

## Ordinance No. 313

An ordinance providing for the regulation of the keeping of animals, livestock, and fowl within the city limits of the City of South Haven, Kansas; and repealing Ordinance No. 287.

Whereas, it is in the public interest and welfare to regulate the keeping of animals, livestock, and fowl within the corporate limits of the City of South Haven, Kansas;

### BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HAVEN, KANSAS:

Section 1. **Definitions:** For the purposes of this ordinance, the following words shall mean:

- a. **ANIMAL** means any and all types of animals and other nonhuman living creatures, whether a member of the animal kingdom or not, both domesticated and wild, male and female, singular and plural.
- b. **AT LARGE OR RUNNING AT LARGE** means off the premises of the owner of the animal and not under control the physical control of a competent person capable of restraining the animal by leash, lead, or harness with handhold. Animals tethered to a stationary object within the range of public thoroughfares are deemed to be at large.
- c. **LIVESTOCK** means any farm or tame animals owned, kept, or raised for profit or pleasure. Livestock includes but is not limited to: cattle, horses, goats, sheep, or other animals commonly regarded or used as farm or ranch animals.
- d. **FOWL** means all animals that are included in the zoological class aves which shall include but not be limited to: chickens, ducks, geese, turkeys, guineas, and pigeons.
- e. **HARBOR** shall mean to allow any animal to habitually remain or lodge or to be habitually fed within one's yard, enclosure, or place of business or any other premises under such person's control.
- f. **OWNER** means any person, firm, or corporation owning, keeping, possessing, harboring, or having the care or custody of an animal, and shall include all persons having joint or collective care or custody of the animal. The occupant of any premises on which an animal remains, or to which it customarily returns, shall be deemed to be harboring or keeping the animal. If a minor owns any such animal subject to the provisions of this ordinance, the head of household of which such minor is a member shall be deemed to own such animal for the purposes of this ordinance.
- g. **IMPOUNDMENT** means the taking of an animal into custody by physical control, trapping or other means; or holding an animal in custody at an animal shelter or veterinary facility.
- h. **EUTHANIZE** means the humane killing of an animal generally performed by a licensed veterinarian, or personnel at an animal control facility under the indirect supervision of a veterinarian.

### Section 2. Keeping Swine with the City

- a. The City of South Haven will allow USD 509, South Haven Schools, to keep a maximum of eight (8) swine on the area of school property south and east of the football field. The City will permit a provision to exceed the maximum number of swine to twelve (12) swine for no more than seven (7) days during the week following the annual South Haven Pork Producers Spring Sale.
- b. It shall be unlawful for any other individual, entity, or organization to raise or keep swine within the corporate limits of the City of South Haven, Kansas.

### Section 3. Applicability

- a. This ordinance shall apply to all animals and persons owning animals or in control or possession of animals within the corporate limits of the city, regardless of when such animals were obtained, acquired, or otherwise received.

#### Section 4. Confinement of Animals within the City and Running at Large

- a. Every person owning land within the city upon which animals are kept or permitted to be kept by the landowner shall confine or restrict such animals, including but not limited to livestock and fowl, at all times to such property.
- b. It shall be unlawful for the person or persons owning, harboring, or otherwise having in custody any animals, including but not limited to dogs, cats, livestock and fowl, to permit the same to run at large within the City of South Haven, Kansas, or to be herded upon the streets, alleys, or public grounds of the city, or to graze thereon, or to be tethered upon any private grounds in the city in such a manner as to allow such animals to be upon any street, alley, or public grounds.

#### Section 5. Enforcement Officer

- a. The City Council of the City of South Haven shall designate an Enforcement Officer (City Maintenance Manager and/or South Haven Police Officer(s)) and an authorized assistant (City Clerk) to be charged with the administration and enforcement of this ordinance.
- b. The Enforcement Officer shall have the duty to administer and enforce this ordinance and in performance of his or her duties shall have the right to enter upon private property at any reasonable time for the purpose of returning, at his or her discretion, any animals, livestock, or fowl to said property which are deemed not in confinement or running at large. The Enforcement Officer may enter upon private property, provided the entry shall not be made into any building that is a person's residence, to apprehend an animal at large.
- c. The Enforcement Officer is authorized to trap or impound any animal observed to be in violation of any of the provisions of this ordinance.

#### Section 6. Interference with Enforcement Officer

- a. It shall be unlawful for any person to take or attempt to take from the Enforcement Officer any animal found running at large and subsequently taken up by the Enforcement Officer; or in any manner to interfere with or hinder such officer in the discharge of the duties under this ordinance.
- b. It shall be unlawful for any person to let any animal out of any trap or damage any trap owned or used by the City of South Haven.

#### Section 7. Impoundment

- a. Any animal found to be at large within the corporate limits of the city shall be subject to apprehension and impoundment by the Enforcement Officer. Such animal shall be impounded in an animal shelter or veterinary facility.
- b. Upon impounding any animal, the Enforcement Officer shall make a reasonable effort to notify the owner of such animal so impounded and inform such owner of the conditions whereby they may regain custody of the animal.

#### Section 8. Redemption or Disposition of Impounded Animal; Owner Responsible for All Fees

- a. The owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal imposed by the animal shelter or veterinary facility.

- b. Animals impounded must be redeemed by the owner within 72 (seventy-two) hours of being provided notice of impoundment, exclusive of weekends and holidays, by payment of the required impoundment and boarding fees of the animal shelter or veterinary facility. Animals redeemed on the day of impoundment shall be subject to impoundment and boarding fees of one (1) day.
- c. Any animal impounded under the provisions of this ordinance and not claimed by its owner before the expiration of 72 (seventy-two) hours, exclusive of weekends and holidays shall be deemed to be abandoned by the owner thereof and the city may euthanize said animal or make other arrangements for its care.
- d. No Animal impounded by the city shall be released or delivered to any institution for research, experimentation, testing, or other scientific purposes.

#### Section 9. Property Owner May Impound Animal

- a. Any person who finds an animal on his or her property to his or her annoyance may, in a humane manner, trap or retain possession of such animal or fowl. Said property owner must then, within 24 (twenty-four) hours, notify the Enforcement Officer or present the animal to the Enforcement Officer for impounding, giving his or her name, address, and telephone number, a true and complete description of the said animal, the circumstances under which the animal came into his or her possession, and the owner's name, if known.

Section 10 Failure to comply; Penalties. The failure or refusal of any person to comply with any of the provisions of this ordinance and the violation of any provision of the ordinance by any person shall constitute a misdemeanor. Any person guilty of any violation of any provision of this ordinance shall, on conviction thereof, be subject to punishment allowed by law; fines as follows:

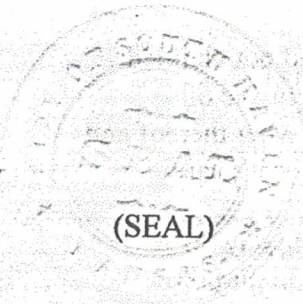
- a. For the first offense, a fine of not less than \$25; nor more than \$100
- b. For the second offense, a fine of not less than \$50 nor more than \$500.
- c. For the third and any subsequent offenses, a fine of not less than \$100 nor more than \$500, or imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment.
- d. Every twenty-four (24) hour period that a provision of this ordinance is violated shall constitute a separate and distinct offense.

Section 11. Each section and each sentence of this ordinance is enacted separately and the invalidity or unconstitutionality of any one particular sentence shall not affect the validity and/or constitutionality of any other sentence and/or section.

Section 12. Ordinance No. 287 is hereby repealed.

Section 13. Ordinance No. 313 shall be in full force and effect from and after its adoption and publication in the official city newspaper.

Passed and approved by the governing body of the City of South Haven, Kansas  
this 4<sup>th</sup> day of May, 2015.



*Donald R. Minor*  
Donald R. Minor, Mayor

*Amy B.*  
Amy Brown, City Clerk