

Ordinance Summary published in the Miami County Republic on November 22, 2023, 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. 3215 Summary

On November 14, 2023, the City of Paola, Kansas, adopted Ordinance No. 3215, amending Chapter 2. Animal Control and Regulations, Article 2. Dogs and Cats and Article 5. Penalties to remove the City pet registration and tax requirement, and repealing Article 3. Cat Regulations. This ordinance shall become effective after publication on November 22, 2023. 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. Tettwiler pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 3215

AN ORDINANCE AMENDING, CHAPTER 2. ANIMAL CONTROL AND REGULATIONS, ARTICLE 2. DOGS AND CATS, AND ARTICLE 5. PENALTIES AND REPEALING ARTICLE 3. CAT REGULATIONS IN THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS, 2021.

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

SECTION 1. That Article 2. Dogs and Cats, is hereby amended and shall read as follows:

2-201. Owner or Harborer Defined.

- (a) Any person owning or harboring a dog within the limits of the City for ten (10) consecutive days shall be deemed to be the "owner" or "harborer" thereof.
- (b) Any person who shall allow any cat to habitually remain or to lodge or to be fed within his/her residence, business, or the yard or enclosure surrounding such residence or business, shall be deemed and considered as "keeping and harboring" said cat within the meaning of this Article.

2-202. Vaccination Required.

- (a) It shall be the duty of every owner or harborer within the City, to vaccinate their dog/cat through a licensed veterinarian showing thereon that said dog or cat has been inoculated for rabies.

2-203. Running At Large

- (a) For the purpose of this section, "at large" means off the premises of the owner or custodian and not under the control of the owner or custodian either by leash, cord, chain or otherwise. Animals tethered to a stationary object within range of public thoroughfares are deemed to be "at large."

(b) It shall be unlawful for the owner, keeper or harborer or any person having the care, custody or control of any animal to permit such animal to run at large within the City or to trespass upon the private grounds of any person except the owner, harborer or keeper.

2-204. Impounding and Redemption Thereof

Any animal found running at large within the city 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.

2-205. Impoundment; Holding Period; Release to Dealers; Written Certificate.

(a) Animals, specifically dogs and cats, acquired by pounds and shelters pursuant to the laws of the City of Paola, Kansas, shall be held and cared for at those establishments for a period of not less than five (5) full days after acquiring the animal, not including the date of acquisition and excluding time in transit. This holding period shall include at least one (1) Saturday.

(b) Any operator, or dealer, or a pound or animal shelter holding animals pursuant to the laws of the City of Paola, Kansas, shall not sell, provide or make available to any person a live animal, specifically a dog or cat, unless the operator, or dealer, as the case may be, provides the recipient of the animal with written certification of:

- (1) The name, address, USDA license number and signature of the dealer.
- (2) The name, address, USDA license or registration number, if such number exists, and signature of the recipient of the dog or cat.
- (3) A description of each dog or cat being sold, provided, or made available that shall include:
 - (A) The species and breed or type (for mixed breeds, estimate the two (2) dominant breeds or types);
 - (B) The sex;
 - (C) The date of birth or, if unknown, then the approximate age;
 - (D) The color and any distinctive markings; and
 - (E) The official USDA-approved identification number of the animal. However, if the certification is attached to a certificate provided by a prior dealer which contains the required description, then only the official identification numbers are required.

- (4) The name and address of the person, pound or shelter from which the dog or cat was acquired by the dealer, and an assurance that the person, pound or shelter was notified that the cat or dog might be used for research or educational purposes.
- (5) The date the dealer acquired the dog or cat from the person, pound or shelter referred to in subsection (b)(4).
- (6) If the dealer acquired the dog or cat from a pound or shelter, a signed statement by the pound or shelter that it met the requirements of subsection (a). This statement must at least describe the animals by their official USDA identification numbers. It may be incorporated within the certification if the dealer makes the certification at the time that the animals are acquired from the pound or shelter or it may be made separately and attached to the certification later. If made separately, it must include the same information describing each animal as is required in the certification. A photocopy of the statement will be regarded as a duplicate original.

(c) Any person violating or permitting the violation of this Section shall be subject to the penalties provided in Section 2-501.

2-206. Noisy Dogs.

It shall be unlawful for any person to keep or harbor, within the corporate limits of this City any dog or dogs which are in the habit of barking, howling by day or night, and disturbing the peace and quiet of any person or family within this City.

2-207. Hydrophobia.

If, at any time hydrophobia shall be reported or suspected to be in the City or vicinity, the Chief of Police shall have the right and power to compel the muzzling of all dogs during a period to be fixed by him/her in a notice published in the official City paper; and it shall be unlawful to disobey such notice.

2-208. Dog Bites; Quarantine.

Whenever any dog has bitten a person, the person bitten shall immediately notify the Chief of Police. The Chief of Police may order the dog quarantined on the owner's premises or impounded as required by Section 2-204 for a period of not less than ten (10) days or until such time as he/she finds that such dog shows no evidence of having rabies. If it is determined that such dog is suffering from rabies, it shall be forthwith destroyed; otherwise, it shall be released from quarantine.

2-209. Number of Dogs or Cats.

It shall be unlawful for any person, firm or corporation to own, harbor or have in custody more than two (2) dogs and/or two (2) cats on the same premises or at the same address. Provided however, puppies and kittens born of dogs or cats owned by the harborer thereof are hereby excluded from the provisions of this Section until such time as they shall reach the age of six (6) months.

2-210. Nuisance.

Any person who shall be the owner or harborer of any dog or dogs which shall be found by the Municipal Court to be or create a nuisance, or disturb the peace, or destroy property shall be fined in any

sum as set forth in Section 2-501; upon a second (2nd) conviction, the Municipal Judge may order the dog or dogs destroyed.

SECTION 2. That Article 3. Cat Regulations, is hereby repealed.

SECTION 3. That Article 5. Penalties, is hereby amended and shall read as follows:

2-501. 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.

SECTION 4. Any and all ordinances in conflict herewith are hereby repealed.

SECTION 5. That this ordinance shall become effective after its passage, approval, and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

PASSED by the Governing Body of the City of Paola this 14th day of November, 2023.

APPROVED by the Mayor of the City of Paola this 14th day of November, 2023.



Leigh House
Leigh House, Mayor

ATTEST: [seal]

Stephanie Marler
Stephanie Marler, City Clerk