

BILL NUMBER _____

ORDINANCE NUMBER _____

AN ORDINANCE REPEALING CHAPTER 14 ANIMALS FROM THE CODE OF THE CITY OF FULTON, MISSOURI, AND ENACTING A NEW CHAPTER 14 ANIMALS AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FULTON, MISSOURI AS FOLLOWS:

SECTION ONE: That Chapter 14 Animals is hereby repealed and a new Chapter 14 Animals is enacted as follows:

CHAPTER 14 ANIMALS

ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

In this chapter, the following words and terms shall have the following meaning, unless the context indicates otherwise:

Abandon means the dumping, deserting, or leaving of any animal on public or private property with the intent of terminating any further responsibility for the animal; or failing to properly redeem any animal impounded or quarantined by the city.

Adoption means the purchase of a dog or cat from the city for pet purposes.

Animal means any living creature, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl, and livestock but specifically excluding human beings.

Animal Control Officer means the person or persons designated by the city to represent and act for the city to enforce the provisions of this chapter.

Auction means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sales of animals by owners.

Cat means a domesticated animal that is a member of the feline family but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal of this family or hybrids.

Circus means a commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment means any pet shop, grooming shop, guard dog auction, riding school or stable, zoological park, circus, performing animal exhibition or boarding or breeding kennel, training school or any other like facility.

Common household pets mean animals such as but not limited to dogs, cats, domestic birds, ferrets, hamsters, guinea pigs, gerbils, and rabbits.

Dangerous animal means:

- (1) Any animal which, according to the records of the police or animal control officer has inflicted severe injury on a human being without provocation on public or private property;
- (2) Any animal which bites or otherwise injures any person or domestic animal or pet;
- (3) Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting;
- (4) Any dog, not owned by a governmental or law enforcement unit, used primarily to guard public or private property;
- (5) Any animal which habitually snaps at, growls or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet; or
- (6) Any animal which causes any person to have a reasonable fear of immediate serious physical injury.

No animal may be declared dangerous if the threat, injury or damage was sustained by a person or animal who, at the time, was committing a willful trespass or other wrongdoing upon the premises occupied by the owner or keeper of the animal or who was teasing, tormenting, abusing or assaulting the animal or who has, in the past, been observed or reported to have teased, tormented abused or assaulted the animal or who was committing or attempting to commit a crime.

Dog means a domesticated animal that is a member of the canine family but does not include a wolf, jackal, fox or other wild animal of this family or hybrids.

Domestic birds means birds such as but not limited to budgies, canaries, cockatiels, doves, finches, lovebirds, macaws, parakeets, and parrots.

Electronic Pet containment system means an in-ground or wireless electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a physical barrier. This definition specifically excludes electric fences used for livestock.

Ferret means a domestic member of the family *mustilidae*, specifically *mustela putorius furo*.

Fowl means chickens, turkeys, pheasants, quail, geese, ducks, ostriches, emus or similar feathered animals regardless of age, sex or breed.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard dog means any dog specially trained to attack and warn its handler or owner that an intruder is present in or near an area that is being secured.

Harbored means fed or sheltered for three consecutive days or more.

Hybrid means a product of the mating of two (2) different species of animals regardless of the number of generations born since the original mating.

Kennel means an establishment where small domestic animals are boarded for compensation or where two or more dogs are bred or raised for commercial purposes.

Licensed veterinarian means a person licensed to practice veterinary medicine.

Livestock means farm animals such as horses, ponies, mules, donkeys, cattle, sheep, goats, regardless of age, sex, or breed, and including miniature breeds. Swine are specifically prohibited in city limits.

Owner means any person owning, in care or control of, possessing, harboring, keeping or sheltering any animal. If the owner is a minor, the term shall include the parent or legal guardian.

Performing animal exhibition means any spectacle, display, act or event, other than a circus, in which performing animals are used.

Person means any individual, firm, partnership, association, corporation or other legal entity.

Pet means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Pet shop means any person, partnership or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells or boards and species of animal.

Prohibited animal:

- (1) Any animal not normally born and raised in captivity, including but not limited to venomous or dangerous snakes, venomous or dangerous insects, and venomous or dangerous reptiles.
- (2) Does not include livestock (except for swine), fowl or common household pets.
- (3) The animal control officer may declare any species of animal not listed in this subsection as “prohibited” if the confinement of the animal within the city can be shown to constitute a threat to public health and safety.

Properly fitted with respect to a collar or other neck restraint means one that measures the circumference of a dog’s neck plus at least one (1) inch. With respect to a harness, properly fitted means one (1) that is of an adequate size, design, and construction as appropriate for the dog’s size and weight.

Public nuisance animal means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons or substantially interferes with the rights of citizens, other than its owner, to the enjoyment of life or property. The term “public nuisance animal” means and includes, but is not limited to any animal that:

- (1) Is found at large off the premises of the owner.
- (2) Damages the property of anyone other than its owner.
- (3) Molests or intimidates pedestrians or passersby.
- (4) Chases vehicles.
- (5) Excessively makes disturbing noises, including but not limited to continued repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- (6) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors and others in close proximity to the premises where the animal is kept or harbored.
- (7) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- (8) Is offensive or potentially dangerous to the public health, safety or welfare by virtue of the number or types of animals maintained.

(9) Attacks other domestic animals.

Restraint means any animal, when off the premises of the owner, secured by a leash or lead under the control of a responsible person and obedient to that person's commands. Any animal within the real property limits of its owner shall be considered under restraint. Any animal determined to be dangerous shall be restrained as provided in section 14-84.

Riding School or stable means any place that has available for hire, boarding or riding instruction any horse, pony, donkey, mule or burro or any place that regularly buys, sells or trains such animals, including a racetrack, trotting track or rodeo.

Running at large means any animal not confined or restrained as required by this chapter.

Secure enclosure means a fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the animal control officer.

Serious bodily injury means any physical injury that involves a substantial risk of death, disfigurement, or impairment of any part of the body, including but not limited to a broken bone or a laceration requiring either multiple stitches or cosmetic surgery.

Unprovoked means any action by an animal that is not:

- (1) In response to being tormented, abused, or assaulted by any person;
- (2) In response to pain or injury; or
- (3) In protection of itself or its food, kennel, immediate territory, or nursing offspring.

Vaccinated means properly injected with an approved up-to-date rabies vaccine licensed for use in that species by the United States Department of Agriculture (USDA) and administered by a licensed veterinarian.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild animal means any mammal, reptile, or fowl that is wild by nature, which because of habit, mode of life, or natural instincts is incapable of being completely domesticated regardless of the state or duration of captivity.

Zoological park means any facility operated by a person, partnership, corporation or governmental agency, other than a pet shop, kennel or cattery displaying or exhibiting one or more species of non-domesticated animals.

Sec. 14-2. Animal control officer.

There is created the position of animal control officer. The animal control officer shall be appointed by the planning and codes administrator with the consent of the director of administration. The animal control officer shall be a resident of the state and at least 21 years of age. The animal control officer shall have the powers of police officers insofar as may be reasonable necessary in carrying out the duties and functions of this chapter, including the power to issue summonses to violators of this chapter.

Sec. 14-3. Enforcement.

- a) The city shall designate employees as animal control officers.
- b) Enforcement of this chapter and any state laws regulating animals shall be the primary responsibility of the animal control officers.
- c) The animal control officers are authorized to:
 - (1) Impound any animal in violation of this chapter;
 - (2) Issue citations for any violation of this chapter or applicable state law;
 - (3) Investigate where any animal is reported to be kept or harbored in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal when, in the opinion of the officer, it requires humane treatment.
- d) No person shall interfere with any animal control officer or any authorized representative in the performance of their duties.

Sec. 14-4. Penalties.

- a) Any person violating this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine as follows:
- (1) First offense, not less than \$100.00 and not more than \$500.00.
 - (2) Second offense in a 12-month period, not less than \$200.00 and not more than \$500.00.
 - (3) Third offense and thereafter in a 12-month period, not less than \$300.00 and not more than \$500.00
- b) If a violation continues, each day's violation shall be deemed a separate violation.
- c) Violations accumulate per owner, not per animal.
- d) No impounded animal may be redeemed until all penalties, impoundment costs and quarantine costs are paid in full.
- e) In addition to fines, the municipal judge may require restitution for damages and/or training for the owner/animal and/or spaying/neutering of the animal.

Sec. 14-5. Registration and rabies vaccination of animals required.

- a) The owner of a dog, cat or ferret shall have the animal vaccinated against rabies by the time the animal is six (6) months of age. The animal must receive a booster within the twelve (12) month interval following the initial vaccination. Every animal must be re-vaccinated against rabies every year. All rabies vaccinations should be administered by a licensed veterinarian or as required by law. The animal control officer may determine that an animal may be exempted from the annual rabies vaccination requirement when provided with a letter from a licensed veterinarian recommending exemption.
- b) The owner of a dog, cat or ferret six (6) months of age or older shall register the animal with the city to ensure rapid return to the owner if circumstances warrant. Upon receipt of a rabies vaccination certificate that meets the criteria of this section and state law, a city registration tag shall be issued, which shall bear an identifying number for the animal and the year of issuance. The license tag shall be securely attached to the collar harness of the animal and worn at all times. Every animal must be registered annually as required.
- c) A person commits an offense if the person owns, keeps, or harbors a dog, cat or ferret required to be vaccinated and registered by this section and fails to display on the animal at all times a current city registration tag.

- d) A person commits an offense if the person owns, keeps, or harbors a dog, cat or ferret and displays on the animal a city registration tag issued to another animal.

Sec. 14-6. Revocation and denial of registration.

- a) The animal control officer may deny or revoke registration for an animal owned by a person who has been convicted of: Cruelty to Animals; Dog Fighting; or three (3) or more separate violations of this chapter or of an animal control ordinance of another jurisdiction within any twelve (12) month period; or has had the same animal impounded four (4) or more times within any twelve (12) month period.
- b) If the animal control officer revokes or denies registration of a dog, cat or ferret, a written notice of the action and of the right to an appeal shall be given to the owner. The owner may appeal the decision of the animal control officer to the municipal court. The filing of a request for an appeal hearing stays an action of the animal control officer in revoking or denying the registration until the municipal court makes a final decision.
- c) The denial or revocation of registration may be appealed by filing with the Director of Administration a written request for hearing within ten (10) days after notification of the denial or revocation. If written request for an appeal is not timely made, the denial or revocation is final. The municipal court may consider evidence offered by any interested person. The formal rules of evidence do not apply. The municipal court shall make its decision on the basis of a preponderance of the evidence presented at the hearing. The municipal court should conduct a hearing and render a decision within fifteen (15) days after the request for an appeal is filed or as soon thereafter as practicable. The municipal court may affirm or reverse the denial or revocation. The decision of the municipal court shall be sent to the owner of the affected animal. The decision of the municipal court is final.
- d) Within fifteen (15) calendar days after receipt of a notice of revocation or denial or registration, or after a final decision of the municipal court if an appeal is filed, a dog or cat owner shall remove the affected animal from the city limits. The animal control officer or the municipal court may extend the fifteen (15) day removal period for an additional fifteen (15) calendar days. The owner shall provide the animal control officer with a sworn statement confirming the removal of the animal.
- e) A person commits an offense if the person owns, keeps, or harbors a dog, cat or ferret within the city limits during a period when registration for the animal has been revoked or denied, or fails to remove a dog, cat or ferret from the city limits when required by this section.

Sec. 14-7. License for kennels, commercial animal establishments and animal shelters- Required.

- a) No person shall operate a kennel or commercial animal establishment or animal shelter without first obtaining a business license in compliance with this section.

- b) The licensing authority shall promulgate regulations for the issuance of licenses and shall include requirements for humane care of all animals and for compliance with this chapter and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for the public health and welfare and for the protection of animals.
- c) When a license applicant has shown that he is willing and able to comply with the regulations promulgated by the licensing authority, a business license shall be issued upon payment of the applicable fee.
- d) No person shall train any dog to be used as a guard or sentry dog without possessing a valid license. This section shall not apply to the city government or any of its agencies. The application for a guard or sentry dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility.

Sec. 14-8. Same- Issuance and revocation.

- a) After an application for a license pursuant to section 14-7 is filed, the licensing authority or his designee shall inspect the facility prior to issuing the license. The licensing authority may revoke any license if the person holding the license refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority or any law governing the protection and keeping of animals.
- b) Any person whose license is revoked shall within ten days thereafter humanely dispose of all animals owned, kept or harbored. No part of the license fee shall be refunded.
- c) It shall be a condition of the issuance of any such license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the license of the refusing owner.
- d) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a license and shall have authority to revoke any such license already issued.
- e) No person who has been convicted of cruelty to animals shall be issued a license to operate a commercial animal establishment.
- f) Any person having been denied such license may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee.

Sec. 14-9. Number of common household pets allowed.

It shall be unlawful to own, keep, or harbor at one residential dwelling unit more than four (4) common household pets over four (4) months of age in any combination of species.

Sec. 14-10. Wild; wild-hybrid; and prohibited animals.

It shall be unlawful to own, possess, keep or harbor any wild, wild-hybrid, or prohibited animal within the city.

Sec. 14-11. Adoption of city animal shelter dogs and cats.

- a) A person may adopt a dog and/or cat from the city animal shelter facility that has been classified as adoptable. If the animal has not been spayed or neutered, the adopting owner must sign an agreement to have the animal spayed or neutered within thirty (30) days or when the animal reaches the age of six (6) months. Additionally, any animal adopted must be vaccinated within thirty (30) days after purchase or by the time the animal reaches the age of six (6) months. The adopting owner must pay all fees required for registration and licensing of the animal.
- b) A person commits an offense if the person fails to have the adopted animal spayed or neutered as required by this section.
- c) Any unclaimed adoptable animals may be offered for adoption for a period not to exceed 14 days.
- d) No person shall be permitted to adopt more than two animals in a one-year period.
- e) An animal control officer may refuse to allow a person to adopt an animal to whom he or she has reason to believe:
 - 1. Would not have proper facilities to contain or care for the animal.
 - 2. Wants the dog or cat for the purpose of resale, to use as a guard dog, or for purposes other than pet ownership.
 - 3. There are reasonable grounds to believe the animal would be subjected to abandonment or cruelty.

Sec. 14-12. Sale of animals.

It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or otherwise convey ownership, or display for any purpose, any live animal, on any parking lot, right of way, roadside, garage sale, flea market, festival or other area generally accessed by the public within the city limits; except that any non-profit animal welfare group, animal rescue

group, humane society, or the city may conduct adoption or sale of animals as approved by the city.

Sec. 14-13. Exemptions.

This chapter does not apply to a peace officer, or person employed by the state or a political subdivision of the state, or other governmental agency that trains or uses dogs for law enforcement or correction purposes.

Secs. 14-14 – 14-50. Reserved.

ARTICLE II. RESTRAINT, CONTROL, CONFINEMENT AND COMPLAINT

Sec. 14-51. Restraint.

- a) *Generally.* It shall be the duty of all persons owning and controlling any animal, including dogs and cats, to keep it under restraint.
- b) *Animals in heat.* Any female dog or cat in heat shall be confined by the owner thereof during the term of heat.
- c) *Public nuisance animal.* It shall be the duty of any person, owner, keeper or harbinger to exercise proper care, control and restraint of his/her animals to prevent them from becoming a public nuisance. Any person who knowingly shall own, keep, harbor, or allow to be in or upon his/her premises or property any animal that excessively makes disturbing noises, including but not limited to continued repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored may, upon receipt of a complaint signed by one or more residents of the city, made before a person authorized by law to take statements and setting forth the nature and the date of the incident, be subject to a misdemeanor or fine. This section shall not apply to the city dog pound, veterinary offices and hospitals, or licensed kennels or pet shops.
- d) *Confinement during rabies outbreak.* Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the mayor shall issue a proclamation ordering every owner to confine his/her dog or cat on his premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation, and any dog or cat running at large during the time fixed in the proclamation shall be destroyed by the animal control officer or any police officer without notice to the owner.

Sec. 14-52. Confinement of dogs and running at large.

- a) A dog or dogs shall at all times be confined within a building or a fenced area (including an electronic pet containment system) that minimum dimensions of five feet by ten feet per dog over four (4) months of age and of sufficient strength and construction to confine the dog or keep the dog from running at large.
- b) Any animal or fowl running at large in the city off the property of the owner or keeper is declared to be a public nuisance.
- c) It shall be unlawful for an owner of a dog to fail to keep the dog from running at large within the city limits.
- d) When a dog is on a leash held by a person capable of controlling the dog or being physically held by a person capable of controlling the dog, a dog shall not be deemed running at large.
- e) When a dog is confined within the fenced-in area of the city dog park and is supervised by the owner, it shall not be deemed running at large.
- f) A dog confined within an automobile or other vehicle shall not be deemed running at large.
- g) An operable electronic pet containment system shall be considered a fence in compliance with this chapter provided it is effective in restraining the intended animal. Any area contained with an electronic pet containment system must be placed a minimum of three (3) feet back from any city easement and must be marked with two (2) signs, at least eight (8) inches by twelve (12) inches in size. The signs must be visible from the street and shall be placed on all corners of any property line facing a public thoroughfare.
- h) An electronic pet containment system will not be considered a sufficient form of containment for a dog deemed dangerous by the animal control officer.

Sec. 14-53. Restraint; tethering or chaining of dogs.

- a) Except as provided in Subsection (b), it shall be unlawful for a person to restrain a dog with a chain or tether unless the person is holding the chain or tether.
- b) The prohibition of Subsection (a) does not apply to a temporary restraint:
 - 1. During a lawful animal event, such as walking on a leash, cleaning a dog pen, veterinary treatment, grooming, training, or law enforcement activity; or
 - 2. That is required to protect the safety or welfare of a person or the dog when the dog's owner or handler remains with the dog throughout the period of restraint.

- c) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than 1/8 of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.
- d) A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water.
- e) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.

Sec. 14-54. Impoundment.

- a) The following animals may be impounded:
 - 1. Cats or dogs not exhibiting evidence of vaccination or registration.
 - 2. Any animal kept under conditions which can endanger the public or animal's health.
 - 3. Any animal that has rabies or symptoms thereof or that a person could reasonably suspect of having rabies or that bites, or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal, or that requires observation for rabies as determined by the animal control officer.
 - 4. Any animal running at large.
 - 5. Any animal treated in a manner determined to be in violation of Cruelty to Animals or Dog Fighting.
 - 6. Any animal in violation of any provision of this chapter.
 - 7. Any animal reasonably suspected of having inflicted bodily harm on any human being or animal that poses a threat to public safety, public health or constitutes a public nuisance.
 - 8. Any prohibited animal.
- b) If any animal is found on the premises of any person, that person may confine such animal in a humane manner until the animal control officer impounds such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded.

- c) The city shall select and establish facilities for the impoundment, quarantine, maintenance, and destruction of animals.
- d) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current rabies vaccination tag, a current city license tag, or microchip.

Sec. 14-55. Redemption of impounded animal.

- a) The owner may redeem an impounded animal upon payment of all applicable impoundment fees, handling fees, and any veterinarian bills or other costs incurred by the city for the impoundment, care and welfare of the animal and upon proof of compliance with the vaccination, spay/neuter and registration requirements of this chapter. Any animal being held under quarantine or observation for rabies shall not be redeemed until released from quarantine by the animal control officer.
- b) Impounded animals shall be held for five (5) days after the date of impoundment. If the owner does not redeem it within the period of impoundment, disposition of the animal will be in accordance with this chapter.
- c) Any animal involved in a fatal attack on a human being or attack that results in severe injury to a human being, whether provoked or unprovoked, shall be confiscated. The animal shall be humanely euthanized or returned to the owner after payment of the fees if good reason is shown to the municipal court judge that the animal should not be euthanized.

Sec. 14-56. Breaking into pound; interfering with enforcement.

If any person shall willfully break into or otherwise open any pen, pound, trap or enclosure and let out or take out or take therefrom any animal or fowl taken up and therein confined in accordance with section 14-54, or if any person shall interfere with the animal control officer in the discharge of his duties under this article by taking out of the possession or custody of the animal control officer any animal or fowl that may be in his custody for the purpose of impounding, he/she shall be deemed guilty of a misdemeanor.

Sec. 14-57. Disposition of animals.

- a) Except as provided herein, any animal not redeemed within the above-stated time periods after impoundment, or release from quarantine, shall become the property of the city and shall be placed for adoption, transferred to a bona fide humane society or humanely destroyed.
- b) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court of competent jurisdiction.

- c) Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide care for the baby may be immediately destroyed to prevent further suffering.
- d) Any impounded animal that appears to be suffering from extreme injury or illness may be immediately destroyed to prevent further suffering.
- e) Any owner who no longer wishes responsibility for an animal may sign a written waiver supplied by the animal control officer surrendering all rights to the animal to the city and allowing for the disposition of said animal to be at the discretion of the city. The owner of such animal shall be charged a fee for this service.

Secs. 14-58 – 14-80. Reserved.

ARTICLE III. DANGEROUS ANIMALS

Sec. 14-81. Public nuisance.

It is hereby declared to be a public nuisance that an owner harbors, keeps or maintains a dangerous animal in the city unless the owner complies with the requirements of this chapter, and state statutes regulating dangerous animals.

Sec. 14-82. Requirements for owner of dangerous animal.

- a) Not later than the tenth day after a person learns that the person is the owner of a dangerous animal, the person shall:
 - 1. Register the dangerous animal with the animal control officer;
 - 2. Provide animal control with two (2) colored pictures of the animal;
 - 3. Have the animal spayed or neutered;
 - 4. Have the animal micro-chipped;
 - 5. Restrain the dangerous animal at all times on a leash in the immediate control of a person or in a secure enclosure as defined in section 14-84 (b);
 - 6. Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person.
- b) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

1. The owner knows of an attack described in the definition of “dangerous dog”; or
 2. The owner is informed by the animal control officer and/or the police department that the dog is a dangerous dog; or
 3. The owner receives notice that the municipal court has found that the dog is dangerous.
- c) If a person reports an incident described in the definition of “dangerous dog,” the animal control officer may investigate the incident. After receiving sworn statements of any witnesses, the animal control officer and/or police department shall determine whether the dog is a dangerous dog and shall notify the owner of that determination.
- d) The owner, not later than the fifteenth day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control officer and/or police department to the City Prosecuting Attorney. The owner shall confine the dog during the pendency of an appeal in a manner satisfactory to the animal control officer, including surrendering the dog to be held by the city. The determination of the animal control officer and/or police officer is final if the owner does not timely appeal.
- e) The owner shall be given written notice of the date, time and location of the hearing to the owner of the dangerous dog and to any complainant, either in person or by certified mail, return receipt requested. At the hearing, all interested persons shall be given the opportunity to be heard.

Sec. 14-83. Registration requirements for a dangerous animal.

- a) The animal control officer shall annually register a dangerous animal if the owner does the following:
1. Presents proof of liability insurance or financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person;
 2. Presents proof of current rabies vaccination of the dangerous animal.
 3. Presents proof of a secure enclosure in which the dangerous animal will be kept.
 4. Pays an additional annual registration fee.
 5. Provides two (2) color identification photographs of at least three (3) inches by three (3) inches of each dangerous animal with one (1) photograph showing the frontal view and the other photograph showing the side view of each animal.

6. Provides the name, general description, including sex, weight, color, predominate breed, height and length and any other discernible features of the dangerous animal.
- b) The animal control officer shall provide to the owner registering a dangerous animal, a special registration tag which shall be placed and maintained on the animal's collar at all times.
 - c) If the owner of a dangerous animal sells or moves the animal to a new address, the owner, not later than the fourteenth day after the date of sale or move, shall notify the animal control authority for the area in which the new address is located. If the dangerous animal has been sold or given away, the former owner shall provide the animal control officer with the name, address and telephone number of the new owner. If the new owner resides in the city, the animal control officer shall notify the new owner in person or by certified mail, return receipt requested, that a determination has been made that the dog is dangerous and provide the new owner with a copy of the requirements for the owner of a dangerous animal. It shall be unlawful for the new owner to fail to comply with such requirements.
 - d) The owner of a registered dangerous animal shall immediately notify the animal control officer if the dangerous animal is running at large, has bitten or attacked a human being or another animal, has died, or has been sold or given away.
 - e) Within fifteen (15) calendar days after receipt of a notice of revocation or denial or registration, or after a final decision of the municipal court if an appeal is filed, a dangerous dog owner shall remove the affected animal from the city limits. The animal control officer or the municipal court may extend the fifteen (15) day removal period for an additional fifteen (15) calendar days. The owner shall provide the animal control officer with a sworn statement confirming the removal of the dangerous animal.

Sec. 14-84. Restraint, control and confinement of dangerous animals.

- a) Every dangerous animal, as may be determined by the animal control officer and/or police department, shall be confined by the owner within a building or secure enclosure.
- b) While on the owner's property, a dangerous animal must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten feet and must be at least five feet high with posts anchored in the ground at least two feet and must have secure sides and secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the animal.

- c) The owner or keeper shall display a sign on his premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.
- d) A dangerous animal may be off the owner's premises if it is muzzled and restrained by a substantial chain and collar or leash not exceeding six feet in length and under the control of the owner. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.

Sec. 14-85. Attack by a dangerous animal.

- a) A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on a person or another animal.
- b) An offense under this subsection is a misdemeanor.
- c) If a person is found guilty of an offense under this section, the court which hears the case may order the dangerous animal to be removed from the city or destroyed by a licensed veterinarian or a person authorized by state law.

Sec. 14-86. Violations.

A person who owns or keeps custody or control of a dangerous animal commits an offense if the person fails to comply with any requirements for ownership of a dangerous animal. An offense under this subsection is a misdemeanor. If the owner of any animal determined to be dangerous under this section fails or refuses to comply with requirements of this section, the animal shall be seized by the animal control officer and held pending court orders.

Sec. 14-87. Defense.

- a) It is a defense to prosecution under section 14-85 or section 14-86 above that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or a person employed by the state or political subdivision of the state to deal with stray animals, and has temporary ownership, custody and control of the dangerous animal in connection with that position.
- b) It is a defense to prosecution under section 14-85 or 14-86 above that the person is an employee of the institutional division of the State of Missouri or a law enforcement agency and trains or uses animals for law enforcement or correction purposes.
- c) It is a defense to prosecution under section 14-85 or section 14-86 above that the person is an animal trainer or an employee of a guard dog company.

Sec. 14-88. Affidavit of complaint, conviction and judgment of a dangerous animal.

Upon receipt of a complaint signed by one or more residents of the city, made before a person authorized by law to take statements and setting forth the nature and the date of the incident, and upon conviction of a violation of this section, the municipal judge may, in addition to the usual judgment upon conviction, order the animal control officer to forthwith take up and euthanize such animal. Any case filed under this section shall go to the top of the docket in the municipal court and shall have priority over other matters.

Secs. 14-89 – 14-110. Reserved.

ARTICLE IV. RABIES CONTROL, LIVESTOCK, SANITATION, ANIMAL CARE.

Sec. 14-111. Animal quarantine.

- a) Any animal that has rabies or symptoms which could reasonably indicate rabies or that bites, scratches or otherwise creates a condition which may expose or transmit the rabies virus to a human being shall be impounded immediately. Upon notification, the owner shall surrender the animal to the animal control officer for quarantine at the city's designated animal shelter, or with approval from the animal control officer deliver the animal to a state-approved veterinarian quarantine facility for quarantine at the owner's expense. Quarantine shall be for a minimum of ten (10) days beginning on the date the incident occurred or longer as the animal control officer may deem necessary. Animal quarantine shall be in accordance with any applicable rules and regulations.
- b) Quarantine shall be subject to the following conditions:
 1. The quarantine animal showing clinical signs of rabies shall be immediately destroyed and the head or brain submitted to the appropriate agency for testing.
 2. The animal placed in quarantine shall not be released without prior notification to and written approval from the animal control officer.
 3. Home quarantine at the residence of the owner, if approved by the animal control officer, must satisfy the following conditions.
 - a. Secure facilities are available and approved by the animal control officer.
 - b. The animal is currently vaccinated against rabies.
 - c. The animal control officer should physically check on the animal at the beginning, middle and end of quarantine to ensure that the animal is securely confined and is in apparent good health.

- d. The owner of the animal shall notify the animal control officer if the animal escapes, becomes or appears to become sick, or dies; and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control officer for diagnostic purposes.
 - e. The animal was not running at large at the time of the incident.
 - f. The animal is isolated from all other animals and human beings, other than a designated responsible adult who owns the animal.
- c) A person who knows of an animal bite to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid shall report the incident or animal to the animal control officer.
- d) The owner shall submit for quarantine an animal that:
- 1. Is reported rabid or to have exposed an individual to rabies; or
 - 2. The owner knows or suspects is rabid or has exposed an individual to rabies; or
 - 3. Has bitten, or otherwise created a condition which may have exposed or transmitted the rabies virus to any human being; or
 - 4. Is directed to do so by the animal control officer in order to protect the public health and safety.
- e) When submitted for quarantine, the owner shall provide the name, address and any other relevant information about the animal.
- f) The owner of a quarantined animal shall pay all reasonable costs of the quarantine and disposition of the animal, including charges for shipment of animal tissues, if required, to the testing agency.
- g) An animal that has been quarantined may be released by the animal control officer after a licensed veterinarian determines that the quarantined animal does not show clinical signs of rabies and after the following conditions have been verified by animal control:
- 1. At the end of the observation period upon proof of vaccination prior to release from quarantine.
 - 2. When all applicable fees have been paid.
 - 3. If the animal is not being held for legal proceedings.

4. If appropriate city registration and licensing have been obtained.
- h) It shall be unlawful for any person to interrupt the observation period or otherwise interfere with quarantine.
 - i) It shall be unlawful for any person to destroy or remove from the city any animal that has bitten a person or other animal or that has been placed under quarantine, except when necessary to protect the life of any person or other animal or otherwise approved by the animal control officer.
 - j) The carcass of a dead animal exposed to rabies or suspected of having been rabid, shall, upon demand, be surrendered to the animal control officer.
 - k) Wild animals shall not be placed in quarantine. Wild animals shall be humanely destroyed in such a manner the brain is not mutilated. The brain will then be submitted to the appropriate agency for testing if determined to be necessary.
 - l) No person shall fail or refuse to surrender an animal for quarantine or for destruction when ordered by the animal control officer in accordance with applicable rules and regulations.
 - m) The owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease shall be responsible for all associated costs, including;
 - 1. The cost to test the animal for rabies or zoonotic disease;
 - 2. The cost to test the exposed person for rabies or zoonotic disease; and
 - 3. The cost to treat the person exposed to rabies or zoonotic disease.
 - n) Every physician or other medical practitioner shall report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
 - o) Every licensed veterinarian shall report to the animal control officer any animal considered by him to be a rabies suspect.

Sec. 14-112. Livestock and fowl.

- a) It shall be unlawful for any person to own, keep, or harbor any livestock or fowl within the city limits except on property allowed under the city's zoning ordinance and in numbers and under the conditions as set out in this chapter.
- b) It shall be unlawful for any person to keep any swine within the city limits.

1. The animal control officer, upon learning of any person keeping swine within the city, shall notify the person to remove the swine from the city limits.
 2. Any person keeping swine within the city in violation of this section, shall remove the swine from the city within ten days after notification by the animal control officer.
 3. This section shall not apply to livestock sale barns or livestock truckers who transport, buy and sell swine for commercial purposes.
 4. This section shall not apply to duly certified educational institutions conducting academic or research activities. Each such institution shall obtain authorization from the city on an annual basis to conduct such activities.
- c) The following per acre limits apply to the keeping of livestock or fowl in any combination of species:
1. One (1) adult horse, mule, donkey, or other animal of like kind or cow per acre,
 2. Three (3) adult goats, sheep, llamas, alpacas, ostriches, or emus per acre; and
 3. Ten (10) adult rabbits, chickens, turkeys, pheasants, quail, geese, or ducks per acre.
- d) It shall be unlawful for any person to keep more livestock or fowl on any premises than as set out in subsection (c).
- e) Any barn, stable, shed, or similar enclosure used to house livestock or fowl shall be located at a distance of not less than one hundred (100) feet from any adjoining tract of land or property line.
- f) Livestock pens, stables, corrals, or enclosures and fences shall be capable of preventing the entry of the general public and capable of preventing the escape of the livestock or fowl or allowing the livestock or fowl to run at large.
- g) It shall be unlawful for an owner of livestock or fowl to fail to keep the livestock or fowl from running at large within the city limits.
- h) No person shall, within the city, exhibit in an indecent manner any stallion, jack, bull, boar or ram or cause or permit any such animal to be let to any animal of the opposite sex, unless the animals are in some enclosed shed or stable and entirely out of public view and hearing.

Sec. 14-113. Sanitary requirements.

- a) The owner or person who has custody or control of any animal shall comply with the following standards:
1. All manure and other animal waste shall be removed from pens, corrals, cages, yards, or other enclosures at least twice a week to an approved disposal site;
 2. Food shall be placed in impervious containers on impervious surfaces;
 3. Refuse on the premises shall be removed and disposed of by means approved by the animal control officer;
 4. Watering troughs or tanks shall be equipped with adequate facility for draining the overflow so as to prevent breeding of flies, mosquitoes or other insects;
 5. No decaying material shall be allowed to accumulate on the premises, and all such materials used to feed which is unconsumed shall be removed and disposed of by sanitary means.
 6. The owner of every animal shall be responsible for the sanitary removal of any excreta deposited by his/her animal upon any private or public property.
 7. No dead animal shall be disposed of in any manner that will jeopardize public health and safety.
- b) It shall be unlawful for any person to fail to comply with the sanitary requirements as set out in subsection (a).

Sec. 14-114. Animal care.

- a) The owner or person who has custody or control of any animal, including livestock (except for swine), shall provide:
1. Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;
 2. Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times.
 3. Adequate shelter which allows the animal to remain dry and protected from the elements at all times and, which shall provide either natural or artificial shade to avoid direct sunlight. If the shelter is provided by enclosure, the enclosure shall allow for adequate ventilation; and
 4. Veterinarian care as needed to prevent suffering.

- b) It shall be unlawful for any person to comply with the animal care requirements as set out in subsection (a).
- c) No person shall expose any known poisonous substance, whether mixed with food or not, so that the substance shall be liable to be eaten by an animal, provided that it shall be lawful for a person to expose on his own property common poison mixed only with vegetable substances.
- d) It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal. Any person abandoning any domestic animal in the city shall be guilty of a misdemeanor and upon conviction shall be subject to punishment as provided in section 14-4 for each animal so abandoned.
- e) No person other than a licensed veterinarian shall crop a dog's ears.
- f) The operator of any motor vehicle which strikes or injures a domesticated animal shall immediately report such incident to the animal control officer. Any animal that, in fact, has been so handed over to animal control officer authorities after being injured, if the owner cannot be ascertained, may be humanely euthanized by a licensed veterinarian or the animal control officer, if such injury is of such severity that the animal is in pain and unlikely to survive.
- g) It shall be unlawful for any person to beat, starve, cruelly ill-treat, torment or overwork, or to otherwise abuse any animal or to cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- h) No person may sponsor, promote or train a wild animal to participate in, contribute to the involvement of a wild animal in or attend as a spectator any activity or event in which any wild animal is wrestled, fought, mentally or physically harassed or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encourage to perform through the use of chemical, mechanical, electrical or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This subsection applies to events and activities taking place in either public or private facilities or property and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.
- i) All equipment used on a performing animal shall fit properly and be in good working condition.

Sec. 14-115. Animal nuisances.

The following shall be considered a public nuisance and shall be unlawful:

- a) The keeping of an animal, including livestock, in such a manner as to endanger the public health, by the accumulation of animal waste which causes foul and offensive odors considered to be a hazard to other animals or human beings.
- b) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.
- c) Persistent laxness in cat supervision so that their running at large results in an unreasonable disturbance to a person or persons or damages to property.

SECTION TWO: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE: That this ordinance shall be in full force and effect on January 1, 2012 and after its passage by the council and approval by the Mayor

READ THREE TIMES AND PASSED THIS _____ DAY OF _____, 2011.

LeRoy D. Benton
President of the Council

APPROVED THIS _____ DAY OF _____, 2011.

LeRoy D. Benton
Mayor

ATTEST:

Carolyn L. Laswell, CMC/MRCC
City Clerk