**ORDINANCE NO 594**

AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS AND CATS IN THE CITY OF ARGONIA, FIXING LICENSE FEES, PROHIBITING DOG KENNELS WITHIN THE CITY, REGULATING THE OWNING, KEEPING OR HARBORING OF ALL DOGS AND CATS WITHIN THE CITY, AND REPEALING ORDINANCE NO. 560 and 568.

Be it ordained by the Governing Body of the City of Argonia, Kansas:

 Section 1. **REGISTRATION, VACCINATIONS AND LICENSE FEE.**

1. Every owner of any dog or cat over three (3) months of age shall, within (10) days from the acquisition and/or bringing the animal into the city, register with the city clerk his or her name and address with the name, sex and description of each dog and cat owned and kept within the city, and shall maintain said registration as provided for hereafter. Said registration shall include an annual registration fee of $10.00 for per dog or cat paid to the city clerk. The City also will offer a lifetime tag per dog or cat for an annual registration fee of $50.00 paid to the City Clerk.

1. It shall be unlawful for the owner of any dog or cat over six (6) months of age to fail to maintain effective rabies immunization of such animal. Upon registration of any dog or cat with the city clerk identified in section (a), the owner shall present a current, completed certificate of immunization against rabies. It shall be unlawful for the owner of any dog or cat over six months of age to fail to maintain effective rabies immunization of such animal. If a lifetime tag is purchased, each year a vaccination of rabies will be required to be given to the City Clerk by May 1st. If proof of new vaccination records are not provided the Lifetime Tag will be voided.
2. The owner or person who harbors any dog or cat shall, at the time of registering such animal must present to the city clerk a certificate from an accredited veterinarian showing that a male dog or cat has been neutered or a female dog or cat has been spayed if said dog or cat is at least 6 months old.
3. The registration year shall be from May 1st through April 30 of each year. There shall be a (30) day grace period for new residents. Every owner or harborer of dogs or cats who shall fail to register the same prior to the 10th day of May of each shall pay in addition to the registration fee herein provided a penalty fee for late registration of $50.00.

(e) If a currently owned or kept dog(s) or cat(s) within the corporate limits of the city has a currently valid license for the City of Argonia, said license shall remain valid until the end of the license year.

(f) If a currently owned or kept dog(s) or cat(s) within the corporate limits of the City is not currently licensed in the City of Argonia, then said license shall be obtained and fee paid therefore within ten (10) days of the publication of this Ordinance.

(g) Counterfeit Tag. It shall be unlawful for any person to use any false, forged, or counterfed registration tag, identified in Section (2)(a) on any dog or cat a tag.

Section 2. **TAGS/LOST TAGS.**

(a) It shall be the duty of the city clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep a record of the registrations of dogs and cats, the time of the registration, the name and address of the owner or harbourer, the name and sex of the dog, color and general description of the dog, the number of the registration and the amount paid therefor, and any other information that may be deemed helpful. The city clerk shall deliver to the owner or keeper of the animal a certificate in writing, stating that the person has registered the animal and the number by which the animal is registered, and shall also deliver to the owner or keeper of the animal a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the animal so registered. When any tag has become lost during a registration period, the owner of the animal may request a duplicate tag for the remainder of the registration period. When so requested, the city clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of $1 fee.

 Section 3. **Number of Dogs and Cats Per Residence**.

It shall be unlawful for any person or persons, corporation, partnership, or other entity to maintain more than four (4) dogs and/or four (4) cats over the age of three (3) months at any one residence within the corporate limits of the City of Argonia. Residence shall be defined as any dwelling that is inhabited by persons as their principal residence.

Section 4. **Regulation of All Dogs and Cats (Animals at Large and Dangerous Animals**.

1. It shall be unlawful for any owner, keeper or harbourer of any dog(s) or cat(s) to allow said dog(s) or cat(s) to run at large within the corporate limits of the City of Argonia. Any dog(s) or cat(s) found running at large within the City shall be taken into custody, if possible, by any city law enforcement officer, city animal control officer, or other person designated for such duty by the City Governing Body and said dog or dogs shall be impounded and kept by an authorized animal shelter.

The owner, keeper or harborer of any so impounded dog/cat or dogs/cats may seek to recover the impounded dog/cat from the authorized animal shelter. Release of said impounded dog/cat is at the discretion of the authorized animal shelter. Any dog or cat running at large which cannot be captured without endangering the authorized capturer may be destroyed by any means which will not endanger the public.

1. It shall be unlawful to own, keep, harbor or otherwise possess any vicious or dangerous dog within the corporate limits of the City of Argonia, in such a manner that said dog or dogs present a danger or potential hazard to the public.
2. A dangerous or vicious dog or cat shall include:
3. Any dog or cat with a known propensity, tendency or disposition to attack unprovoked, cause injury, or otherwise engager the safety of human beings or other domestic animals;
4. Any dog or cat which attacks a human being or domestic animal without provocation;
5. Any dog or cat owned or harboured primarily in part for the purpose of fighting, or any animal trained for fighting;
6. Any dog or cat which is urged by its owner or harbourer to attack or whose owner or harbourer threatens to provoke such animal to attack any person.
7. If a dog or cat has been found to be dangerous or vicious, an additional hearing may be requested by the City to determine if said dog or cat should be destroyed.

(e) It shall be unlawful for any owner or keeper to allow a dog or cat to leave the property without the dog or cat being under constant control of the person.

Section 5. **Visiting Dogs and Cats**

 All of the provisions of this article, excluding registration, shall apply to any dog or cat owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs or cats shall be kept under restraint by the owner thereof at all times. This also applies to all visiting dogs/cats at the River Park. If visitors are staying at the River Park for longer than 30 days, all provisions of this ordinance apply to all owners and/or harbourers of cats and dogs.

Section 6. **Public nuisance and dangerous dog(s) and cat(s) definition**

If a dog(s) or cat(s) shall be deemed a public nuisance if the dog(s) or cat(s) exhibits the following behaviors or actions:

1. Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;
2. Damages or destroys property of persons other than the keeper of the dog;
3. Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;
4. Trespasses on private property of persons other than the keeper of the dog; or
5. Disturbs any person by frequent or prolonged noises;

Section 8. **Penalties**.

1. Any person or entity violating or permitting the violation of any provision of this Ordinance shall, upon conviction in Municipal Court, be fined a sum not less than fifty dollars ($50.00). Upon conviction of a second or subsequent offense of this Ordinance, any person or entity shall be fined a sum not less than one hundred dollars ($100.00) nor more than five hundred dollars $500.00, and/or imprisonment in jail for a period of time up to 6 months in jail.

(b) In addition to the above penalties provided for in section (8)(a), any person or entity violating Section 4(a) permitting the violation of any provision of this Ordinance shall be assessed a $25 impoundment fee for each day the dog or cat has been housed at the authorized animal shelter.

 Section 9. **Severability**.

If any section, clause or phrase of this Ordinance shall be determined by any court of competent jurisdiction to be unconstitutional or invalid for any reason, then said invalid portion shall be severed here from and said invalidity shall not affect the validity of the remaining portions of this Ordinance.

 Section 10. **Repeal of Ordinance 560 & 568**.

Ordinance No. 560 & 568 is hereby repealed upon this ordinance becoming effective.

 Section 11. **Effect.**

 This Ordinance shall take effect and be in force from and after its passage and approval and after its publication in the official city newspaper, as proved by law.

Adopted and approved by the Governing Body this 5th day of February 2024.

 [SEAL]

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ATTEST:

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Tara L. Pierce, City Clerk