

HOME RULE RESOLUTION NO. HR-84-7

WHEREAS, the Board of County Commissioners of Shawnee County, Kansas, finds that dogs roaming at large in densely populated, unincorporated areas of Shawnee County cause litter and other health and safety problems; and,

WHEREAS, it is deemed in the public interest, health, safety and welfare to enact and prescribe regulations for the control of dogs within platted subdivisions of Shawnee County, Kansas.

NOW THEREFORE, the Board of County Commissioners of Shawnee County, Kansas, meeting in regular session on this 27th day of March, 1984, and intending to exercise their powers of home rule legislation pursuant to K.S.A. 19-101a, do hereby resolve as follows:

SECTION I – DEFINITIONS

1. “Animal Shelter” shall mean the Helping Hands Humane Society in Topeka, Kansas, or any other premises designated by the Board of County Commissioners of Shawnee County, Kansas, for the purpose of impounding and caring for dogs held under authority of this resolution.
2. “At Large” shall mean that a dog is not confined on the property of its owner by building, fence, tether, leash or other appropriate means is not under the immediate control of its owner or other competent person.
3. “Owner” shall mean any person that owns, keeps or harbors a dog.

SECTION II – PETITION AND HEARING

1. Upon receipt of a petition certified by the Shawnee County Clerk as having been signed by at least sixty percent (60%) of the real property occupants and/or owners in any platted subdivision located within the unincorporated areas of Shawnee County, the Board of County Commissioners of Shawnee County, Kansas, shall conduct a hearing to determine if the provisions of Section III, Paragraph I of this resolution, should be enforced within the boundaries of said platted subdivision. Said petitions shall be verified by the circulator that he/she personally saw each signature duly made to the petition.

2. The hearing of any petition received pursuant to Section II, Paragraph I of this resolution, shall be held at such time, date and place as the Board of County Commissioners shall determine is sufficient to provide reasonable opportunity to be heard to any interested person. Notice of the hearing shall be published by the Shawnee County Clerk once in the official County newspaper at least three (3) calendar days before the date set for the hearing.

3. At the hearing, the Board of County Commissioners of Shawnee County, Kansas, shall receive evidence and testimony from all interested persons concerning the need for further dog control in the affected platted subdivision. If the Board of County Commissioners determines to enforce the provisions of Section III, Paragraph I, of this resolution within the subdivision, it will issue an Order, which shall take effect upon publication by the Shawnee County Clerk once in the official County newspaper.

SECTION III – PROHIBITIONS

1. Upon the publication of an Order pursuant to Section II, Paragraph 3 of this resolution, it shall be unlawful for the owner of any dog to permit the same to be at large within the boundaries of the affected platted subdivision.

2. It shall be unlawful for any person to obstruct, hinder or prevent the impounding of any dog found at large contrary to the provisions of this resolution or to break open, damage or destroy the door, gate or enclosure of any impoundment area to take, or attempt to take therefrom, any dog impounded therein.

3. It shall be unlawful for any person to keep or harbor any dog, which frequently disturbs the peace or repose of any persons in the vicinity by long, continued barking, howling or other noise. The provision of this paragraph shall not apply to any authorized animal shelter or to any dog kennel that has obtained a special permit from the Board of Commissioners of Shawnee County, Kansas, pursuant to Shawnee County's zoning resolution.

SECTION IV – IMPOUNDMENT

1. Any dog found at large in violation of the provisions of this resolution may be pursued, captured and taken into custody by animal control officers or deputies of the Shawnee County Sheriff's Department and impounded at the Helping Hands Humane Society or other animal shelter designated by the Board of Commissioners of Shawnee County, Kansas.

2. If the ownership of any impounded dog can be reasonably determined, the animal shelter or its designated agent shall promptly notify the owner of the impoundment of the dog by telephone or mail.

3. Impounded dogs shall be kept for a period of not less than seventy-two (72) hours unless sooner claimed by the owner. If any impounded dog is not redeemed as set forth in this resolution, the dog shall be deemed abandoned by operation of law and title thereto shall pass to the animal shelter. Thereafter, the animal shelter may keep, give, sell or humanely destroy such dogs in their own discretion.

SECTION V – REDEMPTION

1. The owner shall be entitled to resume possession of any impounded dog upon payment of the impounded fees set forth herein, to the animal shelter.

2. The impoundment fee for each dog shall be Ten Dollars (\$10.00) for the first day and the additional sum of One Dollar (\$1.00) for each successive day of impoundment.

3. No owner shall be allowed to redeem any dog found to be rabid or found to have been bitten by a rabid animal unless such redemption is authorized by the Topeka-Shawnee County Health Department.

4. No owner shall be allowed to redeem any dog when, in the judgment of the animal shelter or the Topeka-Shawnee County Health Department, the dog should be destroyed for humane or public health reasons.

SECTION VI – PENALTIES

1. Any person who knowingly violates Section III, Paragraphs 1, 2 or 3 of this resolution, shall be deemed guilty of a misdemeanor and, upon conviction or a plea of guilty therefore, may be fined a definite sum of money not exceeding Two Hundred and Fifty Dollars (\$250.00).

SECTION VII – EFFECTIVE DATE

1. This resolution shall take effect upon publication in the official County newspaper.

**BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS**

Richard A. Maner, Chairman

Velma Paris, Member

Winifred L. Kingman, Member

ATTEST:

Patsy A. McDonald, County Clerk