00) for a first offense or 30 days in jail or both. Two Hundred Dollars (\$200.00) for a second offense of 60 days in jail or both and Three Hundred Dollars (\$300.00) for third and subsequent offenses or 90 days or both.

(d) FOR CRUELTY TO ANIMALS. Any person who shall violate this section shall, on conviction thereof, be subject to a fine of Fifty Dollars (\$50.00) or not more than ninety (90) days in jail or both.

(e) FOR ANIMALS AT LARGE TEMPORARILY IN CITY. The owner of any animal running at large who resides outside the limits of the City may claim his or her dog or cat within ten (10) days of the impounding upon the payment of a fee of Ten Dollars (\$10.00) to the designated agency, plus the cost of the board bill. After the first offense, the provisions are the same as those in Section 9 and 17-B.

(f) FOR VIOLATION OF SECTIONS OF THIS ACT FOR WHICH NO OTHER PENALTY IS SPECIFICALLY SET FORTH. Any person who shall violate, neglect or refuse to comply with any provision, regulation or requirement of this article for which a penalty is not specifically set forth for said violation and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or ninety (90) days or both.

SECTION 18. VALIDITY OF CHAPTER. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

SECTION 19. Ordinances No. 84 and No. 87 are hereby repealed.

SECTION 20. This ordinance shall take effect from and after its publication in the official city newspaper.

PASSED BY THE GOVERNING BODY, and approved by the Mayor, this 6 day of Feb., 1978.

/s/ Al Tikwart, Jr.
Mayor

ATTEST:

/s/ Janet Whitehead
City Clerk of Westwood Hills

First published in Johnson County Herald Wednesday, February 22, 1978.

AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF DOGS, CATS AND OTHER ANIMALS.

Be it ordained by the governing body of the City of Westwood Hills:

SECTION 1. LICENSURE. It shall be the duty of every person owning, keeping or harboring in the City of Westwood Hills, any domestic dog or cat over the age of six (6) months of age, to procure a license therefor from the City Clerk. No animal or reptile other than the common varieties of domestic dog or cat shall be licensed nor kept within the city limits of this City. Provided, however, that this section shall not be applicable to pet birds kept caged within a residence and to hamsters or mice used for educational or scientific purposes in connection with school projects.

SECTION 2. LICENSE FEE. The license year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty. Any dog or cat over the age of six (6) months of age brought into the City on or after March 1st of any license year shall be licensed within ten (10) days after being brought into the City or attaining six (6) months. The annual license fee upon the owners of each dog or cat shall be as follows

(a) Three Dollars and Fifty Cents (\$3.50) for any animal whose owner produces proof that the same is spayed or neutered.

(b) Ten Dollars (\$10.00) for each animal where there is proof that the same is not spayed or neutered. Failure to pay the license fee within times prescribed herein constitutes a violation of this ordinance.

SECTION 3. PENALTY FOR OVERDUE LICENSE FEE. If the license fee required by Section 2 is not paid within the times provided in that section, the following penalties will apply in addition to the normal license fee:

- (a) Five Dollars (\$5.00) beginning March 1st;
- (b) Ten Dollars (\$10.00) beginning April 1st, and
- (c) Twenty Dollars (\$20.00) beginning May 1st.

After May 31st of each calendar year, if the tax imposed and required to be paid by Section 2 of this ordinance remains unpaid, the City Clerk may issue a complaint against the owner, keeper or harbinger of violation of Section 2 of this ordinance.

In the case of any animal brought into the City on or after March 1st or an animal attaining the age of six (06) months on or after March 1st of any license year, if the license fee required by section 2 is not paid within the times provided in said section, the following penalties will apply in addition to the normal license fee:

- (a) Two Dollars (\$2.00) during the first 30 days of delinquency;
- (b) Five Dollars (\$5.00) after the first 30 days of delinquency up to 90 days;
- (c) Ten Dollars (\$10.00) for a delinquency over 90 days; and
- (d) Twenty Dollars (\$20.00) for a delinquency of 120 days or more.

SECTION 4: ANTIRABIES VACCINATION REQUIRED. Any person making application for a license for a dog or cat shall be required to present to the City Clerk or designated agent at the time of making such application, a certificate issued by a licensed veterinarian showing that such animal has been vaccinated or inoculated so administered to such animal will be effective for the entire period of time for which such license is issued.

SECTION 5: REGISTRATION: TAG. It shall be the duty of the City Clerk or designated agent, upon receipt of the license tax herein before required, to keep in a book suitable for the registration of dogs and cats, the time of such registration, the name of the owner or keeper, the number of such registration and the amount paid therefor, and shall deliver to the owner or keeper of such animal a certificate in writing, stating that such person has registered such animal and the number by which he is registered, and shall also deliver to the owner or keeper of such animal a coded tag with the letters and the registration number marked thereon, which shall be by the owner or keeper attached to the collar to be used on said animal so registered. Application for registration of animal may be made by mail or in person. If made by mail, the applicant must send a rabies certificate, (as described in Section 4), a check made payable to the City of Westwood Hills for the correct amount due and a stamped, self-addressed envelope. The City Clerk will return the tag, rabies certificate and receipt to the applicant. When it shall be made to appear to the City Clerk that any tag has become lost, he shall, upon presentation of the certificate, issue a duplicate of such tags upon the payment of one dollar (\$1.00) fee. It shall be unlawful for any person to take off or remove the City license tag from any animal belonging to another, or remove the strap or collar on which the same is fastened.

SECTION 6: NUMBER OF ANIMALS LIMITED. (a) The owning, harboring or keeping of animals over six (06) months of age in excess of two (2) upon any property in the City shall be deemed a nuisance per se: Provided, that the owner or keeper may secure from and at the discretion of the Governing Body, a permit to keep or harbor animals in excess of two (2) upon adequately showing that the premises are so situated, and that special circumstances exist which would not constitute a nuisance to the neighborhood. Written objections by the owners or residents of two (2) separate tracts of land, portions of which lie within two hundred feet (200') of the premises shall be held sufficient evidence of nuisance and the permit shall be revoked. The Governing Body may limit said permit as to time and may also limit the maximum number of animals that may be maintained at any one time.

(b) Any person who shall allow any animal to habitually remain or to lodge or to be fed within his home, store, yard, enclosure or place, shall be deemed and considered as owning, keeping and harboring said animal within the meaning of this article.

SECTION 7: ANIMALS RUNNING AT LARGE DEFINED. Any animal shall be deemed running at large when it is off the premises of the owner or keeper. All animals must remain on the premises of the owner except when taken off the premises on a leash, in a cage, or in a car or other conveyance.

SECTION 8: RUNNING AT LARGE WITHOUT TAG. Whenever any animal shall be found running at large within the City limits of Westwood Hills, without having a license or registration tag attached to a collar, such animal shall be taken up by the Humane Officer or by any other duly authorized City employee designated by the City, however such animal shall be held ten (10) days at a shelterhouse provided by said agency or veterinarian and if within said ten (10) days the owner of any animal so held shall present to the person in charge of said shelterhouse a license receipt, if required, and receipt of payment of the appropriate fine, such animal shall be delivered to the owner. If impounded the Police Department shall make a good faith effort to notify the owner of such animal. If not claimed within ten (10) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 9: RUNNING AT LARGE WITH TAG. Whenever a complaint is received under Section 12(c) that any animal is running at large within the City limits with a license or registration tag attached to a collar, such animal may be seized and impounded. If impounded, all owners of animal under this section shall be notified by the Police Department of the City by a means designed to insure said notification. Such animal shall be held ten (10) days after such notification but not more than twenty (20) days after date of impoundment at a shelterhouse provided for such purposes or veterinarian, however, if within the said time period the owner of any animal so held shall present to the person in charge of such shelterhouse a license receipt, such animal shall be delivered to the owner. If not so claimed within twenty (20) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 10: FEMALE DOGS. It shall be unlawful to keep or harbor any female dog, hereafter referred to in this section as bitch, within the City during such times as she is in heat in such a manner that other dogs frequent or congregate on or near the premises where such bitch is harbored. If other dogs frequent or congregate on or near the premises where such bitch is harbored, the owner or keeper shall upon notification of complaint being received by the City, then remove the bitch from the premises, and should the owner or keeper fail to do so, then the City may take said bitch and impound her and dispose of her in the manner as provided in Section 8 if without a tag and as provided in Section 9 if with a tag.

SECTION 11: DESTRUCTIVE AND NOISY ANIMALS. It shall be unlawful for the owner or harbinger of any dog, cat or other animal to carelessly, willfully or maliciously permit such dog, cat or other animal to destroy or damage property or habitually cause a disturbance of the peace.

SECTION 12: VICIOUS ANIMALS. (a) Vicious Animal Defined: If a law enforcement officer or humane officer has reasonable cause to believe that an animal exhibits vicious or dangerous tendencies and because of said condition is likely to do immediate physical injury to persons or animals with which it comes in contact if allowed to remain at liberty, that animal shall be deemed to be a vicious animal for the purposes of this ordinance.

(b) It shall be unlawful for any person within the City to keep, own or harbor any cross or vicious animal, unless such person shall keep such animal securely fastened, tied and muzzled so that it cannot reach any person to injure such person or shall keep said animal in an enclosure securely fenced so that said animal cannot escape therefrom: Provided, that if any such animal is not so fastened, tied and muzzled or fenced, the City may take said animal and impound it at a shelterhouse provided for such purposes or by a veterinarian, until such time as a hearing for determination as herein provided can be had or until release to the owner upon condition that said animal shall be temporarily kept fastened, tied and muzzled or fenced, as aforesaid and considered to be a vicious animal until said hearing can be effected.

(c) Procedures with Vicious Animals. Procedures for dealing with and handling of vicious animals may be initiated in any one of the following ways:

- i. If a complaint be made by anyone, under oath, before any law enforcement or humane officer and
- ii. If, following such complaint, under oath, the officer before whom the complaint be made, shall find there is probable cause to believe such complaint is true, or
- iii. If, upon his own observation of an animal, a law enforcement officer shall have reasonable belief that an animal is vicious.

Following the initiation of procedures as set forth above, it shall be the duty of the officer to make a reasonable attempt to notify the owner, keeper or harbinger of the animal and request the confinement of the animal, as set forth above. In the event, however, that the owner, keeper or harbinger cannot be notified, or refuses or is unable to act upon such notification, or in the further event that the immediate nature of the situation warrants action without notice, any law enforcement or humane officer may capture and impound any such animal.

(d) Determination Hearing. In all cases where procedures regarding a vicious animal are commenced, regardless of whether the animal is taken into custody, a hearing for the determination of whether such animal is dangerous or vicious shall be had before the Municipal Court. Upon a determination that an animal is not dangerous nor vicious, it shall be released to its owner, keeper or harbinger upon payment of accrued boarding fees, if any. If the Court should find that an animal is dangerous or vicious, the animal shall be released to the custody of its owner, keeper or harbinger upon the conditions above set forth regarding keeping and restraining said animal; and the accrued boarding fees be first paid.

SECTION 13: ANIMAL BITES; PROCEDURE.

A. Except as provided in sub-section E herein, a dog, cat, other domestic animal and any other warm-blooded animal which bites or otherwise so injures a person as to cause an abrasion of the skin shall immediately be quarantined at the owner's expense with a licensed veterinarian of the owner's choice or with the City's impounding agent for a reasonable period of observation.

B. If the owner, keeper or harbinger of the animal cannot be immediately notified, authorized personnel shall immediately impound such dog, cat, other domestic animal or warm-blooded animal with an authorized impounding agent, at the owner's expense, for a reasonable period of observation. If the address of the owner of the animal can be determined, the Police Department shall make reasonable effort to notify the owner that said animal is impounded under the provisions of this section and the owner has the right to redeem the animal at the expiration of confinement upon payment of board bill, any veterinarian fees and any license and penalty fees then due and owing the City.

C. In the event the original place of impoundment is not the choice of the owner, the owner may cause the animal's place of impoundment to be changed to a licensed veterinarian of the owner's choice provided all other provisions of this ordinance are complied with.

D. The veterinarian or authorized impounding agent with whom the dog, cat, other domestic animal or warm-blooded animal is impounded shall give immediate written notice to the Police Department that such animal has been confined and designate the number of days to be so confined. At the expiration of the aforesaid confinement period, the veterinarian or impounding agency shall give immediate written notice to the Police Department as to the health of such animal pertaining to the diagnosis of rabies.

E. In the event an investigating officer determines (1) that the animal which injured the person did so while confined within a fence or building enclosing property under the control of the owner; (2) that the person injured was upon the property without the consent of the owner; and (3) that the animal had an effective rabies inoculation and was duly licensed under this ordinance at the time of injury, then, the animal need not be impounded in accordance with section 13-A, but the following alternative procedure shall be followed:

(a) If the injured person, his parent, or guardian desires that the animal be impounded and agrees in writing to pay for its board during the period of impoundment, it shall be so impounded for the period specified in Section 13-A notwithstanding any other provision of this ordinance.

(b) If the injured party, his parent, or guardian is unwilling to agree in writing to pay for animal's board during the period of impoundment, the animal shall be permitted to remain confined in the residence or enclosed yard of its owner or keeper, provided no animal shall be allowed to remain on the property of its owner or keeper under this section unless such person signs a written agreement to keep the animal on the property in confinement for the period required and further agrees to allow the animal to be examined periodically to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such an agreement, the animal shall immediately be impounded in accordance with section 13-A of this ordinance.

SECTION 14: CRUELTY TO ANIMALS. It shall be unlawful for any owner to fail to provide his or her animal with sufficient food and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. No owner of any animal shall abandon such animal.

SECTION 15: DOGS AND CATS TEMPORARILY IN CITY. The licensing and vaccination provisions of this article shall not apply to dogs, and cats belonging to and kept by nonresident persons temporarily in the City; Provided, that if said dog or cat remain in the City longer than ten (10) days they shall be subject to the provisions of this article. Such dogs or cats shall not be allowed to run at large at any time.

SECTION 16: ENFORCEMENT OF ORDINANCE. It is made the duty of the Humane Officer or anyone having the authority of Humane Officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this ordinance, and the Chief of Police and Police Committee may appoint some suitable person to be known as a Humane Officer, whose duties it shall be to assist in the enforcement of this ordinance and to work under the immediate supervision and direction of the Police Department. Anyone having the authority of a Humane Officer is given the authority to seize any animal found outside the City limits when he has reasonable grounds to believe said animal committed any act within the City which is prohibited by the provisions of this ordinance or which subjects said animal to seizure if found within the City. Any private person may, upon signed complaint, bring charges against any owner of a dog, or other animal, for the violation of any of the provisions of this ordinance.

SECTION 17: PENALTIES FOR VIOLATION OF ORDINANCE.

(a) **FOR RUNNING AT LARGE WITHOUT TAG.** For the first offense the owner shall pay a fine of twenty-five dollars (\$25.00) plus the board bill; for the second offense a fine of fifty dollars (\$50.00) plus the board bill; for a third and subsequent offense a fine of One Hundred Dollars (\$100.00), plus the board bill.

(b) **FOR RUNNING AT LARGE WITH TAG.** For the first offense of an animal running at large within the meaning of this section, the owner or keeper claiming any animal, shall, in addition to presenting a license receipt, pay the cost of the board bill. For a second offense, the owner shall pay in addition to presenting a license receipt a fee of twenty-five dollars (\$25.00) plus the board bill. For third and all subsequent offenses, the owner or keeper shall pay a fee of not less than fifty dollars (\$50.00) plus the cost of the board bill and imprisonment for not more than ten (10) days.

(c) **FOR A VICIOUS ANIMAL.** The penalty for failure to keep an animal found to be dangerous or vicious securely fastened and tied and muzzled or within a fenced enclosure pursuant to the provisions of this section shall be One Hundred Dollars (\$100.00) for a first offense or 30 days in jail or both. Two Hundred Dollars (\$200.00) for a second offense of 60 days in jail or both and Three Hundred Dollars (\$300.00) for third and subsequent offenses or 90 days or both.

(d) **FOR CRUELTY TO ANIMALS.** Any person who shall violate this section shall, on conviction thereof, be subject to a fine of Fifty Dollars (\$50.00) or not more than ninety (90) days in jail or both.

(e) **FOR ANIMALS AT LARGE TEMPORARILY IN CITY.** The owner of any animal running at large who resides outside the limits of the City may claim his or her dog or cat within ten (10) days of the impounding upon the payment of a fee of Ten Dollars (\$10.00) to the designated agency, plus the cost of the board bill. After the first offense, the provisions are the same as those in Section 9 and 17-B.

(f) **FOR VIOLATION OF SECTIONS OF THIS ACT FOR WHICH NO OTHER PENALTY IS SPECIFICALLY SET FORTH.** Any person who shall violate, neglect or refuse to comply with any provision, regulation or requirement of this article for which a penalty is not specifically set forth for said violation and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or ninety (90) days or both.

SECTION 18. VALIDITY OF CHAPTER. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

SECTION 19. Ordinances No. 84 and No. 87 are hereby repealed.

SECTION 20. This ordinance shall take effect from and after its publication in the official city newspaper.

PASSED BY THE GOVERNING BODY, and approved by the Mayor, this 6 day of Feb., 1978.

/s/ Al Tikwart, Jr.
Mayor

ATTEST:

/s/ Janet Whitehead

JOHNSON COUNTY
Herald

AFFIDAVIT OF PUBLICATION

State of Kansas, Johnson County, ss:

WILL CRAIG being first duly sworn,
Deposes and says: That he is the editor of the Johnson
County Herald, a weekly newspaper printed in the State of
Kansas, and published in and of general circulation in
Johnson County, Kansas, with a general paid circulation on
a weekly basis in Johnson County, Kansas, and that said
newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least weekly
50 times a year; has been published continuously and uninter-
ruptedly in said county and state for a period of more than
five years prior to the first publication of said notice; and
has been admitted at the post office of Shawnee Mission;
in said County as second class matter.

That the attached notice is a true copy thereof and was
published in the regular and entire issue of said newspaper

for 1 consecutive weeks, the
first publication thereof being made as aforesaid on the

22 day of February, 1978, with
subsequent publications being made on the following dates:

_____, 19____

_____, 19____

_____, 19____

_____, 19____

_____, 19____

_____, 19____

Will Craig

Subscribed and sworn to before me this 27

day of February, 19 78

Ann W. Shippee

ANN W. SHIPPEE
NOTARY PUBLIC
JOHNSON COUNTY, KANSAS
My commission expires: July 7, 1980

Notary Public in and for
Johnson County, Kansas

Notary Fee ----- \$ _____

Printer's fee ----- \$ 109.37

Additional copies ----- \$ _____

Total Charge ----- \$ 109.37

**Johnson County Herald — Fully qualified to
publish legal notices**

Official Paper for the cities of Countryside, Fairway, Lake
Quivira, Merriam, Mission, Mission Hills, Mission Woods,
Overland Park, Prairie Village, Roeland Park, Shawnee, West-
wood, and various Johnson County school districts, sewer
districts, townships, and other governmental agencies.

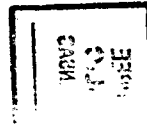
Case No. _____

Plaintiff.

vs.

Defendant.

PROOF OF PUBLICATION



JOHNSON COUNTY
Herald

AFFIDAVIT OF PUBLICATION

State of Kansas, Johnson County, ss:

WILL CRAIG being first duly sworn,
Deposes and says: That he is the editor of the Johnson
County Herald, a weekly newspaper printed in the State of
Kansas, and published in and of general circulation in
Johnson County, Kansas, with a general paid circulation on
a weekly basis in Johnson County, Kansas, and that said
newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least weekly
50 times a year; has been published continuously and uninter-
ruptedly in said county and state for a period of more than
five years prior to the first publication of said notice; and
has been admitted at the post office of Shawnee Mission,
in said County as second class matter.

That the attached notice is a true copy thereof and was
published in the regular and entire issue of said newspaper

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_____, 19____

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_____, 19____

_____, 19____

_____, 19____

Will Craig

Subscribed and sworn to before me this 27

day of February, 19 78

Jo Ann W. Shippee

JO ANN W. SHIPPEE
NOTARY PUBLIC
JOHNSON COUNTY, KANSAS
My commission expires: July 7, 1981

Notary Public in and for
Johnson County, Kansas

Notary Fee ----- \$ _____

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Official Paper for the cities of Countryside, Fairway, Lake
Quivira, Merriam, Mission, Mission Hills, Mission Woods,
Overland Park, Prairie Village, Roeland Park, Shawnee, West-
wood, and various Johnson County school districts, sewer
districts, townships, and other governmental agencies.

Case No. -----

Plaintiff.

vs.

Defendant.

PROOF OF PUBLICATION

S 10 : A D VED Ar JI
S 9 : W R H S Y OF O
S 8 : C R G E X E
S 7 : 1 1 1 1

[illegible]

AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF DOGS, CATS AND OTHER ANIMALS.

Be it ordained by the governing body of the City of ~~Reeland Park~~ ^{Westwood H. 16}:

SECTION 1. LICENSURE. It shall be the duty of every person owning, keeping or harboring in the City of _____, any domestic dog or cat over the age of six (6) months of age, to procure a license therefor from the City Clerk. No animal or reptile other than the common varieties of domestic dog or cat shall be licensed nor kept within the city limits of this City. Provided, however, that this section shall not be applicable to pet birds kept caged within a residence nor to hamsters or mice used for educational or scientific purposes in connection with school projects.

SECTION 2. LICENSE FEE. The license year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty. Any dog or cat over the age of six (6) months of age brought into the City on or after March 1st of any license year shall be licensed within ten (10) days after being brought into the City or attaining six (6) months. The annual license fee upon the owners of each dog or cat shall be as follows:

(a) Three Dollars and Fifty Cents (\$3.50) for any animal whose owner produces proof that the same is spayed or neutered.

(b) Ten Dollars (\$10.00) for each animal where there is proof that the same is not spayed or neutered.

Failure to pay the license fee within times prescribed herein constitutes a violation of this ordinance.

SECTION 3. PENALTY FOR OVERDUE LICENSE FEE. If the license fee required by Section 2 is not paid within the times provided in that section, the following penalties will apply in addition to the normal license fee:

(a) Five Dollars (\$5.00) beginning March 1st;

(b) Ten Dollars (\$10.00) beginning April 1st, and

(c) Twenty Dollars (\$20.00) beginning May 1st.

After May 31st of each calendar year, if the tax imposed and required to be paid by Section 2 of this ordinance remains unpaid, the City Clerk may issue a complaint against the owner, keeper or harborer violation of Section 2 of this ordinance.

In the case of any animal brought into the City on or after March 1st or an animal attaining the age of six (06) months on or after March 1st of any license year, if the license fee required by section 2 is not paid within the times provided in said section, the following penalties will apply in addition to the normal license fee:

- (a) Two Dollars (\$2.00) during the first 30 days of delinquency;
- (b) Five Dollars (\$5.00) after the first 30 days of delinquency up to 90 days;
- (c) Ten Dollars (\$10.00) for a delinquency over 90 days; and
- (d) Twenty Dollars (\$20.00) for a delinquency of 120 days or more.

SECTION 4: ANTIRABIES VACCINATION REQUIRED. Any person making application for a license for a dog or cat shall be required to present to the City Clerk or designated agent at the time of making such application, a certificate issued by a licensed veterinarian showing that such animal (has been vaccinated or inoculated so administered to such animal will be) effective for the entire period of time for which such license is issued.

SECTION 5: REGISTRATION: TAG. It shall be the duty of the City Clerk or designated agent, upon receipt of the license tax herein before required, to keep in a book suitable for the registration of dogs and cats, the time of such registration, the name of the owner or keeper, the number of such registration and the amount paid therefor, and shall deliver to the owner or keeper of such animal a certificate in writing, stating that such person has registered such animal and the number by which he is registered, and shall also deliver to the owner or keeper of such animal a ~~color~~ coded tag with the letters and the registration number marked thereon, which shall be by the owner or keeper attached to the collar to be used on said animal so registered. Application for registration of animal may be made by mail or in person. If made by mail, the applicant must send a rabies certificate, (as described in Section 4), a check made payable to the City of ^{Westwood} ~~Ree~~ ^{land Park} for the correct amount due and a stamped, self-addressed envelope. The City Clerk will return the tag, rabies certificate and receipt to the applicant. When it shall be made to appear to the City Clerk that any tag has become lost, he shall, upon presentation of the certificate, issue a duplicate of such tags

3

upon the payment of one dollar (\$1.00) fee. It shall be unlawful for any person to take off or remove the City license tag from any animal belonging to another, or remove the strap or collar on which the same is fastened.

SECTION 6: NUMBER OF ANIMALS LIMITED. (a) The owning, harboring ~~or keeping of animals over six (06)~~ months of age in excess of two (2) upon any property in the City shall be deemed a nuisance per se: Provided, that the owner or keeper may secure from and at the discretion of the Governing Body, a permit to keep or harbor animals in excess of two (2) upon adequately showing that the premises are so situated, and that special circumstances exist which would not constitute a nuisance to the neighborhood. Written objections by the owners or residents of two (2) separate tracts of land, portions of which lie within two hundred feet (200') of the premises shall be held sufficient evidence of nuisance and the permit shall be revoked. The Governing Body may limit said permit as to time and may also limit the maximum number of animals that may be maintained at any one time.

(b) Any person who shall allow any animal to habitually remain or to lodge or to be fed within his home, store, yard, enclosure or place, shall be deemed and considered as owning, keeping and harboring said animal within the meaning of this article.

SECTION 7: ANIMALS RUNNING AT LARGE DEFINED. Any animal shall be deemed running at large when it is off the premises of the owner or keeper. All animals must remain on the premises of the owner except when taken off the premises on a leash, in a cage, or in a car or other conveyance.

SECTION 8: RUNNING AT LARGE WITHOUT TAG. Whenever any animal shall be found running at large within the City limits of ^{Westward} ~~Ree-~~ ^{Hills} ~~land Park~~, without having a license or registration tag attached to a collar, such animal shall be taken up by the Humane Officer or by any other duly authorized City employee designated by the City, however such animal shall be held ten (10) days at a shelterhouse provided by said agency or veterinarian and if within said ten (10) days the owner of any animal so held shall

4

present to the person in charge of said shelterhouse a license receipt, if required, and receipt of payment of the appropriate fine, such animal shall be delivered to the owner. If impounded the Police Department shall make a good faith effort to notify the owner of such animal. If not claimed within ten (10) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 9: RUNNING AT LARGE WITH TAG. Whenever a complaint is received under Section 12(c) that any animal is running at large within the City limits with a license or registration tag attached to a collar, such animal may be seized and impounded. If impounded, all owners of animal under this section shall be notified by the Police Department of the City by a means designed to insure said notification. Such animal shall be held ten (10) days after such notification but not more than twenty (20) days after date of impoundment at a shelterhouse provided for such purposes or veterinarian, however, if within the said time period the owner of any animal so held shall present to the person in charge of such shelterhouse a license receipt, such animal shall be delivered to the owner. If not so claimed within twenty (20) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 10: FEMALE DOGS. It shall be unlawful to keep or harbor any female dog, hereafter referred to in this section as bitch, within the City during such times as she is in heat in such a manner that other dogs frequent or congregate on or near the premises where such bitch is harbored. If other dogs frequent or congregate on or near the premises where such bitch is harbored, the owner or keeper shall upon notification of complaint being received by the City, then remove the bitch from the premises, and should the owner or keeper fail to do so, then the City may take said bitch and impound her and dispose of her in the manner as provided in Section 8 if without a tag and as provided in Section 9 if with a tag.

SECTION 11: DESTRUCTIVE AND NOISY ANIMALS. It shall be unlawful for the owner or harborer of any dog, cat or other animal to carelessly, willfully or maliciously permit such dog, cat or other

animal to destroy or damage property or habitually cause a disturbance of the peace.

SECTION 12: VICIOUS ANIMALS. (a) Vicious Animal Defined: If a law enforcement officer or humane officer has reasonable cause to believe that an animal exhibits vicious or dangerous tendencies and because of said condition is likely to do immediate physical injury to persons or animals with which it comes in contact if allowed to remain at liberty, that animal shall be deemed to be a vicious animal for the purposes of this ordinance.

(b) Unlawful conduct. It shall be unlawful for any person within the City to keep, own or harbor any cross or vicious animal, unless such person shall keep such animal securely fastened, tied and muzzled so that it cannot reach any person to injure such person or shall keep said animal in an enclosure securely fenced so that said animal cannot escape therefrom: Provided, that if any such animal is not so fastened, tied and muzzled or fenced, the City may take said animal and impound it at a shelterhouse provided for such purposes or by a veterinarian, until such time as a hearing for determination as herein provided can be had or until release to the owner upon condition that said animal shall be temporarily kept fastened, tied and muzzled or fenced, as aforesaid and considered to be a vicious animal until said hearing can be effected.

(c) Procedures with Vicious Animals. Procedures for dealing with and handling of vicious animals may be initiated in any one of the following ways:

- i. If a complaint be made by anyone, under oath, before any law enforcement or humane officer and
- ii. If, following such complaint, under oath, the officer before whom the complaint be made, shall find there is probable cause to believe such complaint is true or
- iii. If, upon his own observation of an animal, a law enforcement officer shall have reasonable belief that an animal is vicious.

6

Following the initiation of procedures as set forth above, it shall be the duty of the officer to make a reasonable attempt to notify the owner, keeper or harborer of the animal and request the confinement of the animal, as set forth above. In the event, however, that the owner, keeper or harborer cannot be notified, or refuses or is unable to act upon such notification, or in the further event that the immediate nature of the situation warrants action without notice, any law enforcement or humane officer may capture and impound any such animal.

(d) Determination Hearing. In all cases where procedures regarding a vicious animal are commenced, regardless of whether the animal is taken into custody, a hearing for the determination of whether such animal is dangerous or vicious shall be had before the Municipal Court. Upon a determination that an animal is not dangerous nor vicious, it shall be released to its owner, keeper or harborer upon payment of accrued boarding fees, if any. If the Court should find that an animal is dangerous or vicious, the animal shall be released to the custody of its owner, keeper or harborer upon the conditions above set forth regarding keeping and restraining said animal; and the accrued boarding fees be first paid.

SECTION 13: ANIMAL BITES; PROCEDURE.

A. Except as provided in sub-section E herein, a dog, cat, other domestic animal and any other warm-blooded animal which bites or otherwise so injures a person as to cause an abrasion of the skin shall immediately be quarantined at the owner's expense with a licensed veterinarian of the owner's choice or with the City's impounding agent for a reasonable period of observation.

B. If the owner, keeper or harborer of the animal cannot be immediately notified, authorized personnel shall immediately impound such dog, cat, other domestic animal or warm-blooded animal with an authorized impounding agent, at the owner's expense, for a reasonable period of observation. If the address

7

of the owner of the animal can be determined, the Police Department shall make reasonable effort to notify the owner that said animal is impounded under the provisions of this section and the owner has the right to redeem the animal at the expiration of confinement upon payment of board bill, any veterinarian fees and any license and penalty fees then due and owing the City.

C. In the event the original place of impoundment is not the choice of the owner, the owner may cause the animal's place of impoundment to be changed to a licensed veterinarian of the owner's choice provided all other provisions of this ordinance are complied with.

D. The veterinarian or authorized impounding agent with whom the dog, cat, other domestic animal or warm-blooded animal is impounded shall give immediate written notice to the Police Department that such animal has been confined and designate the number of days to be so confined. At the expiration of the aforesaid confinement period, the veterinarian or impounding agency shall give immediate written notice to the Police Department as to the health of such animal pertaining to the diagnosis of rabies.

E. In the event an investigating officer determines (1) that the animal which injured the person did so while confined within a fence or building enclosing property under the control of the owner; (2) that the person injured was upon the property without the consent of the owner; and (3) that the animal had an effective rabies inoculation and was duly licensed under this ordinance at the time of injury, then, the animal need not be impounded in accordance with section 13-A, but the following alternative procedure shall be followed:

- (a) If the injured person, his parent, or guardian desires that the animal be impounded and agrees in writing to pay for its board during the period of impoundment, it shall be so impounded for the period specified in Section 13-A notwithstanding any other provision of this ordinance.

3

(b) If the injured party, his parent, or guardian is unwilling to agree in writing to pay for animal's board during the period of impoundment, the animal shall be permitted to remain confined in the residence or enclosed yard of its owner or keeper, provided no animal shall be allowed to remain on the property of its owner or keeper under this section unless such person signs a written agreement to keep the animal on the property in confinement for the period required and further agrees to allow the animal to be examined periodically to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such an agreement, the animal shall immediately be impounded in accordance with section 13-A of this ordinance.

SECTION 14: CRUELTY TO ANIMALS. It shall be unlawful for any owner to fail to provide his or her animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. No owner of any animal shall abandon such animal.

SECTION 15: DOGS AND CATS TEMPORARILY IN CITY. The licensing and vaccination provisions of this article shall not apply to dogs, and cats belonging to and kept by nonresident persons temporarily in the City; Provided, that if said dog or cat remain in the City longer than ten (10) days they shall be subject to the provisions of this article. Such dogs or cats shall not be allowed to run at large at any time.

SECTION 16: ENFORCEMENT OF ORDINANCE. It is made the duty of the Humane Officer or anyone having the authority of Humane Officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this ordinance, and the Chief of Police and Police Committee may appoint some suitable person to be known as Humane Officer, whose duties it shall be to assist in the enforcement of this or-

9

dinance and to work under the immediate supervision and direction of the Police Department. Anyone having the authority of a Humane Officer is given the authority to seize any animal found outside the City limits when he has reasonable grounds to believe said animal committed any act within the City which is prohibited by the provisions of this ordinance or which subjects said animal to seizure if found within the City. Any private person may, upon signed complaint, bring charges against any owner of a dog, or other animal, for the violation of any of the provisions of this ordinance.

SECTION 17: PENALTIES FOR VIOLATION OF ORDINANCE.

(a) FOR RUNNING AT LARGE WITHOUT TAG. For the first offense the owner shall pay a fine of twenty-five dollars (\$25.00) plus the board bill; for the second offense a fine of fifty dollars (\$50.00) plus the board bill; for a third and subsequent offense a fine of One Hundred Dollars (\$100.00), plus the board bill.

(b) FOR RUNNING AT LARGE WITH TAG. For the first offense of an animal running at large within the meaning of this section, the owner or keeper claiming any animal, shall, in addition to presenting a license receipt, pay the cost of the board bill. For a second offense, the owner shall pay in addition to presenting a license receipt a fee of twenty-five dollars (\$25.00) plus the board bill. For a third and all subsequent offenses, the owner or keeper shall pay a fee of not less than fifty dollars (\$50.00) plus the cost of the board bill and imprisonment for not more than ten (10) days.

(c) FOR A VICIOUS ANIMAL. The penalty for failure to keep an animal found to be dangerous or vicious securely fastened and tied and muzzled or within a fenced enclosure pursuant to the provisions of this section shall be One Hundred Dollars (\$100.00) for a first offense or 30 days in jail or both. Two Hundred Dollars (\$200.00) for a second offense or 60 days in jail or both and Three Hundred Dollars (\$300.00) for third and subsequent offenses or 90 days or both.

(d) FOR CRUELTY TO ANIMALS. Any person who shall violate this section shall, on conviction thereof, be subject to a fine of Fifty Dollars (\$50.00) or not more than ninety (90) days in jail or both.

(e) FOR ANIMALS AT LARGE TEMPORARILY IN CITY. The owner of any animal running at large who resides outside the limits of the City may claim his or her dog or cat within ten (10) days of the impounding upon the payment of a fee of Ten Dollars (\$10.00) to the designated agency, plus the cost of the board bill. After the first offense, the provisions are the same as those in Section 9 and 17-B.

(f) FOR VIOLATION OF SECTIONS OF THIS ACT FOR WHICH NO OTHER PENALTY IS SPECIFICALLY SET FORTH. Any person who shall violate, neglect or refuse to comply with any provision, regulation or requirement of this article for which a penalty is not specifically set forth for said violation and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or ninety (90) days or both.

SECTION 18. VALIDITY OF CHAPTER. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

SECTION 19. Ordinances Nos. 84 ^{is} are hereby repealed.

SECTION 20. This ordinance shall take effect from and after its publication in the official city newspaper.

PASSED BY THE GOVERNING BODY, and approved by the Mayor, this 6 day of Feb., 1977.

Al Tikwart Jr.
Jack M. Carpenter, Mayor

ATTEST:

Janet Whitehead
City Clerk of Roeland Park
Westwood 141115

Published: _____

WESTWOOD HILLS

ORDINANCE NO. 107

First published in Johnson County Herald Wednesday, February 22, 1978.

AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF DOGS, CATS AND OTHER ANIMALS.

Be it ordained by the governing body of the City of Westwood Hills:

SECTION 1. LICENSURE. It shall be the duty of every person owning, keeping or harboring in the City of Westwood Hills, any domestic dog or cat over the age of six (6) months of age, to procure a license therefor from the City Clerk. No animal or reptile other than the common varieties of domestic dog or cat shall be licensed nor kept within the city limits of this City. Provided, however, that this section shall not be applicable to pet birds kept caged within a residence nor to hamsters or mice used for educational or scientific purposes in connection with school projects.

SECTION 2. LICENSE FEE. The license year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty. Any dog or cat over the age of six (6) months of age brought into the City on or after March 1st of any license year shall be licensed within ten (10) days after being brought into the City or attaining six (6) months. The annual license fee upon the owners of each dog or cat shall be as follows:

(a) Three Dollars and Fifty Cents (\$3.50) for any animal whose owner produces proof that the same is spayed or neutered.

(b) Ten Dollars (\$10.00) for each animal where there is proof that the same is not spayed or neutered. Failure to pay the license fee within times prescribed herein constitutes a violation of this ordinance.

SECTION 3. PENALTY FOR OVERDUE LICENSE FEE. If the license fee required by Section 2 is not paid within the times provided in that section, the following penalties will apply in addition to the normal license fee:

- (a) Five Dollars (\$5.00) beginning March 1st;
- (b) Ten Dollars (\$10.00) beginning April 1st, and
- (c) Twenty Dollars (\$20.00) beginning May 1st.

After May 31st of each calendar year, if the tax imposed and required to be paid by Section 2 of this ordinance remains unpaid, the City Clerk may issue a complaint against the owner, keeper or harbinger of violation of Section 2 of this ordinance.

In the case of any animal brought into the City on or after March 1st or an animal attaining the age of six (6) months on or after March 1st of any license year, if the license fee required by section 2 is not paid within the times provided in said section, the following penalties will apply in addition to the normal license fee:

- (a) Two Dollars (\$2.00) during the first 30 days of delinquency;
- (b) Five Dollars (\$5.00) after the first 30 days of delinquency up to 90 days;
- (c) Ten Dollars (\$10.00) for a delinquency over 90 days; and
- (d) Twenty Dollars (\$20.00) for a delinquency of 120 days or more.

SECTION 4: ANTIRABIES VACCINATION REQUIRED. Any person making application for a license for a dog or cat shall be required to present to the City Clerk or designated agent at the time of making such application, a certificate issued by a licensed veterinarian showing that such animal has been vaccinated or inoculated so administered to such animal will be effective for the entire period of time for which such license is issued.

SECTION 5: REGISTRATION: TAG. It shall be the duty of the City Clerk or designated agent, upon receipt of the license tax herein before required, to keep in a book suitable for the registration of dogs and cats, the time of such registration, the name of the owner or keeper, the number of such registration and the amount paid therefor, and shall deliver to the owner or keeper of such animal a certificate in writing, stating that such person has registered such animal and the number by which he is registered, and shall also deliver to the owner or keeper of such animal a coded tag with the letters and the registration number marked thereon, which shall be by the owner or keeper attached to the collar to be used on said animal so registered. Application for registration of animal may be made by mail or in person. If made by mail, the applicant must send a rabies certificate, (as described in Section 4), a check made payable to the City of Westwood Hills for the correct amount due and a stamped, self-addressed envelope. The City Clerk will return the tag, rabies certificate and receipt to the applicant. When it shall be made to appear to the City Clerk that any tag has become lost, he shall, upon presentation of the certificate, issue a duplicate of such tags upon the payment of one dollar (\$1.00) fee. It shall be unlawful for any person to take off or remove the City license tag from any animal belonging to another, or remove the strap or collar on which the same is fastened.

SECTION 6: NUMBER OF ANIMALS LIMITED. (a) The owning, harboring or keeping of animals over six (6) months of age in excess of two (2) upon any property in the City shall be deemed a nuisance per se. Provided, that the owner or keeper may secure from and at the discretion of the Governing Body, a permit to keep or harbor animals in excess of two (2) upon adequately showing that the premises are so situated, and that special circumstances exist which would not constitute a nuisance to the neighborhood. Written objections by the owners or residents of two (2) separate tracts of land, portions of which lie within two hundred feet (200') of the premises shall be held sufficient evidence of nuisance and the permit shall be revoked. The Governing Body may limit said permit as to time and may also limit the maximum number of animals that may be maintained at any one time.

(b) Any person who shall allow any animal to habitually remain or to lodge or to be fed within his home, store, yard, enclosure or place, shall be deemed and considered as owning, keeping and harboring said animal within the meaning of this article.

SECTION 7: ANIMALS RUNNING AT LARGE DEFINED. Any animal shall be deemed running at large when it is off the premises of the owner or keeper. All animals must remain on the premises of the owner except when taken off the premises on a leash, in a cage, or in a car or other conveyance.

SECTION 8: RUNNING AT LARGE WITHOUT TAG. Whenever any animal shall be found running at large within the City limits of Westwood Hills, without having a license or registration tag attached to a collar, such animal shall be taken up by the Humane Officer or by any other duly authorized City employee designated by the City, however such animal shall be held ten (10) days at a shelterhouse provided by said agency or veterinarian and if within said ten (10) days the owner of any animal so held shall present to the person in charge of said shelterhouse a license receipt, if required, and receipt of payment of the appropriate fine, such animal shall be delivered to the owner. If impounded the Police Department shall make a good faith effort to notify the owner of such animal. If not claimed within ten (10) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 9: RUNNING AT LARGE WITH TAG. Whenever a complaint is received under Section 12(c) that any animal is running at large within the City limits with a license or registration tag attached to a collar, such animal may be seized and impounded. If impounded, all owners of animal under this section shall be notified by the Police Department of the City by a means designed to insure said notification. Such animal shall be held ten (10) days after such notification but not more than twenty (20) days after date of impoundment at a shelterhouse provided for such purposes or veterinarian, however, if within the said time period the owner of any animal so held shall present to the person in charge of such shelterhouse a license receipt, such animal shall be delivered to the owner. If not so claimed within twenty (20) days, the disposal of said animal may be ordered by the Chief of Police or his authorized representative.

SECTION 10: FEMALE DOGS. It shall be unlawful to keep or harbor any female dog, hereafter referred to in this section as bitch, within the City during such times as she is in heat in such a manner that other dogs frequent or congregate on or near the premises where such bitch is harbored. If other dogs frequent or congregate on or near the premises where such bitch is harbored, the owner or keeper shall upon notification of complaint being received by the City, then remove the bitch from the premises, and should the owner or keeper fail to do so, then the City may take said bitch and impound her and dispose of her in the manner as provided in Section 8 if without a tag and as provided in Section 9 if with a tag.

SECTION 11: DESTRUCTIVE AND NOISY ANIMALS. It shall be unlawful for the owner or harbinger of any dog, cat or other animal to carelessly, willfully or maliciously permit such dog, cat or other animal to destroy or damage property or habitually cause a disturbance of the peace.

SECTION 12: VICIOUS ANIMALS. (a) Vicious Animal Defined: If a law enforcement officer or humane officer has reasonable cause to believe that an animal exhibits vicious or dangerous tendencies and because of said condition is likely to do immediate physical injury to persons or animals with which it comes in contact if allowed to remain at liberty, that animal shall be deemed to be a vicious animal for the purposes of this ordinance.

(b) Unlawful conduct. It shall be unlawful for any person within the City to keep, own or harbor any cross or vicious animal, unless such person shall keep such animal securely fastened, tied and muzzled so that it cannot reach any person to injure such person or shall keep said animal in an enclosure securely fenced so that said animal cannot escape therefrom: Provided, that if any such animal is not so fastened, tied and muzzled or fenced, the City may take said animal and impound it at a shelterhouse provided for such purposes or by a veterinarian, until such time as a hearing for determination as herein provided can be had or until release to the owner upon condition that said animal shall be temporarily kept fastened, tied and muzzled or fenced, as aforesaid and considered to be a vicious animal until said hearing can be effected.

(c) Procedures with Vicious Animals. Procedures for dealing with and handling of vicious animals may be initiated in any one of the following ways:

- i. If a complaint be made by anyone, under oath, before any law enforcement or humane officer and
- ii. If, following such complaint, under oath, the officer before whom the complaint be made, shall find there is probable cause to believe such complaint is true or
- iii. If, upon his own observation of an animal, a law enforcement officer shall have reasonable belief that an animal is vicious.

Following the initiation of procedures as set forth above, it shall be the duty of the officer to make a reasonable attempt to notify the owner, keeper or harbinger of the animal and request the confinement of the animal, as set forth above. In the event, however, that the owner, keeper or harbinger cannot be notified, or refuses or is unable to act upon such notification, or in the further event that the immediate nature of the situation warrants action without notice, any law enforcement or humane officer may capture and impound any such animal.

(d) Determination Hearing. In all cases where procedures regarding a vicious animal are commenced, regardless of whether the animal is taken into custody, a hearing for the determination of whether such animal is dangerous or vicious shall be had before the Municipal Court. Upon a determination that an animal is not dangerous nor vicious, it shall be released to its owner, keeper or harbinger upon payment of accrued boarding fees, if any. If the Court should find that an animal is dangerous or vicious, the animal shall be released to the custody of its owner, keeper or harbinger upon the conditions above set forth regarding keeping and restraining said animal; and the accrued boarding fees be first paid.

SECTION 13: ANIMAL BITES; PROCEDURE.

A. Except as provided in sub-section E herein, a dog, cat, other domestic animal and any other warm-blooded animal which bites or otherwise so injures a person as to cause an abrasion of the skin shall immediately be quarantined at the owner's expense with a licensed veterinarian of the owner's choice or with the City's impounding agent for a reasonable period of observation.

B. If the owner, keeper or harbinger of the animal cannot be immediately notified, authorized personnel shall immediately impound such dog, cat, other domestic animal or warm-blooded animal with an authorized impounding agent, at the owner's expense, for a reasonable period of observation. If the address of the owner of the animal can be determined, the Police Department shall make reasonable effort to notify the owner that said animal is impounded under the provisions of this section and the owner has the right to redeem the animal at the expiration of confinement upon payment of board bill, any veterinarian fees and any license and penalty fees then due and owing the City.

C. In the event the original place of impoundment is not the choice of the owner, the owner may cause the animal's place of impoundment to be changed to a licensed veterinarian of the owner's choice provided all other provisions of this ordinance are complied with.

D. The veterinarian or authorized impounding agent with whom the dog, cat, other domestic animal or warm-blooded animal is impounded shall give immediate written notice to the Police Department that such animal has been confined and designate the number of days to be so confined. At the expiration of the aforesaid confinement period, the veterinarian or impounding agency shall give immediate written notice to the Police Department as to the health of such animal pertaining to the diagnosis of rabies.

E. In the event an investigating officer determines (1) that the animal which injured the person did so while confined within a fence or building enclosing property under the control of the owner; (2) that the person injured was upon the property without the consent of the owner; and (3) that the animal had an effective rabies inoculation and was duly licensed under this ordinance at the time of injury, then, the animal need not be impounded in accordance with section 13-A, but the following alternative procedure shall be followed:

(a) If the injured person, his parent, or guardian desires that the animal be impounded and agrees in writing to pay for its board during the period of impoundment, it shall be so impounded for the period specified in Section 13-A notwithstanding any other provision of this ordinance.

(b) If the injured party, his parent, or guardian is unwilling to agree in writing to pay for animal's board during the period of impoundment, the animal shall be permitted to remain confined in the residence or enclosed yard of its owner or keeper, provided no animal shall be allowed to remain on the property of its owner or keeper under this section unless such person signs a written agreement to keep the animal on the property in confinement for the period required and further agrees to allow the animal to be examined periodically to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such an agreement, the animal shall immediately be impounded in accordance with section 13-A of this ordinance.

SECTION 14: CRUELTY TO ANIMALS. It shall be unlawful for any owner to fail to provide his or her animal with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. No owner of any animal shall abandon such animal.

SECTION 15: DOGS AND CATS TEMPORARILY IN CITY. The licensing and vaccination provisions of this article shall not apply to dogs, and cats belonging to and kept by nonresident persons temporarily in the City; Provided, that if said dog or cat remain in the City longer than ten (10) days they shall be subject to the provisions of this article. Such dogs or cats shall not be allowed to run at large at any time.

SECTION 16: ENFORCEMENT OF ORDINANCE. It is made the duty of the Humane Officer or anyone having the authority of Humane Officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this ordinance, and the Chief of Police and Police Committee may appoint some suitable person to be known as a Humane Officer, whose duties it shall be to assist in the enforcement of this ordinance and to work under the immediate supervision and direction of the Police Department. Anyone having the authority of a Humane Officer is given the authority to seize any animal found outside the City limits when he has reasonable grounds to believe said animal committed any act within the City which is prohibited by the provisions of this ordinance or which subjects said animal to seizure if found within the City. Any private person may, upon signed complaint, bring charges against any owner of a dog, or other animal, for the violation of any of the provisions of this ordinance.

SECTION 17: PENALTIES FOR VIOLATION OF ORDINANCE.

(a) **FOR RUNNING AT LARGE WITHOUT TAG.** For the first offense the owner shall pay a fine of twenty-five dollars (\$25.00) plus the board bill; for the second offense a fine of fifty dollars (\$50.00) plus the board bill; for a third and subsequent offense a fine of One Hundred Dollars (\$100.00), plus the board bill.

(b) **FOR RUNNING AT LARGE WITH TAG.** For the first offense of an animal running at large within the meaning of this section, the owner or keeper claiming any animal, shall, in addition to presenting a license receipt, pay the cost of the board bill. For a second offense, the owner shall pay in addition to presenting a license receipt a fee of twenty-five dollars (\$25.00) plus the board bill. For third and all subsequent offenses, the owner or keeper shall pay a fee of not less than fifty dollars (\$50.00) plus the cost of the board bill and imprisonment for not more than ten (10) days.

(c) **FOR A VICIOUS ANIMAL.** The penalty for failure to keep an animal found to be dangerous or vicious securely fastened and tied and muzzled or within a fenced enclosure pursuant to the provisions of this section shall be One Hundred Dollars (\$100.00) for a first offense or 30 days in jail or both. Two Hundred Dollars (\$200.00) for a second offense of 60 days in jail or both and Three Hundred Dollars (\$300.00) for third and subsequent offenses or 90 days or both.

(d) **FOR CRUELTY TO ANIMALS.** Any person who shall violate this section shall, on conviction thereof, be subject to a fine of Fifty Dollars (\$50.00) or not more than ninety (90) days in jail or both.

(e) **FOR ANIMALS AT LARGE TEMPORARILY IN CITY.** The owner of any animal running at large who resides outside the limits of the City may claim his or her dog or cat within ten (10) days of the impounding upon the payment of a fee of Ten Dollars (\$10.00) to the designated agency, plus the cost of the board bill. After the first offense, the provisions are the same as those in Section 9 and 17-B.

(f) **FOR VIOLATION OF SECTIONS OF THIS ACT FOR WHICH NO OTHER PENALTY IS SPECIFICALLY SET FORTH.** Any person who shall violate, neglect or refuse to comply with any provision, regulation or requirement of this article for which a penalty is not specifically set forth for said violation and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or ninety (90) days or both.

SECTION 18. VALIDITY OF CHAPTER. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

SECTION 19. Ordinances No. 84 and No. 87 are hereby repealed.

SECTION 20. This ordinance shall take effect from and after its publication in the official city newspaper.

PASSED BY THE GOVERNING BODY, and approved by the Mayor, this 6 day of Feb., 1978.

/s/ Al Tikwart, Jr.
Mayor

ATTEST:

/s/ Janet Whitehead
City Clerk of Westwood Hills

32

*Dep. by
Janet Brown*