

ORDINANCE NO. 462

AN ORDINANCE REPEALING AND AMENDING CERTAIN PORTIONS OF CHAPTER II OF THE CITY CODE FOR THE CITY OF SUBLETTE, KANSAS PERTAINING TO THE IMPOUNDMENT OF DOGS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SUBLETTE, KANSAS:

Section 1.

The City of Sublette, Kansas finds it appropriate to provide for proper, long term care of dogs seized pursuant to Chapter II of the City Code in the event its Municipal Pound is unavailable.

Section 2.

The following portions of Chapter II of the Sublette City Code are hereby amended as follows:

“2-108. Dogs; municipal dog pound.

The City of Sublette, Kansas, shall maintain a Municipal dog pound that shall provide a clean, safe and secure place of impoundment for all animals seized and impounded under the authority of this article or the order of the City Health Officer or any other agency having authority over the impoundment of animals. *In the event the Municipal Dog Pound is not available or not deemed appropriate by the seizing authority, then the seized dog shall be housed at different animal shelter or released to the owner. In the case of a vicious dog, the seizing authority shall further have the discretion to allow the dog to be returned to the owner upon proof of proper safeguards being put into place to ensure the public safety.* It shall be unlawful for persons to trespass upon or within the area designated as the Municipal dog pound, to release any animal held therein or to in any way impede or interfere with the enforcement of this article or with the impoundment or custody of any animal confined in said pound.”

“2-202. Vicious dogs; definitions; requirements.

(a) The law enforcement agency in conjunction with the city employees of Sublette, Kansas shall investigate each case of any animal reported as being vicious and, if probable cause exists to believe the animal is vicious, shall seize and impound such animal unless the owner agrees to impound the animal at the owner’s expense at any veterinarian until the conclusion of any pending municipal court charge regarding the animal. *The seizing authority shall further have the discretion to place the dog at a different animal shelter, secured facility, or allow the dog to be returned to the owner or the owner’s agent upon proof of proper safeguards being put into place to ensure the public safety.* Impoundment expenses shall be assessed as court costs against a convicted owner.”

“2-204. Complaint; notice to appear; impoundment; penalties.

(c) Impoundment of Vicious Animal.

In the event it appears to law enforcement that such animal is a vicious animal then such law enforcement officer shall seize said animal and it shall be kept at the city pound *or other suitable facility* until proper safeguards can be put into place to ensure the public safety or the owner is found not guilty of the offense. Impoundment fees shall be paid by the owner of the dog and assessed either through the City Clerk against the owner prior to the dog’s release if applicable or assessed by the court.”

(Published in the *Garden City Telegram* the 9th day of June, 2022)

Section 3.

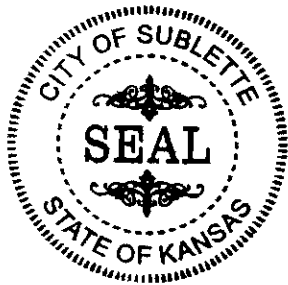
Severability and Applicability. Nothing in this ordinance shall be deemed to replace or repeal any part of the City Code not specifically addressed herein. In the event any portion of this ordinance is deemed to be unconstitutional or unenforceable then the City hereby states that it is its intention to have all remaining portions of this code to remain in full force and effect.

Section 4.

Publication and Effective Date. The Ordinance shall become effective upon its publication one time in the Garden City Telegram, the official City Newspaper of Sublette, Kansas

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF SUBLETTE, KANSAS, THIS 5th DAY OF JULY 2022.


LAWRENCE HOERMAN-MAYOR



(SEAL)

ATTEST:


SHAYLA MAKINGS-CITY CLERK