

## RESOLUTION 2003-09

### RIGHTS AND RESPONSIBILITIES WHEN ANIMALS ARE TAKEN INTO CUSTODY PURSUANT TO KANSAS STATUTES

**WHEREAS**, Kansas statutes authorize the Board of County Commissioners of any County to establish procedures related to animals taken into custody by public health officers, law enforcement officers, licensed veterinarians or officer or agent or any incorporated humane society, animal shelter or other appropriate facility; and

**WHEREAS**, the policy, which may allow the for adoption or euthanizing of the animal, protects the animals, involved agencies and County citizens as it allows for a timely and cost-effective manner to resolve custody and the cost of holding the animals.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Barton County, Kansas, that, the following policy is hereby adopted under the authority of K.S.A. 21-4311, and any amendments thereto:

**FIRST**, when an animal is taken into custody by authorities which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310, and any amendments thereto, such authorities 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. However, if the animal appears to be diseased or disabled beyond recovery for any useful purpose, it may be humanely destroyed.

**SECOND**, if the animal is placed in the care of an animal shelter, which in Barton County shall be the Humane Society, Inc., the Humane Society shall notify the owner or custodian, if known or reasonably ascertainable. Twenty days after the notification to the owner or custodian, the Humane Society may petition the District Court of Barton County, Kansas, to be allowed to place the animal for adoption or to euthanize the animal. If the owner or custodian is not known or reasonably ascertainable, the petition may be filed 20 days after the animal is taken into custody.

**THIRD**, the owner or custodian of the animal may file a renewable cash or performance bond with the Barton County Clerk, in an amount equal to not less than the cost of care and treatment of the animal for 30 days as determined by the Humane Society.

**FOURTH**, upon receiving such petition, the Court shall determine whether the animal may be placed for adoption or euthanized. Further, the Barton County Commissioners shall review the cost of care and treatment being charged by the animal shelter maintaining the animal.

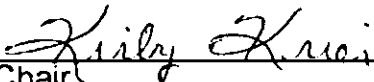
**FIFTH**, that:

- (a) The owner or custodian of an animal placed for adoption or killed pursuant to Kansas statutes and this Resolution shall not be entitled to recover damages for the placement or killing of such animal unless the owner proves that such placement or killing was unwarranted.

- (b) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to Kansas statutes and this Resolution, pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined in K.S.A. 21-4310 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.
- (c) Upon the filing of a sworn complaint by any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility alleging the commission of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, the Barton County Attorney shall determine the validity of the complaint and shall forthwith file charges for the crime if the complaint appears to be valid.
- (d) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, and the District Court 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 the Human Society, Inc. or a licensed veterinarian for sale or other disposition.

ADOPTED this 9<sup>th</sup> day of June, 2003.


BOARD OF COUNTY COMMISSIONERS  
OF BARTON COUNTY, KANSAS

  
Kirby Krier, Chair


  
Jan Crissman, Commissioner

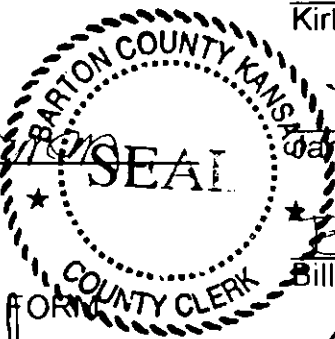
  
Bill Ernsting, Commissioner

  
Pat Keenan, Commissioner


  
Kerry Schremmer, Commissioner

ATTEST:

  
Donna Zimmerman  
County Clerk



APPROVED AS TO FORM:

  
Richard A. Boeckman,  
County Counselor