

Ordinance Summary published in the Miami County Republic on December 16, 2020, and the full text of the Ordinance made available at www.cityofpaola.com for a minimum of 1 week from the date of publication.

Ordinance No. 3168 Summary

On December 8, 2020, the City of Paola, Kansas, adopted Ordinance No. 3168, amending Title II: Public Health, Safety, and Welfare, Chapter 200: Animals of the code of the City of Paola, Kansas, 2009, as follows: 1) Amend the registration fee for dogs, 2) Amend the impound charges for dogs, 3) Repeal the ban on specific dog breeds, 4) Amend the registration fee for cats, 5) Amend the impound charges for cats, 6) Amend the penalties for “unregistered” animals. This ordinance shall become effective on January 1, 2021. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street, or at www.cityofpaola.com. This summary is certified by Paola City Attorney Lee H. Tetwiler pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 3168

AN ORDINANCE AMENDING, ARTICLE II: DOG REGULATIONS, SECTION 200.090, ANNUAL TAX; SECTION 200.140 IMPOUNDING DOGS AND REDEMPTION THEREOF; SECTION 200.210: CERTAIN DOGS – KEEPING PROHIBITED; ARTICLE III: CAT REGULATIONS, SECTION 200.250 ANNUAL LICENSE TAX; SECTION 200.270 CATS – RUNNING AT LARGE – IMPOUNDMENT – PENALTIES; ARTICLE V: PENALTIES, SECTION 200.470 VIOLATIONS – PENALTIES, IN TITLE II. PUBLIC HEALTH, SAFETY, AND WELFARE, CHAPTER 200: ANIMALS OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS, 2009.

BE IT ORDAINED, by the City Council of the of Paola, Kansas, as follows:

SECTION 1. That TITLE II. PUBLIC HEALTH, SAFETY, AND WELFARE, CHAPTER 200: ANIMALS, ARTICLE II: DOG REGULATIONS, SECTION 200.090: ANNUAL TAX is hereby amended and shall read as follows:

Section 200.090. Annual Tax.

A. The owner or harborer shall pay an annual tax as follows:

1. For any neutered dog, male or female: \$5.00.
2. For any unneutered dog, male or female: \$10.00.

B. If an “unregistered” dog is picked up by Animal Control, the annual tax becomes:

1. For any neutered dog, male or female: \$15.00

2. For any unneutered dog, male or female: \$30.00

SECTION 2. That TITLE II. PUBLIC HEALTH, SAFETY, AND WELFARE, CHAPTER 200: ANIMALS, ARTICLE II: DOG REGULATIONS, SECTION 200.140: IMPOUNDING DOGS AND REDEMPTION THEREOF is hereby amended and shall read as follows:

Section 200.140. Impounding Dogs and Redemption Thereof.

Any dog found running at large within the City contrary to the provisions of Section 200.130 of the Code of the City of Paola, Kansas, or any dog upon which the tax provided in Section 200.090 of this Code has not been paid, shall be taken up by any policeman of the City or by any other person duly appointed and employed for that purpose by the City Manager of the City of Paola, Kansas, and shall be impounded in a place provided for that purpose by the City, and the Police Department shall make a record or require the officer or appointed person to make a record of all dogs so impounded with their description and date of impounding. If within one hundred twenty (120) hours from the date any such dog is impounded the owner of such dog shall appear and claim his/her dog and shall pay to the Police Department the sum of fifteen dollars (\$15.00) to pay the cost of impounding and the additional sum of ten dollars (\$10.00) for each day such dog is impounded, then such dog shall be returned to such owner, provided however, that the claiming of any such dog shall be *prima facie* evidence of the violation by such owner thereof within one hundred twenty (120) hours of the date of such impounding, such dog shall be disposed of, provided further, that payment of a license as required by said Code of the City of Paola, upon any dog shall not prevent the impounding and destruction of any dog under the provisions of this Section, but if any so taken up shall have a license tag for the current year, the owner of such dog as shown by the records of the City Clerk shall be notified by the Police Department twenty-four (24) hours before such dog is destroyed.

SECTION 3. That TITLE II. PUBLIC HEALTH, SAFETY, AND WELFARE, CHAPTER 200: ANIMALS, ARTICLE II: DOG REGULATIONS, SECTION 200.210: CERTAIN DOGS – KEEPING PROHIBITED is hereby repealed in its entirety.

SECTION 4. That TITLE II. PUBLIC HEALTH, SAFETY, AND WELFARE, CHAPTER 200: ANIMALS, ARTICLE III: CAT REGULATIONS, SECTION 200.250: ANNUAL LICENSE TAX is hereby amended and shall read as follows:

Section 200.250. Annual License Tax.

There is hereby levied an annual tax of ten dollars (\$10.00) for any unneutered cat, male or female, and five dollars (\$5.00) for any neutered cat, male or female, for each cat payable on or before January first (1st), of each year, upon the owner or harborer of any cat within the corporate limits of the City of Paola, Kansas. The full amount of the license tax shall be required regardless of the time of year application is made.

If an unregistered cat is picked up by Animal Control, the annual tax becomes thirty dollars (\$30.00) for any unneutered cat, male or female, and fifteen dollars (\$15.00) for any neutered cat, male or female.

The annual tax shall be due and payable on January second (2nd) of each year. All licenses shall expire on December thirty-first (31st) of the year issued. No temporary or partial year license shall be issued.

SECTION 5. That TITLE II. PUBLIC HEALTH, SAFETY, AND WELFARE, CHAPTER 200: ANIMALS, ARTICLE III: CAT REGULATIONS, SECTION 200.270: CATS – RUNNING AT LARGE – IMPOUND – PENALTIES is hereby amended and shall read as follows:

Section 200.270. Cats — Running At Large — Impoundment — Penalties.

A. Definitions. For the purpose of this Section, certain terms and words are hereby defined:

HARBORER — Any person who shall allow any cat to habitually remain or lodge or be fed within his or her home, store, yard, enclosure or place of business or any other premises in which he or she resides or controls.

RUNNING AT LARGE — The trespassing of a cat upon the private ground of any person except the owner or harborer of such cat.

B. Running At Large Of Cats Prohibited. It shall be unlawful for the owner, harborer, or any person having the care, custody or control of any cat to permit such cat to run at large within the City.

C. Penalties. Any person convicted of violating any provision of this Section shall be deemed guilty of a misdemeanor and punished by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00).

D. *Impounding Cats And Redemption Thereof.* Any cat found running at large within the City contrary to the provisions of this Section or any cat upon which the tax provided in Section 200.250 of this Article has not been paid, shall be taken up by any policeman of the City or by any other person duly appointed and employed for that purpose by the City Manager of the City of Paola, Kansas, and shall be impounded in a place provided for that purpose by the City, and the Police Department shall make a record or require the officer or appointed person to make a record of all cats so impounded with their description and date of impounding. If within one hundred twenty (120) hours from the date any such cat is impounded the owner of such cat shall appear and claim his/her cat and shall pay to the Police Department the sum of fifteen dollars (\$15.00) to pay the cost of impounding and the additional sum of ten dollars (\$10.00) for each day such cat is impounded, then such cat shall be returned to such owner, provided however, that the claiming of any such cat shall be *prima facie* evidence of the violation by such owner thereof within one hundred twenty (120) hours of the date of such impounding, such cat shall be disposed of, provided further, that payment of a license as required by said Code of the City of Paola, upon any cat shall not prevent the impounding and destruction of any cat under the provisions of this Section, but if any so taken up shall have a license tag for the current year, the owner of such as shown by the records of the City Clerk shall be notified by the Police Department twenty-four (24) hours before such cat is destroyed.

SECTION 6. That TITLE II. PUBLIC HEALTH, SAFETY, AND WELFARE, CHAPTER 200: ANIMALS, ARTICLE VI: PENALTIES, SECTION 200.470: VIOLATIONS – PENALTIES is hereby amended and shall read as follows:

Section 200.470. Violations — Penalties.

- A. Any person who fails to do anything required by this Chapter or does anything prohibited by this Chapter is guilty of a violation thereof and subject to the penalty provisions as set out in Subsection (B).
- B. Any person, firm or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars (\$500.00), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.
 - a. For violations that occur prior to an animal's registration, the penalties shall be more punitive.

SECTION 7. Any and all ordinances in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall become effective January 1, 2021, after its passage, approval, and publication in the official city newspaper.

ADOPTED AND APPROVED by the governing body of the City of Paola this December 8, 2020.

Artie Stuterville, Mayor

ATTEST: (seal)

Stephanie Marler, City Clerk