

RESOLUTION 2010-06

RESOLUTION REGARDING VACCINATION OF CERTAIN DOMESTIC ANIMALS AND

RESCINDING RESOLUTION 2003-07, SAME, ADOPTED MAY 5, 2003

WHEREAS, it is in the best interest of the public health and safety of the citizens of Barton County, Kansas, that certain domestic animals should be vaccinated for rabies on an annual basis; and

WHEREAS, the Board of County Commissioners of Barton County, Kansas, has deemed that it is in the best interest of the public health and welfare to enact a Resolution requiring rabies vaccinations annually for certain domestic animals; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that:

1. For the purpose of this Resolution, a domestic animal shall be defined as a dog, cat, ferret and/or horse. Animals to be legally sold for human or animal food consumption are exempt from the provisions of this Resolution.
2. Every owner or harbinger of a dog, cat, ferret or horse which has attained the age of three (3) to four (4) months, and is being housed and maintained outside the boundaries of any incorporated City within Barton County, Kansas, shall cause said animal to be registered and licensed according to the provisions of this Resolution. For the purpose of this Resolution, the word "harbinger" will be defined to be any person who feeds, waters, and/or houses, for more than three consecutive days, any animal covered by the terms of this Resolution. It shall be unlawful for any owner or harbinger of any such animal to fail, refuse or neglect to cause such animal to be so registered and licensed, provided however, that the provisions of this Resolution shall not apply to any animal of a nonresident which is temporarily housed and maintained in the County for a period not to exceed thirty (30) days and is in the possession of its owner or harbinger.
3. Every owner or harbinger of a domestic animal which is located within the County, but outside the City boundaries of any incorporated City within the County, shall during each calendar year have each of that person's animals vaccinated by a veterinarian designated by the County and shall pay such veterinarian for his services. There is attached hereto and incorporated by reference a Compendium of Animals Rabies Control, 1996, which lists a variety of rabies vaccines. Every domestic animal vaccinated in accordance with the terms of this Resolution shall be vaccinated with a vaccine in which the booster recommendation is "triennially", however, every domestic animal vaccinated in accordance with the terms of this Resolution shall be vaccinated on an annual basis in accordance with the terms set forth herein. Designated veterinarians shall register and license said animal by entering on a suitable register the name, address and telephone number of the owner or harbinger of said animal, the assigned rabies tag number, the date of vaccination, a general description including the breed, approximate age, sex and name, if any, of the animal vaccinated. The veterinarian shall issue to the owner or harbinger of said animal a rabies tag bearing the number assigned to that animal for the current calendar year. This procedure will satisfy the licensing requirements referred to in Paragraph 2. The license tag shall be immediately fastened to the collar or harness of the animal as appropriate. It shall be the duty and responsibility of the owner or harbinger of the licensed animal to insure that the tag is worn at all times. Horses shall be exempt from wearing the license tags, collars and/or harness, although an owner or harbinger must be able to produce such tag as proof of rabies vaccination. If a tag is lost, the issuing veterinarian shall issue a duplicate tag and shall charge for such service a fee. Registration and licensing of an animal, as herein provided, shall not be transferable to another animal. It shall be unlawful for any person to remove or cause to be removed a collar, harness or license tag from any licensed animal. Anyone, resident or nonresident, owning or harboring an animal subject to licensing, such animal having a current rabies vaccination from a veterinarian practicing outside Barton County boundaries, shall submit to a County-designated veterinarian the rabies certificate covering the rabies vaccination. The designated veterinarian shall then register and license said animal as above provided and shall charge a fee and shall issue a tag as appropriate.

4. The licensing of animals as herein provided shall be on a calendar year and shall become delinquent thirteen (13) months following the last rabies vaccination or licensing of said animal.
5. The County Administrator of Barton County, Kansas, shall on or before the first day of February of each year cause to be published once a week for three (3) consecutive weeks in the official County newspaper, an appropriate notice for reminding all owners and harborers of domestic animals to register and license their animals. The failure of any owner or harborer of any such animals to receive or have knowledge of said notice shall not in any way effect the legality or enforcement of the provisions of this Resolution.
6. Those veterinarians who maintain veterinary offices, hospitals or clinics within the boundaries of Barton County, Kansas, and who are willing to participate and cooperate with the County in carrying out the provisions of this Resolution, upon approval of the Barton County Commission, shall be designated the official representatives of the County for said purposes. It shall be the duty of an officially designated veterinarian to provide the County Administrator's Office four (4) copies of his register of all domestic animals vaccinated on the first day of each month for each preceding interim period. All required registration lists shall be furnished in quadruplicate. The Barton County Administrator's Office shall maintain one registration list in the Administrator's Office and shall forward, on a current basis, the remaining registration lists to the Barton County Sheriff's Office, Barton County Communications Office and the Great Bend Humane Society.
7. Any animal found within the limits of Barton County, Kansas, and outside the City boundaries of any incorporated City within the County, which is in violation of the provisions of this Resolution, shall be impounded. It shall be a duty of the Barton County Sheriff's Office or its official designee to impound animals found to be in violation of this Resolution if deemed necessary. A reasonable attempt(s) will be made to contact the animal's owner or harborer. Such reasonable attempt to contact the animal's owner or harborer shall not exclude that owner or harborer, if located, from the provisions of this Resolution. Official designee for the purpose of this paragraph shall be defined as personnel of the Great Bend Humane Society Shelter. Impounded animals shall be delivered to the Great Bend Humane Society Shelter or to such other facility as approved by the Commissioners of Barton County.
8. The Barton County Sheriff's Office and/or its designated representatives shall, upon impounding any unlicensed animal, make a record thereof and description of the animal, and such records shall be made available upon demand at the office of the Humane Society during normal business hours. Any unlicensed animal may be disposed of by the Sheriff's Office in a manner determined appropriate and humane as provided in paragraph 10. Official designee for the purpose of this paragraph shall be defined as personnel of the Great Bend Humane Society Shelter.
9. Any domestic animal impounded under the provisions of this Resolution may be redeemed by its owner or harborer upon payment of its scheduled impounding and boarding fees. Prior to the release of any unlicensed domestic animal, the Sheriff's Office or its designee will require the owner or harborer or prospective owner or harborer to indicate his preference of an officially designated veterinarian for the purpose of rabies immunization. For the purpose of this paragraph, the Sheriff's designee will be deemed to be the Great Bend Humane Society. The impounder shall then collect a fee for vaccination, registration and licensing of the animal and shall issue to the owner or harborer a duplicate receipt indicating thereon the name of the owner or harborer, his address, telephone number, and a general description of the animal including its breed, sex, approximate age and name, if any. The attending veterinarian shall register and license said animal as herein provided. It shall be unlawful for the owner or harborer of an unlicensed animal released to him by the Sheriff's Office to fail or neglect within five (5) working days following the day of release of said animal to have it vaccinated, registered and licensed as herein provided. The Sheriff's Office may make appropriate arrangements with the Great Bend Humane Society regarding implementation of the provisions of this Paragraph of this Resolution.
10. All animals, not claimed by the owner or harborer or others within seventy-two (72) hours beginning at 9:00 a.m. on the day following impoundment, shall become property of the Sheriff's Office and/or the Great Bend Humane Society and may be sold as a pet or destroyed as determined by the Sheriff of Barton County, Kansas or his official designee. Any funds generated will be retained by the designee.

11. Rabies control:

a) Whenever the owner, harbinger or person having custody or possession of any animal which he shall observe or learn to be rabid; or when such animal has acted in a manner that would indicate the symptoms of rabies, the owner, harbinger or person having custody or control of such animal shall immediately notify the Sheriff's Office or licensed veterinarian, and shall allow the Sheriff's Office or licensed veterinarian to make an inspection or examination of such animal and to quarantine or isolate such animal until it shall be established that such animal has or does not have rabies. The owner or harbinger of such animal shall be liable for all fees during the period the animal is held in confinement with the Sheriff's Office's designee or with a licensed veterinarian.

b) Whenever it is shown that any animal has bitten any person, the owner, harbinger or person having custody or possession thereof shall, upon order of the Sheriff's Office or its designee, deliver such animal to the Sheriff's Office or licensed veterinarian for impounding and quarantine for a period of not less than ten (10) days. The Sheriff's Office's designee or licensed veterinarian shall make an examination of such animal to determine if it is suffering from rabies.

c) Whenever any animal is bitten by another animal having rabies, or is suspected of having rabies, the owner, harbinger or person having custody or possession of the animal so bitten shall upon being informed thereof, place the animal so bitten with the Sheriff's Office's designee or licensed veterinarian to be quarantined for the purpose of determining whether such animal is infected with rabies. Thereafter, the animal shall be confined until such time a licensed veterinarian shall issue his written order authorizing the release or destruction of said animal.

d) It shall be unlawful for any owner, harbinger, or person having custody or possession of any animal, that has or exhibits symptoms of rabies, or which has bitten any person, or whose animal has been bitten by another animal known to have rabies, to fail or neglect to notify and deliver custody of his animal to the Sheriff's Office's designee or licensed veterinarian as provided by Subsection a), b) and c) above; provided however, any animal, subject to the approval and supervision of the Sheriff's Office or licensed veterinarian, may be confined inside the residence or an approved compound of its owner or harbinger. Prior to said confinement, the owner or harbinger shall first acknowledge in writing that he accepts full responsibility for the proper safekeeping of said animal on his premises and further agrees to indemnify and hold all others harmless from claims, damages, losses, judgments and costs attributable thereto. After a ten (10) day confinement period at a residence, the confined animal must be evaluated by a licensed veterinarian prior to closing the case.

e) The head of any animal, which dies while being confined for rabies observation, shall be removed by a licensed veterinarian and forwarded to the Diagnostic Laboratory, Kansas State University, Manhattan, Kansas, for analysis; all expenses incurred shall be paid by the owner or harbinger of the animal.

f) Fees incurred for the confinement of any unlicensed animal which requires confinement for rabies observation because of human exposure and does not have an apparent owner or harbinger shall be paid by Barton County.

12. Penalty for violation of Resolution: In keeping with the provisions of this Resolution, if the Sheriff of Barton County or any person appointed on his behalf finds a violation of this Resolution, he shall cause a written notice to be served upon the owner or harbinger having the care, custody or control of said animal, setting forth in detail the violations pursuant to this Resolution. For the purposes of this section, notice shall be deemed properly served upon such owner or harbinger having the care, custody or control of the animal as specified in Section 2 if a copy of the notice is served upon him or her personally, or if a copy thereof is sent by certified mail, return receipt requested, to his or her last known address, provided further, if the notice cannot be served as outlined above, service of the notice may be made upon said owner or having the care, custody or control of said animal by publication one time in the official County newspaper setting forth the terms of the notice.

Violations of the provisions of this Resolution shall be subject to the penalties authorized for the violation of a Class B misdemeanor.

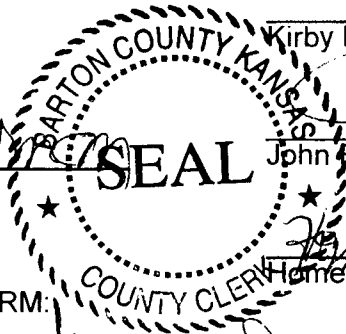
FURTHER, Resolution 2003-07, adopted the 5th day of May, 2003, is hereby rescinded.

ADOPTED this 22nd day of February, 2010.

BOARD OF COUNTY COMMISSIONERS
OF BARTON COUNTY, KANSAS

ATTEST:



Donna Zimmerman
County Clerk




Kirby Krier, Chair


John Edmonds, Commissioner


Homer Kruckenberg, Commissioner

APPROVED AS TO FORM:

Richard A. Boeckman,
County Counselor


Jennifer Schartz, Commissioner


Kenny Schremmer, Commissioner