

ORDINANCE NO. 86-7

AN ORDINANCE RELATING TO CRUELTY TO ANIMALS; PROVIDING FOR PENALTIES; CUSTODY AND DISPOSITION OF THE ANIMALS; DAMAGES; AND EXPENSES OF CARE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA:

SECTION 1: Cruelty to animals is:

- (a) Intentionally killing, injuring, maiming, torturing or mutilating any animal;
- (b) abandoning or leaving any animal in any place without making provisions for its proper care; or
- (c) having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal.

SECTION 2: The Provisions of Section 1 shall not apply to:

- (a) Normal or accepted veterinary practices;
- (b) bona fide experiments carried on by commonly recognized research facilities;
- (c) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;
- (d) rodeo practices accepted by the rodeo cowboy's association;
- (e) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, local or state health officer or licensed veterinarian three (3) business days following the receipt of any such animal at such society, shelter or pound.
- (f) with respect to farm animals, normal or accepted practices of animal husbandry;
- (g) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property, or
- (h) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious; or could not be captured after reasonable attempts using other methods.

SECTION 3: Anyone convicted of cruelty to animals shall be sentenced to either a definite term of confinement of not more than six months or a fine not exceeding \$1,000, or both a term of confinement not exceeding six months and a fine not exceeding \$1,000.

SECTION 4: Any public health officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in Section 1 and amendments thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, for humane killing.

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SECTION 5: The owner or custodian of an animal killed pursuant to Section 4 shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing is unwarranted.

SECTION 6: Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to Section 4, pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined in Section 1 and amendments thereto, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

SECTION 7: If a person is adjudicated guilty of the crime of cruelty to animals, as defined in Section 1 and amendments thereto and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

SECTION 8: This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper, the Galena Sentinel-Times.

PASSED BY THE COUNCIL THIS 1st DAY OF July, 1986

APPROVED BY THE MAYOR:

John O. Stephenson
John O. Stephenson

ATTEST:

Cheryl Haines
Cheryl Haines, City Clerk

(SEAL)