

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF CAMDENTON, TITLE II: PUBLIC HEALTH, SAFETY & WELFARE BY DELETING CHAPTER 210: ANIMALS AND FOWL IN ITS ENTIRETY AND IN LIEU THEREOF INSERTING NEW CHAPTER 210: PROVISIONS APPLICABLE TO ALL ANIMALS; CHAPTER 211: DOGS; CHAPTER 212: CATS; AND CHAPTER 213: MISCELLANEOUS ANIMAL PROVISIONS**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CAMDENTON AS FOLLOWS:

Section 1. That the Code of the City of Camden, Title II: Public Health Safety & Welfare by deleting Chapter 210: Animals and Fowl in its entirety and in lieu thereof inserting new Chapter 210: Provision Applicable to All Animals; Chapter 211: Dogs; Chapter 212: Cats; and Chapter 213: Miscellaneous Animal Provisions, which is attached to and made a part of this Ordinance, identified as Exhibit A.

Section 2. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read the first time 20 day of January 2015

Read the second time and passed and approved this 3 day of February 2015

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John D. McNabb, Mayor

ATTEST:

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Renée Kingston, City Clerk, MRCC

## CHAPTER 210: PROVISIONS APPLICABLE TO ALL ANIMALS

### SECTION 210.010: DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ABANDON:** Relinquishing custody of an animal without making alternative arrangements for its care and protection, or leaving an animal confined without providing water or minimum nutrition as required under this chapter.

**ANIMAL CONTROL BOARD:** A Board made up of the City Administrator, Chief of Police and another person as may be appointed by the Mayor from time to time. Should any of these positions be vacant or the person unavailable, the Mayor may appoint a substitute as necessary.

**ANIMAL CONTROL OFFICER:** A person designated as such by the City Police Department.

**AT LARGE:** With reference to a dog, not confined or restrained as required under this chapter.

**BREEDER:** Any person who maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration of profit, fee or compensation.

**CAT:** Any domesticated breed within the feline family.

**CITY:** Means the City of Camdenton, Missouri.

**DOG:** Any domesticated breed within the canine family.

**DOMESTICATED ANIMAL:** An animal that has adapted to life in close association with and to the advantage of humans, such as animals that are kept by humans as pets or as livestock.

**OWNER:** Any person who owns, keeps, harbors or exercises control over any animal. A person shall be considered to harbor an animal if they feed or shelter such animal for five (5) days or more.

**STERILIZE:** The surgical alteration of an animal through spaying or neutering so that it is incapable of reproduction.

**VACCINATION:** An injection of any vaccine for rabies approved by the state veterinarian board and administered by a licensed veterinarian.

### SECTION 210.020: EXEMPTION

The provisions of this Chapter shall not apply to any animal owned or controlled by Federal, State or City law enforcement agencies. The animal control officer or animal control board may also make reasonable accommodations or exceptions for service animals.

### SECTION 210.030: SANITARY CONDITIONS

A. It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept free from unsanitary conditions which encourage the breeding of parasites, insects and flies or cause odors that are offensive to a person of reasonable sensibilities.

- B. It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal fecal matter from the premises a minimum of once every forty-eight (48) hours.
- C. It shall be unlawful for any person to allow an animal within the person's control to defecate on public property or on the private property of another person unless the person having control of the offending animal immediately removes and disposes of the animal's feces.
- D. All animal fecal matter shall be disposed of properly.
- E. No animal shall be allowed to damage any property of another person.
- F. All places where livestock is kept shall have adequate drainage sufficient to prevent standing water in yards or pens. Duck ponds shall be drained and cleaned as required to prevent malodorous conditions.
- G. It shall be unlawful for any person keeping or harboring any animal to keep the animal in premises on which there is garbage, trash, or debris of any nature, including broken glass and cans that could subject the animal to injury or disease.

#### **SECTION 210.040: ANIMAL SLAUGHTER**

It shall be unlawful to slaughter a domesticated animal in a residentially zoned area of the city. Nothing in this section shall prevent the euthanasia of any animal by a licensed veterinarian or by trained animal services personnel or an otherwise authorized killing of an animal.

#### **SECTION 210.050: ANIMAL CRUELTY**

Except as authorized by law, no person shall knowingly:

1. Abandon any animal under circumstances subjecting it to the possibility of death, injury, starvation, dehydration or disease;
2. Subject any animal to cruel mistreatment of any kind or by any means or device, including tying or strapping with weights or heavy chains;
3. Subject any animal to the following if not performed by a licensed veterinarian: neutering or spaying; tail docking, ear cropping, or other surgical procedure;
4. Subject any animal in his or her custody to neglect under circumstances exposing the animal to injury, disease, unsanitary conditions, extreme temperatures, starvation, dehydration or death;
5. Cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans;
6. Kill or injure any animal belonging to another without legal privilege;
7. Subject a dog or cat to direct point chaining as defined in this chapter.
8. Poison any animal or to distribute poison or other toxic substance in any manner whatsoever with the intent to harm, or for the purpose of poisoning any such animal, except for the purpose of controlling insects or rodents in accordance with accepted pest control methods.

#### **SECTION 210.060: DISEASED OR INJURED ANIMALS**

- A. It shall be unlawful for any person to knowingly keep any injured animal without providing proper, timely treatment, including treatment by a veterinarian when appropriate, for such injury.
- B. It shall be unlawful for any person to knowingly keep any animal infected with a fatal disease that is contagious to other animals unless the sick animal is isolated to prevent spread of the disease to other animals. This subsection shall not apply to rabid animals. Any animal showing positive signs of rabies shall be euthanized and laboratory-confirmed in accordance with Missouri law.

- C. Any injured or diseased animal within the city shall be subject to seizure if a court of competent jurisdiction issues a warrant for such seizure upon a determination that either of the above conditions exist and reasonable treatment is not being administered to said animal.
- D. Any injured or diseased animal within the city shall be subject to immediate seizure if the city has a reasonable suspicion that an emergency exists and such seizure is necessary to protect the animal from an imminent threat of death, infectious disease, or serious physical injury.
- E. Any diseased or injured animal seized pursuant to the provisions of this animal services code shall be appropriately treated for the injury or disease by the owner and, where necessary, by a veterinarian licensed to practice in the state.
- F. The remains of any dead animal are subject to seizure and disposal if, within a reasonable period after death, the owner has not disposed of the remains properly.
- G. Any diseased or injured animal shall be subject to being euthanized when it is determined by a veterinarian licensed to practice in Missouri or by the Animal Control Board that such disposition is necessary to prevent unwarranted suffering by the animal. Best efforts shall be made by the Animal Control Board to contact the animal's owner before such animal is euthanized.
- H. Any owner who reclaims or redeems an animal which has been treated under the provisions of this animal services code shall, prior to the release of the animal, reimburse the city or the treating veterinarian for any expenses incurred, unless the owner shows proof that the animal was undergoing treatment for the disease or injury at the time it was seized.

#### **SECTION 210.070: RABIES CONTROL.**

- A. When any animal has bitten a person, that person or anyone having knowledge of such incident shall immediately notify the City of Camdenton Police Department. Notification may be made via a call to 911, a call to the Camdenton Police Department during normal business hours or to the Animal Control Officer. The animal shall be quarantined at the expense of the owner for a period of ten (10) days from the date of the bite at a veterinary facility under the care and custody of a licensed veterinarian unless other provision are made as approved by the Animal Control officer.
- B. No person shall own, keep, harbor, or have control over any dog or cat over the age of five (5) months unless the animal has been vaccinated with anti-rabies vaccine by a licensed veterinarian in accordance with state law. For purposes of this subsection, "five (5) months" shall be attained at the end of the fourth month since birth or when the animal's canine teeth appear, whichever occurs first.

#### **SECTION 210.080: TRAPPING OF ANIMALS.**

No person shall set any trap to catch any animal, permit any trap owned by them or in their control to be set to catch any animal, or allow a trap to be set to catch an animal without first obtaining permission from the Animal Control officer. This shall not apply to the trapping of rats, mice and moles. Trapping of nuisance animals is permitted for relocation of the animal. Any domesticated animal that is caught in such trap must be immediately released or immediately relinquished to the animal control officer.

## **SECTION 210.090: ANIMAL LICENSING**

A. Owners residing in the City shall procure a license from the City for all dogs and cats over the age of six (6) months of age. All licenses issued under the provisions of this Chapter shall be effective from January first (1st) to December thirty-first (31st) of each year.

License fees shall be as follows:

For each un-neutered male dog or cat: \$10.00.

For each un-spayed female dog or cat: \$10.00.

For each neutered male dog or cat: \$5.00.

For each spayed female dog or cat: \$5.00.

Permit/Registration fees shall be as follows:

For each potentially dangerous dog: \$50.00.

B. Any license fee due and unpaid thirty (30) days after it becomes due and payable shall be subject to a penalty in the same amount as the renewal fee for the animal. Any replacement of a license tag shall be two dollars (\$2.00).

C. The City may refuse to issue animal licenses to persons who:

1. Have been charged with animal abuse, neglect or cruelty while such charges are pending; or
2. Have been convicted of animal abuse, neglect or cruelty or have pled guilty to such offenses; or
3. Have willfully failed to maintain licenses for animals within the City of Camden in the past; or
4. Have been charged with or convicted of violations of this or other portions of the City of Camden Code which involve dangerous, unlicensed, unsanitary or other conduct involving animals.
5. Occupy premises that are also owned or occupied by any person with any of the above situations.
6. In the event that a license is denied to any person under this section, they may appeal this decision to the Animal Control Board within a period of ten (10) days after such denial.

D. Every dog or cat covered by this section must have and wear a collar or harness with a current license tag firmly attached when such animal is outdoors. Any untagged dog or cat found running at large shall be considered as a stray or as an unowned animal for the purpose of enforcement of this chapter.

Citations may be issued for violations of this section. Fines for first violations shall be Thirty five dollars (\$35.00). Fines for subsequent violations within a twenty four (24) month period shall be determined by the municipal court.

## **SECTION 210.100: TRANSFER, GIVING AWAY AND SALE OF ANIMALS**

No person may publicly display animals for sale unless they have a business license for such activity. No person may publicly give away animals at a commercial location unless they have written permission of the business owner to conduct such activity. In the event any animal is transferred which requires a City license, the new owner of the animal shall obtain a city license for such animal within five (5) days.

**SECTION 210.110: PENALTIES**

Penalties for violations of any provision herein shall be as set forth in Section 100.160 unless otherwise set forth. Each day that a violation of any provision of this chapter continues shall be deemed a separate offense.

## CHAPTER 211: DOGS

### SECTION 211.010: APPLICABILITY

This Chapter shall apply to dogs as they are defined in Chapter 210. The definitions contained in Chapter 210 shall also apply to this Chapter.

### SECTION 211.020: DEFINITIONS

**ATTACK:** Aggressive behavior by a dog or cat that involves biting or repeatedly biting or shaking its victim.

**CABLE RUN:** A metal cable that is mounted aboveground at a designated height to two (2) stationary objects for the purpose of attaching a pulley system that moves from one end of the cable to the other and to which a dog is tied or secured by means of a rope, chain, or cable attached to the dog's collar or harness.

**DIRECT POINT CHAINING:** Means attaching a dog directly to a stationary object by means of a leash, rope, chain, cable or other material attached to the dog's collar or harness but does not include temporary restraint of a dog for purposes of vehicular transport.

**ELECTRONIC CONTAINMENT DEVICE:** A transmitter/receiver system for the confinement of dogs which consists of (1) a boundary wire that emits a radio signal, and (2) a battery-operated electronic device on the dog's collar which receives the radio signal and emits an audible warning beep and a corrective electrical stimulus as the dog approaches the wire.

**PIT BULL:** A pit bull is defined as any dog that is an American pit bull terrier, Staffordshire terrier, American Staffordshire terrier, American Bulldog, American Bully or any dog of mixed breeding that has the primary characteristics of such breeds of dog. A pit bull may be identified as any dog which exhibits those distinguishing characteristics of such breeds that substantially conform to the standards established by the American Kennel Club or United Kennel Club. An identification checklist, which is on file in the City offices, shall be used to assist in identifying such breeds.

**PROVOCATION:** means causing a bite or attack by:

- A. Any intentional act of pulling, pinching, squeezing, kicking, hitting or striking the dog with an object or a part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling or baring of its teeth; or
- B. Any attempt or threat to kick, hit or strike the dog with an object or part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling, or baring of its teeth;
- C. Any act of teasing or tormenting the dog;
- D. Any act of holding, kicking, hitting, striking, or otherwise physically harming the dog's owner or other member of the dog owner's household;
- E. Entry into the dog's area of confinement without the owner's presence, provided that this definition does not apply if the dog is confined in a particular manner for the purpose of causing provocation to prevent legal access to the premises in violation of this article; or
- F. Any act of breaking and entering, or other unlawful entry, into the dog owner's residence, vehicle, or other property.

**SWIVEL:** Pivoting hardware that can be used in a trolley system to attach a cable run to a tether or a tether to a dog's collar or harness in order to minimize twisting and tangling of the tether.

**TETHER:** A rope, chain, or cable that is attached to a dog's collar or harness for purposes of restraining the dog.

**TROLLEY SYSTEM:** A method of restraining a dog which utilizes a cable run, swivel and tether attached to a dog's collar or harness.

### **SECTION 211.030: MAXIMUM NUMBER**

It shall be unlawful for more than three (3) dogs to be kept, located or harbored at any household or business. No more than one (1) pit bull dog may be kept, located or harbored at any household in a residentially zoned district and no other dogs may be kept at a residence with the one pit bull dog. Pit bull dogs may not be located at any commercially zoned premises. This section does not apply to veterinarians, licensed dog breeders or pet stores. Puppies under the age of four (4) months which were born to a dog which has a City animal license shall be exempt from this section.

### **SECTION 211.040: CONFINEMENT**

- A. Any person owning, possessing or keeping a dog shall keep the dog securely confined behind a fence or otherwise restrained upon the person's property by adequate means to prevent the dog's escape; or shall effectively control the dog, whether on or off the person's property, by means of a leash or other proper method of supervised restraint from which the dog cannot escape.
- B. Dogs shall not be confined in any manner for the purpose of preventing legal access to public utility facilities or for the purpose of causing the dog to be provoked by visitors in areas accessible to and commonly used by visitors for legal access to the premises.
- C. Direct-point chaining or tethering of dogs to a stationary object is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:
  1. Only one (1) dog may be tethered to each cable run. Dogs on two separate trolley systems shall not be close enough to become entangled with each other.
  2. The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
  3. There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.
  4. The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the animal services officer, considering the age, size and health of the dog.
  5. The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
  6. The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.



- D. An electronic containment device may be used as a primary containment measure. Such area for containment shall not be in the front yard facing the street or main entrance to the premises. Signs stating "pet contained by electronic device" or similar language using a trade name, shall be conspicuously posted and maintained at the perimeter (each side) of the area for purposes of public notice. Such signs shall be a minimum of six (6) inches by eight (8) inches and one (1) of the signs shall be visible from the roadway or entry to the premises if possible. Signs shall be a maximum of ten (10) inches by ten (10) inches. Pit bull dogs and potentially dangerous dogs shall not be allowed to be contained by electronic containment. Such electronic containment device shall be maintained in good operating condition.

#### **SECTION 211.050: MINIMUM CARE FOR DOGS**

- A. All dogs shall have continuous access to a structurally sound, moisture-proof and windproof shelter large enough to keep the dog reasonably clean and dry. A shelter which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.
- B. A dog's shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.
- C. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh, potable water adequate for the dog's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighted or secured to prevent tipping.
- D. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.
- E. The enclosure or confinement area for a dog shall encompass sufficient usable space to keep the animal in good condition. When a dog is confined outside by means of an enclosure or an electronic containment device, the following minimum space requirements shall be met: Large dog. For a dog that is larger than twenty (20) inches at the withers or that weighs more than fifty (50) pounds, the minimum confinement area per dog is one hundred (100) square feet. Medium dog. For a dog that is larger than twelve (12) inches at the withers and up to twenty (20) inches at the withers or that weighs over twenty (20) pounds and up to fifty (50) pounds, the minimum confinement area per dog is eighty (80) square feet. Small dog. For a dog that is twelve (12) inches or less at the withers or that weighs twenty (20) pounds or less, the minimum confinement area per dog is fifty (50) square feet.

#### **SECTION 211.060: BARKING AND NOISE**

It shall be unlawful for any person to keep on his premises, or under his control, any dog which by loud and frequent barking and howling shall disturb the reasonable peace and quiet of any person.

#### **SECTION 211.070: POTENTIALLY DANGEROUS DOGS**

##### **A. POTENTIALLY DANGEROUS DOGS DESIGNATION**

1. DOGS SHALL BE DESIGNATED AS POTENTIALLY DANGEROUS DOGS IF:
  - a. Without provocation, it attacks or bites a person engaged in a lawful activity and any injury caused is minor in nature so as not to require stitches for treatment.

- b. While off the property of its owner and without provocation, it injures another domesticated animal and such injury is minor in nature;
- c. Without provocation while not on a leash and under the control of its owner or custodian, it chases, confronts or approaches a person on a street, sidewalk or other public property in a menacing fashion such as would put a reasonable person in fear of attack;
- d. Acts in a manner which the owner knows, or reasonably should know, is an indication that the dog is dangerous and is not merely being protective in a particular set of circumstances; or
- e. Has been declared dangerous, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for dangerous dog designation under the provisions of this ordinance.
- f. It is a pit bull dog (as defined herein). Identification by the Animal Control Officer shall establish prima facie proof and shall create a rebuttable presumption that a dog is a pit bull dog.
- g. Designation as a potentially dangerous dog shall be made in the opinion of the animal control officer and subject to appeal as set forth herein. In the event the animal control officer designates a dog as potentially dangerous, a written notice shall be given to the owner or posted at the residence.
- h. Any dog designated as a potentially dangerous dog shall not be allowed to remain in the City until the owner complies with the requirements of this section or during any pending appeal of such designation.

**B. PERMIT AND REGISTRATION.** A potentially dangerous dog may be kept within the city limits only so long as the registered owner or custodian complies with the requirements and conditions herein. The owner of any potentially dangerous dog shall be allowed to keep such dog within the City only if the owner registers the dog with the city on an annual basis and obtains a potentially dangerous dog permit with each annual registration. As a condition of registration, the owner shall at all times required or requested provide sufficient evidence that the owner is in compliance with all of the following requirements:

1. Rabies vaccination. The dog must be vaccinated against rabies by a licensed veterinarian on an annual basis.
2. Current city license. The owner must purchase an annual city license for the dog, and the dog must wear the city license tag on its collar at all times.
3. Microchip. The dog must be identified by means of a microchip that is injected under its skin by a licensed veterinarian and maintained as long as the animal is kept within the city limits.
4. Photo. The owner must provide a recent photo of the animal taken with the owner.
5. Sterilized. The owner must provide documentary proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply if the city receives a letter from the owner's veterinarian stating that the dog is physically unable to reproduce or that the dog is medically compromised to the extent that it cannot be safely sterilized.
6. Place of confinement. A potentially dangerous dog must reside at the owner's residence.
7. R-1 zones only and landlord notice. A potentially dangerous dog shall be allowed in R-1 residential zones only. In the event a person wishes to possess potentially dangerous dog and they are not the owner of the residence, they shall provide proof that they have provided notice to their landlord or the owner of the residence that they will possess a potentially dangerous dog at the residence.

8. Insurance. An owner of a potentially dangerous dog shall provide proof to the city on an annual basis of insurance coverage in an amount of not less than Two hundred thousand (\$200,000) dollars. Any such insurance provided may not contain an exclusion which would deny coverage for such dogs.
9. Window sticker or sign. A window sticker or sign must be posted on the owner's property, visible from the street to indicate that a potentially dangerous dog resides on the property. Such sign must be clearly visible from the street or sidewalk if possible.
10. Confinement. A potentially dangerous dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape. Such fence or area of confinement must be approved by the Animal Control Officer. Potentially dangerous dogs shall not be confined by means of an electronic containment device, invisible fence or trolley system. When outside of an area of confinement, a potentially dangerous dog must be restrained by means of a secure leash held by a person over the age of 18 who has the ability to control the dog.
11. No transfer of permit. A potentially dangerous breed permit shall not transfer to a new owner residing in the city limits. The new owner must meet all registration requirements within ten (10) days of acquiring the dog.
12. The owner of a potentially dangerous dog may relocate the dog to the owner's new city address if the owner contacts animal services prior to the relocation in order to report the new address.
13. Muzzle. The animal control officer may require that any potentially dangerous dog be muzzled when outdoors on a leash as a condition of it being kept in the City.
14. Inspection. By possessing an dangerous dog, the owner or person possessing such animal gives the city animal control officer permission to perform inspections of the outside of the premises where such animals are kept upon reasonable request.
15. Other requirements. The Animal Control Officer may require other reasonable conditions be met in order to issue such permit which are made with the intent of human safety. Appeals of any such requirement may be made to the Animal Control Board as set forth herein.
16. Notification. Any owner of an animal which is designated as potentially dangerous shall immediately notify City Police in the event that such dog causes any human injury, injury to any other animal or in the event such dog is loose from its confinement.

### **C. APPEALS.**

1. An appeal of a designation as a potentially dangerous dog or any other appeal called for herein may be made upon written request to the City within ten (10) days.
2. A hearing to consider such appeals shall be held within ten (10) business days from the time of such appeal. Such appeals shall be held before the Animal Control Board.
3. The owner of a dog that has been identified as a pit bull under this section shall have the right to an administrative appeal of the breed designation by submitting a request for a hearing to the City in writing within ten (10) days. Failure to make administrative appeal as set forth herein shall make such determination final and conclusive for all purposes. A hearing to consider such appeal of pit bull designations herein shall be conducted by the Animal Control Board. The board shall make a final determination of the dog's breed or predominant breed characteristics.
4. Appeals to the Animal Control Board regarding the requirements for keeping potentially dangerous dogs (section B. herein) may be made at any time. At such hearings the owner of the dog may present any evidence regarding such, including temperament testing results or reports. The decisions of the Animal Control Board regarding such requirements shall be final.

#### **D. VIOLATIONS.**

1. Failure to Comply. Failure to comply with any potentially dangerous dog registration requirement or permit conditions shall be a violation and may result in the issuance of a citation and/or warrant to seize the owner's dog if such dog is not voluntarily surrendered or removed from the City or brought into compliance. In the event the owner of a potentially dangerous dog fails to comply with the requirements of this chapter, the Animal Control Officer may declare the dog to be vicious based upon such failure(s).
2. Violations Other Than Cruelty Violations. Permits to keep a potentially dangerous dog within the city shall be revoked upon the owner's second conviction or guilty plea for violation of the city's animal code provisions other than cruelty violations. If the permit(s) is revoked, a warrant to seize the potentially dangerous breed may be served on the owner if the dog is not removed from the city limits. In addition, the owner shall lose their right to register any potentially dangerous dog within the city for a period of two (2) years.
3. Cruelty Violations. Upon conviction for any animal cruelty charge, the owner of a potentially dangerous dog shall lose their potentially dangerous dog permit and shall lose their right to register or possess any potentially dangerous dog within the city for a period of ten (10) years. A warrant may be obtained to seize the owner's potentially dangerous dog(s) pending adjudication of the cruelty violation citation. Upon conviction for animal cruelty and revocation of the potentially dangerous dog permit, the owner's potentially dangerous dog must be removed from the city limits or surrendered to the animal control officer.
4. Impoundment pending declaration. Upon reasonable suspicion that a dog is dangerous and poses a serious threat to public health or safety, the animal control officer, or appointed designee, may seek a warrant, if necessary, to seize the dog for quarantine at a veterinary clinic or for impoundment at the animal services facility, pending the dangerous dog declaration process.

#### **SECTION 211.080: VICIOUS DOG DESIGNATION**

- A. It shall be unlawful for any person to keep within the city limits any vicious dog.
- B. A dog is considered vicious for purposes of this section if it:
  1. Causes death or serious physical injury which requires stitches or more serious treatment to a person engaged in a lawful activity; or
  2. On two (2) or more occasions, attacks or bites without provocation a person engaged in a lawful activity or on one occasion a potentially dangerous dog attacks or bites a person engaged in a lawful activity; or
  3. On more than one (1) occasion, while off the property of its owner and without provocation, injures another domesticated animal; or
  4. Without provocation, kills a domesticated animal; or
  5. Trains for dog fighting or is owned or kept for the purpose of dog fighting; or
  6. The owner of a potentially dangerous dog fails to notify the City Police department in the event such dog causes any human injury, injury to any other animal or in the event such dog is loose from its confinement.
  7. The owner of a potentially dangerous dog fails to comply with the requirements of this Chapter for the keeping of potentially dangerous dogs.
  8. Has been declared vicious, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for vicious dog designation under the provisions of this article.

- C. Impoundment pending declaration. Upon reasonable suspicion that a dog is vicious and poses a serious threat to public health or safety, the animal control officer or appointed designee, may seize the dog for quarantine at a veterinary clinic or for impoundment at another facility pending the vicious dog declaration process.
- D. Declaration as Vicious Dog. In instances where the dog is declared vicious, the animal control officer or any other member of the police department shall, within forty-eight (48) hours, notify the owner of the dog in writing either in person or posted at the owner's or custodian's last known address, that the dog has been determined to be a vicious animal, the reasons for the declaration and, if applicable, that the dog has been quarantined or impounded by animal services. The owner shall have twenty four (24) hours from delivery of the notice to contact the city and comply with the ordinance by removing the dog from the city limits or by having the dog euthanized.
- E. Appeal. The notice shall also inform the owner or custodian of the dog that a hearing to contest the declaration shall be held before the Animal Control Board if a request for a hearing is submitted in writing to the city within five (5) working days from receipt of the notice of vicious dog declaration.
- F. Status pending hearing. Once notice of vicious dog designation has been given, the dog shall be considered vicious unless, and until such time as, the declaration is overruled by the Animal Control Board

#### **SECTION 211.090: PENALTIES**

Penalties for violations of any provision herein shall be as set forth in Section 100.160 unless otherwise set forth. Each day that a violation of any provision of this chapter continues shall be deemed a separate offense.

## CHAPTER 212: CATS

### SECTION 212.010: APPLICABILITY

This Chapter shall apply to cats as they are defined in Chapter 210. The definitions contained in Chapter 210 and 211 shall also apply to this Chapter.

### SECTION 212.020: DEFINITIONS

**ATTACK:** Means aggressive behavior by a cat that involves repeatedly biting or scratching its victim.

**DANGEROUS CAT:** Means a cat that has been designated as dangerous pursuant to the standards and administrative procedures identified in this article or that has been given another designation pursuant to similar standards and procedures in another jurisdiction.

**FREE ROAMING CAT:** Means a cat that is not kept inside of a house, business or other legal occupancy structure or kept in a fenced area enclosed with a top and containing a shelter as described in this article. A cat that is allowed to go outside of such structure or fenced area is considered a free-roaming cat.

### SECTION 212.030: MAXIMUM NUMBER.

No more than three (3) cats may be kept or harbored at a household or business within the city limits. This section does not apply to veterinarians, licensed breeders or pet stores. Kittens under the age of four (4) months which were born to a cat which has a City license shall be exempt from this section.

### SECTION 212.040: CONFINEMENT

- A. For any cat newly licensed after January 1, 2016, cat owners shall identify their free-roaming cats by means of a microchip that registers the owner with a national computer recovery network. This shall not apply to cats which have been registered with the city prior to said date.
- B. All free-roaming cats shall be sterilized unless the owner's veterinarian, licensed by the state, certifies in writing that the animal is physically unable to reproduce or that the animal is medically compromised to the extent that it cannot be sterilized safely.
- C. Direct-point chaining or tethering of cats to a stationary object is prohibited.

### SECTION 212.050: DANGEROUS CATS

- A. It shall be unlawful for any person to keep within the city limits any dangerous cat, except in compliance with the provisions of this section. A cat is considered dangerous for purposes of this section if:
  1. Without provocation, it attacks or bites a person; or
  2. Acts in a manner which the owner knows, or reasonably should know, is an indication that the cat is dangerous and is not merely acting in self defense under a particular set of circumstances; or
  3. Has been declared dangerous, or has been given some other designation by another governmental body under circumstances that would meet the grounds for dangerous cat designation under the provisions of this ordinance.
  4. If the animal control officer has cause to believe that a cat is dangerous, the animal control officer may find and declare such cat a dangerous cat. The animal control officer shall give notice of the declaration and the reasons for it in writing to the person who owns, keeps, or otherwise maintains the cat. The notice shall inform the owner or

custodian of the cat that a hearing to contest the declaration shall be held before the animal control board, if a request for a hearing is submitted in writing to the city within five (5) days from receipt of the notice of dangerous cat declaration.

- B. Hearing. The hearing required pursuant to this subsection shall be held no more than five (5) week days from the date of receipt of the request. The hearing shall be before the animal control board.
- C. In the event a cat is designated as dangerous, it shall not be allowed to be a free roaming cat. Any cat found to be kept in violation of this section shall be subject to seizure and impoundment.

**SECTION 212.060: PENALTIES**

Penalties for violations of any provision herein shall be as set forth in Section 100.160 unless otherwise set forth. Each day that a violation of any provision of this chapter continues shall be deemed a separate offense.

## CHAPTER 213 – MISCELLANEOUS ANIMAL PROVISIONS

### SECTION 213.010: KEEPING OF PROHIBITED ANIMALS

- A. The sale, possession, display, maintenance or keeping of carnivora, innately wild animals, nonhuman primates and venomous reptiles within the city is unlawful unless such animals are kept with a written permit from the Missouri Department of Conservation or a Federal permit to transport and display such animals or for bona fide circuses and carnivals.
1. Carnivora shall include, but not be limited to, the following families, with representatives of those families as indicated:
    - Ursidae: Bears.
    - Canidae: Wolves, coyotes, foxes, or the hybrid offspring of such canidae (including, but not limited to, domestic dog—canidae crosses).
    - Hyaenidae: Hyenas.
    - Filidae: Lions, tigers, leopards, American lions (commonly known as pumas, cougars, and panthers), cheetah, bobcats, ocelots, jaguars, servals, African panthers, lynx, margays.
    - Procyonidae: Raccoons and relatives.
    - Mustelidae: Weasels, skunks, and relatives.
    - Viverridae: Binturongs, civets and relatives.
  2. Innately wild animals shall include all members of the order Carnivora which are all meat-eating animals, excluding domestic breeds of dogs and cats.
  3. Nonhuman primates shall include, but not be limited to, the following families:
    - Monkeys: Spider monkeys, squirrel monkeys, marmosets, baboons and relatives.
    - Great apes: Gorillas, orangutans, gibbons, siamangs, chimpanzees and relatives.
  4. Venomous reptiles shall include, but not be limited to, the following families:
    - Colubridae: (two (2) genera only), Dispholidus (boomslang) and thelotornis (twig snakes).
    - Elapidae: Cobras, kraits, coral snakes and relatives.
    - Hydrophilidae: Sea snakes.
    - Viperidae: Vipers, adders.
    - Crotalidae: Pit vipers (commonly known as rattlesnakes, water moccasins, copperheads).
    - Helodermatidae: Gila monsters.
- B. Large Animals Prohibited. Keeping or maintaining hogs, goats, donkeys, mules, sheep, emu, ostrich or any other animal which, when fully grown would typically weigh over thirty (30) pounds, other than dogs, cattle and horses, within the City limits is prohibited, unless otherwise allowed herein.
- C. Horses and Cattle. Horses and cattle may be kept or maintained within the City limits but only on tracts of land consisting of not less than fifteen (15) acres and not less than four hundred (400) feet from the property line of any adjoining property containing a residence or dwelling place. No more than 1 of such animals per acre of land shall be allowed.
- D. No person shall keep or maintain rabbits, chickens, domesticated Vietnamese pot-bellied pigs, ducks, turkeys, or other domestic fowl within one hundred (100) feet of any residence or other dwelling place other than that of the owner, unless all occupants of residences or other dwelling places within such distances agree in writing that such animals or fowl may be kept and maintained at less than such distances.
- E. No person may keep bees or beehives unless such beehives are located more than one hundred (100) feet from the nearest residence, business or building. The maximum number of beehives shall be two (2) if the property is one acre or less.



### **SECTION 213.020: KENNELS**

A kennel shall be any establishment which has more than three (3) dogs or more than three (3) cats. Kennels are not allowed in any residential zoning district. In other districts, written application for a kennel business license shall be made. Fee per dog or cat shall be assessed according to this code. The Animal Control Officer and/or members of the Police Department shall be allowed to inspect such kennel to determine its compliance with all laws and/or regulations.

### **SECTION 213.030: IMPOUNDMENT OF ANIMALS**

The animal control officer shall take into custody any animal found at large in the city and shall impound the animal. Each impounded animal shall be held for a period of at least five (5) business days at the end of which time the animal shall be deemed abandoned. The animal control officer shall make diligent efforts to determine the owner of the animal and notify the owner of the impoundment.

If the owner of the animal fails or refuses to claim and repossess the dog by the payment of the proper fee as prescribed in this section within five (5) days of acknowledging ownership of such animal, the animal shall be deemed abandoned. No animal that has not been licensed and vaccinated shall be released unless the person redeeming the animal licenses and/or vaccinates such animal.

The Police Department shall establish from time to time a schedule of fees for redemption of animals which shall reimburse the City for approximate average costs for impoundment, shelter, food, transportation and officer time. This schedule may impose higher costs for repetitive redemptions for the same owner.

### **SECTION 213.040: PENALTIES**

Penalties for violations of any provision herein shall be as set forth in Section 100.160 unless otherwise set forth. Each day that a violation of any provision of this chapter continues shall be deemed a separate offense.