

CHAPTER II. ANIMAL CONTROL AND REGULATION

Article 1. General Provisions

Article 2. Dogs and Cats and Domestic Animals

ARTICLE 1. GENERAL PROVISIONS

- 2-101. INCORPORATING SEDGWICK COUNTY CODE CHAPTER. There is hereby incorporated by reference for the purpose of regulating animals within the corporate limits of the city, Chapter 5 of the Code of Sedgwick County, Kansas, and amendments thereto. One copy of the code chapter shall be marked "Official Copy as adopted by Ordinance No. 130," and to which shall be attached a copy of this article, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Ord. 130, Sec. 1; Code 2016)
- 2-102. ENFORCEMENT. The Sedgwick County Animal Control Department shall provide animal control service and enforcement within the corporate limits of the City of Bentley, Kansas, pursuant to Chapter 5 of the Code of Sedgwick County, Kansas, and amendments thereto, as incorporated herein by reference. (Ord. 130, Sec. 2; Code 2016)

ARTICLE 2. DOGS AND CATS AND DOMESTIC ANIMALS

2-201. REGISTRATION; VACCINATION; TAX.

(a) It shall be the responsibility of every owner, keeper or person maintaining a dog, cat, or domestic animal to see that the animal in question is properly registered through the City of Bentley.

(b) The following requirements are applicable to owners of dogs, cats, and domestic animals within the city:

(1) Every owner of any dog, cat, or domestic animal over 6 months of age shall register his or her name, with the name, sex, and description of each dog or cat so owned with the city clerk.

(2) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document.

(3) The owner or harbinger of any dog, cat, or domestic animal shall, at the time of applying for a license, present to the city clerk a certificate from an accredited veterinarian showing that a male has been neutered or a female has been spayed.

(4) The city clerk shall collect an annual tax of \$5 for each neutered male and for each spayed female, and \$10 for each unneutered male and for each unsprayed female.

(5) The license year shall be from January 1 through December 31 of each year. The fee shall be payable before March 1 of each year without penalty.

(6) Every owner or harbinger of a dog, cat, or domestic animal who shall fail to register and license the same prior to March 1 of each licensing year shall pay in addition to the license fee hereinabove provided a penalty fee for late registration of \$15.

(7) Every owner or harbinger of a dog, cat, or domestic animal who shall be required to register an animal pursuant to this article shall be a resident of the City of Bentley.

(Ord. 259; Code 2016)

2-202. TAGS.

(a) It shall be the duty of the city clerk or designated agent, upon receipt of the license tax hereinbefore required, to keep a record of the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefore, and shall deliver to the owner or keeper of a dog, cat or domestic animal a certificate in writing, stating that the person has registered the dog, cat or domestic animal and the number by which the dog, cat or domestic animal is registered, and shall also deliver to the owner or keeper of the dog, cat or domestic animal, a tag with the registration number and the license year thereon, which shall by the owner or keeper be attached to the collar to be used on the dog or cat so registered.

(b) When it shall be made to appear to the city clerk that any tag has been lost, he or she shall, upon presentation of the certificate, issue a duplicate of such tag. It shall be unlawful for any person to take off or remove the city license tag from any dog, cat, or domestic animal belonging to another, or remove the strap or collar on which the same is fastened.

(Ord. 259; Code 2016)

- 2-203. VISITING DOGS, CATS, AND DOMESTIC ANIMALS. The provisions of this article with respect to registration shall not apply to any dog, cat or domestic animal owned by any person visiting or temporarily remaining in the city for less than 30 days. However, such dog, cat, or domestic animal shall be kept under restraint by the owner thereof at all times. (Ord. 259; Code 2016)
- 2-204. RUNNING AT LARGE. (a) It shall be unlawful for the owner or harbinger of any dog or cat or domestic animal to permit such animal to run at large within the city at any time;
- (b) Any dog or cat or domestic animal running at large within the city shall be impounded as set out in section 2-205;
- (c) The owner or harbinger of any dog, cat or domestic animal impounded for running at large without the tag required by section 2-202 shall, for the first offense, pay a fine of \$25 plus the board bill; for the second offense a fine of \$50 plus the board bill; for the third and subsequent offense a fine of \$100 plus the board bill.
- (d) For the first offense of an animal running at large with a tag as required by section 2-202, the owner or harbinger claiming any animal, shall in addition to presenting a license receipt, pay the cost of the board bill and a \$20 fee. For a second offense, the owner or harbinger shall pay a fee of \$40 plus the board bill. For a third and all subsequent offenses, the owner or harbinger shall pay a fee of \$100 plus the cost of the board bill.
- (e) The owner, not the animal, shall be considered in the offense as the responsible party. The owner is responsible for all animals under their control and the number of offenses uncured is against the owner and not the animal or animals in party to the offense.
(Ord. 259; Code 2016)
- 2-205. IMPOUNDMENT. (a) Any dog, cat or domestic animal in violation of the provisions of this article shall be subject to impoundment by the city. A record of all dogs, cats, or domestic animal impounded shall be kept by the city containing the following information: breed, color, sex, weight, height, identifying marks, registration number (if any) and date of impoundment.
- (b) If the dog, cat, or domestic animal impounded has a current registration tag attached to its collar, if applicable, the owner of such animal as shown by the records of the Police Department shall be notified by phone or in writing, if no contact has been made, as soon as possible. If at the end of 3 business days the City Police Chief has been unable to locate the owner, or the owner, upon having been located, refuses to claim or redeem said dog, cat or domestic animal then the dog, cat or domestic animal may be sold, euthanized or otherwise disposed of.
- (c) If the animal impounded has no current registration tag, it shall be kept for 72 business hours or 3 business days. If within that time the owner does not appear to claim the animal, it may be sold, euthanized or otherwise disposed of.
- (d) If within the impoundment period, the owner of an impounded animal does appear and redeem the animal, it shall be turned over to the person claiming it upon payment of the actual costs of impoundment, and upon compliance with the registration provisions of this article.
- (e) Any animal impounded may not be released without current vaccinations documented.

(f) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution. (Ord. 259; Code 2016)

2-206. PENALTY. Any person violating or permitting the violation of any provision of this article shall upon conviction in Municipal Court be fined a sum not less than \$200 and not more than \$1,000. In addition to the fine imposed the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. Each day that is a violation of this article continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article. (Ord. 259; Code 2016)