

Chapter 5

ANIMALS*

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ARTICLE I. IN GENERAL**Sec. 5-1. Violations and penalties.**

Any person who shall violate or fail to comply with any provision of this chapter shall be deemed guilty of a misdemeanor, punishable as provided in Section 1-14 of this code; in addition thereto, any nuisance resulting from such violation or failure of compliance with any provision of this chapter shall be abated in the manner provided by law. Fines received for violations or failure to comply shall be deposited in the public health fund.

(Code 1969, § 6-31; G.O. 1864, 12-26-01)

Sec. 5-2. Public impounder.

(a) There shall be a public impounder whose duty it shall be to enforce all ordinances regulating animals and fowl.

(b) The impounder shall be appointed from the classified service in accordance with the personnel rules of the city.

(c) The public impounder, under the direction of the director of health, shall provide and maintain a suitable animal shelter or pound wherein he shall impound any animal or fowl found running at large contrary to the provisions of this code.

(d) The public impounder shall keep a record of all official transactions, which record shall disclose the following:

- (1) The time when any animal is impounded;
- (2) A description of the animal;
- (3) Where found;
- (4) If redeemed, by whom and when; and
- (5) If sold, a record of the notice, sale, price paid and to whom sold.

(e) All fees and moneys received by the public impounder shall be paid through the department of health into the city treasury and accounted for in the same manner as provided for the collection and accounting of other public moneys.

(Code 1969, §§ 6-1, 6-2, 6-4, 6-5, 6-8)

Sec. 5-3. Dangerous and prohibited animals.

(a) The keeping and harboring of dangerous animals other than dogs (regulated by Section 5-90) within the city is prohibited. The manager of animal control and rescue in concurrence with the director of health shall have the authority in accordance with the powers and hearing guidelines set forth in Section 5-89 to declare an animal as dangerous because of past behavior, prior violations or the inherently dangerous nature of the animal as to persons. Such a declaration shall be grounds for the impoundment and destruction of the animal unless, without danger to the public, it can be and is removed from the city within 48 hours or in conjunction with the state department of conservation disposal rules and regulations. If such an animal is found again in the city limits, it will be immediately seized and promptly destroyed or disposed of in some manner as allowed in this chapter.

(b) The keeping or harboring within the city of any poisonous reptile or any warm-blooded carnivorous or omnivorous animal, including but not limited to nonhuman primates 20 pounds or over, raccoons, skunks, foxes, leopards, panthers, tigers, lions, mountain lions, ocelots, jaguars, Canadian lynxes, bobcats, jaguarundis, bears, hyenas, wolves and coyotes is prohibited. Fowl, dogs, house cats, , nonhuman primates under 20 pounds, and small rodents of varieties used for laboratory purposes, are not prohibited. Nonpoisonous snakes shall be kept in locked escape-proof cages except when being handled. No snake shall be permitted by the owner, keeper or handler to escape from a cage or while being handled.

(c) This section shall not be construed to apply to either publicly or privately maintained zoos or zoological parks as permitted by city ordinance, including city licensing or zoning regulations; traveling circuses; scientific or educational institutions; research laboratories; veterinary hospitals; or validly licensed pet shops under applicable federal, state and local regulations.

(d) The keeping of wild or exotic animals of which there are no approved rabies vaccine available are prohibited from being kept as pets except for the animals set forth in subparagraph (b) of this section as well as hamsters, gerbils, hedgehogs, mice and rats that are a pet or pocket pet. Service animals as defined by the Americans

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with Disabilities Act are also exempted from this section.

(e) Failure to comply with the above subsections of the code shall result in the owner, keeper or handler being subject to prosecution in municipal court and the fine assessed shall be not less than \$150.00 nor more than \$500.00 and/or six months in jail.

(Gen. Ord. No. 878, § 1(6-32), 6-24-91; G.O. 2179, 7-3-06)

Sec. 5-4. Riding, driving, herding animals in public places.

It shall be unlawful for any person to:

- (1) Ride or drive any animal on any street, boulevard, alley, parkway, park or other public place in a violent, furious or careless manner;
- (2) Ride or drive any such animal so as to cause it or any vehicle attached thereto to come in collision with or strike any other object or any person; or
- (3) Leave any such animal standing in any street, boulevard, alley, parkway, park or other public place without being fastened or so guarded as to prevent its running away.

(Code 1969, § 6-19)

Sec. 5-5. Fastening animal to railing, fence, tree, hydrant.

It shall be unlawful for any person to hitch or fasten any animal to any railing, fence, ornamental or shade tree or shrub not belonging to him or to any street hydrant or fire plug.

(Code 1969, § 6-18)

Sec. 5-6. Removal of dead animals and fowl; required.

The public impounder shall be responsible for and it shall be his duty to promptly remove or cause to be removed all dead animals and fowl found within the city. Such removal shall be in a sanitary method approved by the health officer.

(Code 1969, § 6-27)

Sec. 5-7. Animal shows, fairs, circuses, petting zoos, animal swap meets and carnivals--permit required.

(a) All operators of animal shows, fairs, circuses, petting zoos and carnivals that exhibit animals for profit or for free, before engaging in such business, shall be required to make application for a permit. The director of health or his/her designee shall then request and conduct the necessary inspections. This permit is prerequisite to the issuance of an occupational license, if applicable, for such operator. A permit must be obtained for each show except that only one permit is required if the animal control and rescue manager determines that the same show is being displayed on consecutive dates. Or an annual permit may be obtained. Permit application forms shall be provided by the events coordinator in the customer assistance department. Permit fees identified in this section shall be collected and deposited with the customer assistance department for authorization and issuance of a city permit. Animals belonging to a governmental entity, animals belonging to or controlled by an organization that maintains not-for-profit status as defined in the Internal Revenue Service or animals participating in parades under the direct supervision of their owners are exempt from this permit requirement.

(b) *Prerequisites for issuance.* A permit shall not be issued unless:

- (1) The applicant provides the complete information requested on the application form, including but not limited to the names of the owner of the animal and the applicant, the type of show(s) proposed, previous business of the applicant of the same or similar nature operated, qualifications and experience of the applicant or operator to conduct the event stated in subsection (a), and any other information required for the manager of animal control and rescue to make an objective judgment as to if the applicant is qualified to operate the show(s) in a safe and humane manner.
- (2) The applicant shall provide proof that the location where the show will be held meets zoning, building, food and fire code requirements. If the applicant obtains an annual permit, he/she must

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- complete and submit prior to each event an event notification form provided by the city manager or his/her designee.
- (3) The applicant shall provide the design of entry and exit points for animal contact areas and shall facilitate proper visitor flow through transition areas. Fences, gates or other types of barriers shall restrict uncontrolled access to animals and animal contact areas and ensure that visitors enter and exit through transition areas. If the applicant obtained an annual permit, in addition to completing and submitting an event notification form, he/she must also submit the design of entry and exit points for animal contact areas and shall facilitate proper visitor flow through transition areas. Fences, gates or other types of barriers shall restrict uncontrolled access to animals and animal contact areas and ensure that visitors enter and exit through transition areas.
 - (4) The applicant must specify the type of restraints to be used to prevent public contact with any dangerous or prohibited animal.
 - (5) Signage shall be provided informing visitors that they are entering an animal area at the entrance transition areas. These signs shall also instruct visitors not to eat, drink or place their hands in their mouth while in the animal area. Visitors shall be discouraged from taking strollers, baby bottles, pacifiers, food and beverages into areas where animal contact is encouraged or where contact with animal fecal waste, urine or bedding can occur. Exit transition areas should be marked with signs instructing the public to wash their hands.
 - (6) Information in the form of signs, handouts and flyers shall be provided and conspicuously placed regarding the risk associated with the transmission of pathogens to ensure that the visitors are completely aware of the fact that animals such as calves, young ruminant animals, young poultry and all ill animals can pose a threat to human health.
 - (7) The applicant must provide hand washing facilities to include running water, soap and paper towels and urge participants to wash and disinfect their hands. Hand washing facilities shall be located adjacent to exits with a supply sufficient to accommodate the maximum anticipated attendance. Hand washing basins shall be accessible to children and the disabled.
 - (8) The applicant must provide information regarding the disposal of animal waste from the site(s). Fecal matter and soiled animal bedding shall be removed promptly and disposed of properly. Animal waste and specific tools for waste removal shall be confined to a designated area restricted from public access.
 - (9) Trained staff shall be present in areas where animal contact is permitted to encourage appropriate human to animal interactions, reduce the risk for exposure and process reports of injuries or exposures to fecal matter or urine.
 - (10) If feeding of the animals is permitted, only food sold by the operator for that purpose shall be allowed.
 - (11) Each applicant for an animal show permit shall pay a permit fee of \$50.00 at the time of application, or an applicant may purchase an annual permit for a fee of \$300.00.
 - (12) Animals must be located a minimum of 100 feet from food vendors.
 - (c) *Inspections.* The manager of animal control and rescue, or his/her designee, shall inspect the proposed show location to examine its suitability for the intended use. The location shall also be inspected to determine whether appropriate restraints will be used during the show.
 - (d) *Denial or revocation; appeals.* It shall be grounds for permit revocation or denial for an owner, proprietor, manager or employee who fails to meet the standards set forth in this chapter, to falsify information requested in the application or to refuse or deny access to any animal control officer for the purpose of inspection or

investigation of a complaint with reference to granting, suspending or revoking an animal show permit. The manager of animal control and rescue or designee shall make any denial, suspension or revocation of a permit in writing to the applicant or permit holder stating the reasons for such action. The applicant or permit holder shall have ten days after receipt of such denial, suspension or revocation in which he/she may appeal such action to the director of health. The director shall conduct a hearing and make findings in such fashion that the result of such hearing may be appealed on the record to the circuit court under RSMo Chapter 536.

(e) It is solely prohibited and a violation of this chapter to operate an animal show, fair, circus, petting zoo, animal swap meet or carnival without a permit issued by city.

(f) Failure to obtain a permit shall result in the applicant paying a double permit fee. The applicant shall also be subject to criminal prosecution by the municipal judge and the fine assessed shall be not less than \$100.00 nor more than \$500.00 for each day of operation and up to six months in jail.

(G.O. 2180, 7-3-06; G.O. 2337, 8-10-09)

Secs. 5-8--5-30. Reserved.

ARTICLE II. ANIMAL CRUELTY AND PROTECTION*

Sec. 5-31. Definitions.

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

Adequate care means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

Adequate control means to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

Animal means every living vertebrate except a human being.

Animal shelter means a facility which is used to house or contain animals and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals.

Farm animal means an animal raised on a farm or ranch and used or intended for use in farm or ranch production or as food or fiber.

Harbor means to feed or shelter an animal at the same location for three or more consecutive days.

Humane killing means the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978) or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed.

Owner means in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping or harboring an animal.

Pests means birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States

***Cross reference(s)**--Offenses against public morals, § 20-281 et seq.

State law reference(s)--Animal cruelty, RSMo 578.005 et seq.

Department of the Interior nor any endangered species listed in the Wildlife Code of the state.

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

State law reference(s)--Similar provisions, RSMo 578.005.

Sec. 5-32. Responsibility of parent or guardian of minor.

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of or harbored by that minor child.

State law reference(s)--Similar provisions, RSMo 578.014.

Sec. 5-33. Animal neglect.

(a) A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control.

(b) Animal neglect is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 578.009.

Sec. 5-34. Animal abuse.

(a) A person is guilty of animal abuse when a person:

- (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this article;
- (2) Purposely, intentionally or recklessly causes injury, suffering or pain to an animal;
- (3) Abandons an animal in any place without making provisions for its adequate care;
- (4) Overworks or overloads an animal or drives or works an animal unfit to work; or
- (5) Having ownership or custody of an animal, willfully fails to provide adequate care or adequate control.

(b) Animal abuse is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 578.012.

Sec. 5-35. Impoundment of neglected or abused animal.

(a) Any duly authorized public health official, law enforcement official or animal control officer may impound any animal found outside of the owned or rented property of the owner or custodian of such animal when such animal shows evidence of neglect or abuse. Any animal impounded pursuant to this section shall be:

- (1) If the owner can be ascertained and the animal is not diseased or disabled beyond recovery for any useful purpose, held for recovery by the owner. The owner shall be notified within five business days of impoundment by phone or by mail of the animal's location and recovery procedures. The animal shall be held for ten business days. An animal unclaimed after ten business days may be put up for adoption or humanely killed;
- (2) Placed in the care or custody of a veterinarian, the appropriate animal control authority or animal shelter. The animal shall not be disposed of, unless diseased or disabled beyond recovery for any useful purpose, until after expiration of a minimum of five business days, during which time the public shall have clear access to inspect or recover the animal through time periods ordinarily accepted as usual business hours. After five business days, the animal may be put up for adoption or humanely killed; or
- (3) If diseased or disabled beyond recovery for any useful purpose as determined by a public health official, law enforcement official, veterinarian or animal control officer, humanely killed.

(b) The owner or custodian of an animal impounded pursuant to this section shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid and may put up for adoption or humanely kill any animal if such costs are not paid within ten days after demand.

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Any moneys received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal.

(c) The owner or custodian of any animal killed pursuant to this section shall be entitled to recover the actual value of the animal up to but not to exceed \$600.00 if the owner or custodian shows that such killing was unwarranted.

State law reference(s)--Similar provisions, RSMo 578.016.

Sec. 5-36. Exceptions.

The provisions of this article shall not apply to the following:

- (1) Care or treatment performed by a licensed veterinarian within the provisions of RSMo ch. 340;
- (2) Bona fide scientific experiments;
- (3) Hunting, fishing or trapping as allowed by RSMo ch. 252, including all practices and privileges as allowed under the state Wildlife Code;
- (4) Facilities and publicly funded zoological parks currently in compliance with the federal Animal Welfare Act, as amended;
- (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
- (6) The killing of an animal by the owner thereof, the agent of such owner or by a veterinarian at the request of the owner thereof;
- (7) The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian or law enforcement or health official;
- (8) With respect to farm animals, normal or accepted practices of animal husbandry;
- (9) The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal, but

shall not include police or guard dogs while working;

(10) The killing of house or garden pests; or

(11) Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

State law reference(s)--Similar provisions, RSMo 578.007.

Sec. 5-37. Cruelty.

(a) It shall be unlawful for any person to:

- (1) Maliciously kill, maim or wound any animal or fowl, the property of another;
- (2) Overdrive, overload or otherwise abuse any horse or mule;
- (3) Torture, torment, deprive of necessary sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill any animal or fowl, whether his own or the property of another;
- (4) Subject any animal or fowl to needless suffering or inflict unnecessary cruelty upon the animal or fowl; or
- (5) In any manner whatsoever, cause, contribute to or sanction the subjecting or inflicting of unnecessary cruelty upon any animal or fowl, either by affirmative action or failure to provide proper food, drink, medical care, shelter or protection from the weather.

(b) Where abandonment or cruelty are in plain view of any officer, the supervisor of animal control is authorized to enter the yard where such animal is kept, to examine the animal and to seize and impound the animal at the animal shelter when, in the examiner's opinion, it is being kept in an unlawful, cruel or inhumane manner. The animal charges must be filed within 72 hours or the animal will be released to the owner and no boarding charges assessed against the owner. If a final order of the court is entered dismissing the complaint against the owner or person having superintending control of the animal, no charges shall be assessed for the city's room and board for the animal.

(Code 1969, § 6-20)

Sec. 5-38. Administering poison.

No person shall wilfully administer any poison of any kind to any animal or fowl or shall wilfully expose any poisonous substance where the substance may be taken up by any animal or fowl, provided that this section shall not apply to the poisoning of rodents or other harmful pests if done in such manner as not to expose poisonous substances to domestic animals and fowl.

(Code 1969, § 6-21)

Sec. 5-39. Fights--Prohibited.

No person shall engage in or be in any manner connected with or attend upon any cockfight, coon fight or any fight between any animals, fowl or birds of any kind nor shall any person allow or permit any such fight in or upon any house or premises in his possession or under his control.

(Code 1969, § 6-25)

State law reference(s)--Dog fights, RSMo 578.025.

Sec. 5-40. Same--Keeping place or aiding.

It shall be unlawful for any person to keep or use or in any way be connected with or interested in the management of or to receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, cock or other creature or to encourage, aid or participate therein as a spectator, umpire or judge or to permit or suffer any place to be so kept or used.

(Code 1969, § 6-26)

State law reference(s)--Dog fights, RSMo 578.025.

Sec. 5-41. Spectators at dogfights.

(a) Any person who is knowingly present, as a spectator, at any place, building or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in RSMo 578.025(1), (2), with the intent to be present at such exhibition, fighting or injuring is guilty of a misdemeanor.

(b) Nothing in this section shall be construed to prohibit:

- (1) The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody of such livestock;
- (2) The use of dogs in hunting; or
- (3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

State law reference(s)--Similar provisions, RSMo 578.025.

Sec. 5-42. Sale of certain animals and fowl.

It shall be unlawful for any person to sell, offer for sale, barter or give away baby chickens, ducklings or other fowl, until fully feathered out, or rabbits or other animals under the age of two months as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits or other animals under the age of two months in proper facilities by breeders or stores engaged in the business of selling them to be raised for commercial purposes.

(Code 1969, § 6-26.1)

Sec. 5-43. Dyeing or artificially coloring animals and fowl.

It shall be unlawful for any person to dye or artificially color or cause to be dyed or artificially colored, in the city, baby chickens, ducklings or other fowl, not fully feathered out, or rabbits or other animals under the age of two months or to bring or transport such fowl, rabbits or other animals into the city so dyed or artificially colored, except for continuous transport through the city.

(Code 1969, § 6-26.2)

Sec. 5-44. Sale of dyed or artificially colored animals and fowl.

It shall be unlawful for any person to possess, sell, barter or give away within the city any dyed or artificially colored baby chickens, ducklings or other fowl, not fully feathered out, or rabbits or other animals under the age of two months.

(Code 1969, § 6-26.3)

Sec. 5-45. Killing, wounding and capturing animals and birds.

(a) Except as provided elsewhere by ordinance, it shall be unlawful for any person within the city to kill or attempt to kill, wound or attempt to wound, capture or attempt to capture any animal or bird within the city limits except to capture, by humane methods, one's own animal or bird that has escaped.

(b) Trapping of nuisance animals or birds is permitted only as authorized by the Missouri Wildlife Code and upon approval of the Missouri Department of Conservation or St. Joseph Animal Control and Rescue. Only live humane box traps may be used when trapping inside the city limits. Every trap shall be checked by the trapper on a daily basis.
(Code 1969, §§ 6-22, 6-23; G.O. 1798, 10-16-00)

Sec. 5-46. Disposition of abused and neglected animals.

(a) If a person is found guilty, or enters a plea of guilty, of animal neglect, animal abuse, cruelty or fighting of animals under the code and the court is satisfied that an animal owned or controlled by such person would be, in the future, subject to such neglect, abuse, cruelty or fighting, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the municipal court which may order destruction of the animal if the court deems necessary.

(b) All costs and expenses relating to the boarding, kenneling and destruction of any animal retained by the city for any period of time under this chapter shall be the responsibility of the owner. Payment of those costs may be ordered by the municipal court and collected with other court costs, fines and fees.
(G.O. 1884, 8-5-02)

Secs. 5-47--5-60. Reserved.

ARTICLE III. LIVESTOCK AND FOWL**Sec. 5-61. Disposition of impounded animals or fowl.**

(a) Whenever horses, cattle or swine are impounded by the public impounder, it shall be

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the duty of the public impounder to return the horses, cattle or swine to the owner thereof upon payment to the public impounder of an impoundment charge of \$100.00 for each animal impounded.

(b) Any person claiming any animal or fowl from the public impounder shall show satisfactory proof that he is entitled to the possession of the animal or fowl.

(c) If any impounded animal or fowl remains in the animal shelter or pound for five days without being claimed, the public impounder shall proceed to advertise the animal or fowl for sale by posting a notice in a public place at the pound, giving a description of the animal or fowl, together with the time, terms and place of sale. Such notice shall be posted at least three days before the date of sale.

(d) If no owner appears at or before the time of sale to claim such animal or fowl, the public impounder shall sell the animal or fowl at public auction to the highest bidder for cash, provided that the public impounder may place any such animal or fowl which is not sold in a suitable home for care.
(Code 1969, §§ 6-12--6-14; G.O. 1865, 12-26-01)

Sec. 5-62. Fowl at large; impoundment.

No chickens, ducks, geese, pigeons, turkeys or any other domestic or domesticated fowl shall be permitted to be at large within the limits of the city. All such fowl found at large shall be taken up and impounded by the public impounder.
(Code 1969, § 6-10)

Sec. 5-63. Manner of keeping fowl.

It shall be unlawful for any person to pen fowl upon any premises within 100 feet of any building or structure of any kind occupied by human inhabitants. Such fowl as are described in Section 5-62 shall be kept upon the premises of the owner thereof in pens or other enclosures so that the fowl shall not create an offensive, disagreeable or noxious smell or odor to the injury, annoyance or inconvenience of any inhabitant of the neighborhood in which the owner resides.
(Code 1969, § 6-11)

Sec. 5-64. Livestock at large; impoundment.

(a) No hogs, horses, mules, sheep, goats or cattle or livestock of any kind shall be permitted to run at large within the city or be herded or pastured in or upon any street, park or other public place in the city, and no such animals shall be kept or herded upon any unenclosed land within the city, unless securely tied so that the animal cannot travel upon, over or across any sidewalk, alley, street or other public thoroughfare or in any way injure any tree, shrubbery, fence, building or structure of any person not the owner of such animal.

(b) All such animals found running at large within the city limits or herded or pastured or kept in violation of the provisions of this section shall be taken up and impounded by the public impounder.

(Code 1969, § 6-9)

Sec. 5-65. Distance requirements for keeping livestock.

It shall be unlawful for any person to regularly pen, stable, maintain or keep any horses, cattle, swine, sheep or goats upon any premises within 100 feet from any building or structure of any kind occupied by human inhabitants.

(Code 1969, § 6-15)

Sec. 5-66. Maintenance of stables, pens, other enclosures; waste removal.

(a) It shall be the responsibility of every owner, occupant or person in charge of any barn, stable, stall, pen or enclosure in which any horse, mule, cattle, swine or any other livestock is kept or any place where manure or liquid discharge of any such animal collects or accumulates to cause such manure or liquid discharge to be removed. Such manure or liquid discharge shall be removed to some proper place outside the limits of the city, or deposited for disposal in an airtight container, to prevent the attraction of insects. Any manure so deposited in an airtight container for disposal shall be removed from the city at least once weekly. Any barn, stable, stall, pen or enclosure and the drainage yards and appurtenances shall at all times be kept or cause to be kept in a clean condition. Any manure allowed on any premises within the city for more than 24 hours, including cleanings from any barn, stable, corral, pen, truck, wagon or railroad car used for the stabling,

penning or transportation of animals or fowl is declared to be a nuisance and, in addition to the penalties provided in Section 1-14 of this code, subject to abatement by the health officer as provided by law.

(b) It shall be the responsibility of every owner, occupant or person in charge of any pen, run, cage or yard located within the city, wherein any dog, cat or other animal kept as a pet is maintained, to remove any manure or liquid discharge within 48 hours. Such manure or liquid discharge shall be removed to some proper place outside the limits of the city or deposited for disposal in an airtight container, to prevent the attraction of insects. Any manure so deposited in an airtight container for disposal shall be removed from the city at least once weekly. Any manure allowed on any premises in violation of this subsection is hereby declared to be a nuisance and in addition to penalties provided in Section 1-14 of this code, subject to abatement by the health officer as provided by law.

(Code 1969, § 6-16; G.O. 1765, 5-15-00)

Sec. 5-67. Location restrictions of public sales of livestock.

The gathering and keeping in pens or enclosures for public sale or the conducting of such public sale of any cattle, hogs, sheep, horses, mules or any other livestock at any place north of the line of Atchison Street and within 500 feet of any occupied residence property or of any open store or business house is declared to be and to constitute a public nuisance and is expressly prohibited.

(Code 1969, § 6-17)

Secs. 5-68--5-85. Reserved.**ARTICLE IV. DOGS AND CATS****DIVISION 1. GENERALLY****Sec. 5-86. Definitions.**

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

- (1) *Adequate rest between breeding cycles* means, at minimum, ensuring that dogs are not bred to produce more than two litters in any 18 month period.
- (2) *Bite* means any abrasion or laceration caused by a dog, cat or other animal's teeth, sufficient to break the skin.
- (3) *Boarding kennel* means any facility, structure, house, or other building, other than an animal shelter or animal rescue where dogs, not owned by the proprietor, are housed, fed and watered in return for a consideration. This definition shall include all boarding activities regardless of name used, such as but not limited to pet sitters. However, boarding kennel shall not include veterinarian clinics or individuals who temporarily, and not in the normal course of business, board or care for dogs owned by their friends; or pet sitters who provide care for dogs in the owner's residence.
- (4) *Breeding kennel* means any establishment or structure where more than four intact female dogs over the age of six months are kept for business or commercial purposes. For the purpose of this subsection, business or commercial purposes shall include the trade, purchase or sale of intact dogs for profit, or the keeping of intact dogs for breeding or exhibition purposes.
- (5) *Director* means the director of the department of health.
- (6) *Dog*, unless otherwise qualified, includes males, females, spayed females and castrated males.
- (7) *Inoculation or inoculation for rabies* means the inoculation of a dog or cat with a vaccine approved by the department of agriculture or the department of health of the state.
- (8) *Intact dog* means any animal or creature of the species of the domestic dog which has intact reproductive organs.
- (9) *Necessary veterinary care* means at minimum, examination at least once yearly by a licensed veterinarian; prompt treatment of any serious or prolonged illness or injury by a licensed veterinarian; and when needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed "acceptable" by the American Veterinary Medical Association.
- (10) *Own, owner* includes any person having a right of property in a dog or cat and any person who keeps or harbors a dog or cat or has it in his care or who acts as its custodian and any person who permits a dog or cat to remain at or about any premises occupied by him.
- (11) *Person* means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate or any other business entity.
- (12) *Rescue kennel* mean any facility, structure, house or other building used to house or contain dogs, operated or maintained by an incorporated humane society, animal welfare society, society for the protection of cruelty to animals or other for profit or not-for-profit organizations. An animal rescue is devoted to the welfare, protection and humane treatment of animals; or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted dogs or to offer them for adoption is also included in this definition.
- (13) *Sufficient food and water* means access to appropriate nutritious food at least once a day sufficient to maintain good health; and continuous access to potable water that is not frozen and is free of feces and algae, and reasonably free of debris and other contaminants.
- (14) *Sufficient housing, including protection from the elements* means the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a resting position, protection from the extremes of weather conditions, proper ventilation and appropriate space depending on the species of animal as

- required by regulations of the Missouri Department of Agriculture and notwithstanding any law to the contrary, the space requirement shall be three times the space allowable under the Department of Agriculture's regulation that was in effect on April 15, 2011. Except as prescribed by rule of the Missouri Department of Agriculture, provide constant and unfettered access to an attached outdoor run.
- (15) *Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs* means having (1) sufficient indoor space for each dog to turn in a complete circle without any impediment (including a tether); (2) enough indoor space for each dog to lie down and fully extend his or her limbs and stretch freely without touching the sides of an enclosure or another dog (with the exception of puppies under the age of eight weeks); (3) at least six inches of headroom above the head of the tallest dog in the enclosure; and (4) notwithstanding any law to the contrary, the space requirement shall be three times the space allowable under the Department of Agriculture's regulation that was in effect on April 15, 2011. Except as prescribed by rule of the Missouri Department of Agriculture, provide constant and unfettered access to an attached outdoor run.
- (16) *Vaccination, vaccination for rabies* have the same meanings as the words "inoculation" or "inoculation for rabies," respectively.
- (17) *Vicious dog* means:
- Any dog which, when unprovoked, in a vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places;
 - Any dog with a known propensity, tendency or disposition to unprovoked attack to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property;
 - Any dog owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting; or
 - Any dog which endangers or threatens to endanger the safety of the residents of the neighborhood.
- (Code 1969, § 6-42; G.O. 2432, 7-11-11)
- Cross reference(s)**--Definitions and rules of construction generally, § 1-2.
- (Editor's note:** Any breeding kennel, rescue kennel or board kennel currently licensed with the Missouri Department of Agriculture and in compliance with all business licenses, zoning ordinances and building regulations of the city shall adhere to the provisions of this ordinance by no later than January 1, 2016.)
- Sec. 5-87. Enforcement.**
- The director is authorized and directed to promulgate such rules and regulations as the director may deem necessary and proper, not inconsistent with this code, for the operation of the public pound or animal shelter and for the carrying out of the director's duties by the impounder. Whenever, in the opinion of the director, the danger to the public health or safety from rabid animals is great or imminent, the director shall take such reasonable steps as the director deems necessary for the control of all animals within the city limits. The director is authorized and directed to hire such temporary personnel, subject to approval of the council, as shall be necessary to enforce this article.
- (Code 1969, § 6-43)
- Sec. 5-88. Interference with public impounder.**
- Any person who shall physically interfere with, molest, hinder or prevent the public impounder or his representative from the discharge of his duties as prescribed in this article shall be deemed guilty of a misdemeanor.
- (Code 1969, § 6-65)
- Sec. 5-89. Determination of vicious dog.**
- (a) Any animal control and rescue officer shall have the authority to declare that a dog is vicious should the dog demonstrate behavior as defined in Section 5-86 of this chapter. A person may appeal this determination by:

- (1) posting a non-refundable bond with animal control and rescue sufficient to cover boarding costs until such time that a hearing can be convened and a decision is made. Said cash bond shall be set by the hearing officer and be paid to animal control and rescue within 72 hours of being established, and
- (2) serve written notice personally or by regular United States mail upon the manager of animal control and rescue within ten days of the dog being declared vicious requesting an administrative hearing.

The manager or his designee shall be empowered to convene a hearing for the purpose of hearing the appeal. The hearing shall be held promptly within no less than five days nor more than ten days after service of the notice of hearing from the hearing office upon the owner, keeper or harbinger of the dog. The owner, keeper or harbinger shall have the opportunity to present evidence as to why the dog should not be declared vicious. If the owner, keeper or harbinger has been duly notified of the hearing and fails to appear they are deemed to have waived their right to redeem their dog. The dog having been declared vicious shall be disposed of immediately in a humane manner.

(b) After the hearing, the owner, keeper or harbinger of the dog shall be notified in writing by certified and regular United States mail postage prepaid of the decision. If a determination is made that the dog is vicious, the owner, keeper or harbinger shall comply with the provisions of this chapter in accordance with a time schedule established by the manager, but in no case more than 10 days subsequent to the date of the decision. Any party aggrieved by a decision under this section shall have the right to appeal the manager's decision to the circuit court pursuant to Chapter 536 of the Revised Statutes of Missouri.

(c) If the animal control officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer may seize and impound the dog pending the outcome of the investigation and compliance with the provision outlined in Section

5-90 of this chapter if said dog is declared vicious. The owner, keeper or harbinger of the dog shall be liable to the city for the costs and expenses of keeping such dog.

(d) If a dog is declared vicious under this section, or, if the owner, keeper or harbinger has signed a waiver to a vicious dog hearing acknowledging the vicious propensity of the dog, and:

- (1) If the dog is retrieved from impoundment but the owner or keeper fails to timely comply with the provisions of this chapter, then the manager may order the impoundment and destruction of the dog; and/or
- (2) If the owner or keeper fails to retrieve the dog from impoundment by the date specified by the manager, then the manager may order the destruction of the dog.

(e) If the owner, keeper or harbinger of a suspected vicious dog shall refuse to surrender said dog to animal control and rescue upon request for a vicious dog investigation, they may be charged with interfering with the impounder in the performance of their duties pursuant to this chapter. If a person is found guilty of such offense by the municipal judge, the person must pay a fine of not less than \$100.00 nor more than \$500.00 and up to six months in jail.

(Gen. Ord. No. 983, § 1(6-62.1), 7-6-92; G.O. 1901, 10-14-02; G.O. 2003, 1-20-04; G.O. 2181, 7-3-06)

Sec. 5-90. Keeping vicious dog.

(a) *Restraint required.* Any vicious dog, as determined by the director, shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine a vicious dog must be locked with a key or combination lock when such animal is within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house vicious dogs must comply with all zoning and building regulations of the city. All

such structures must be kept in a clean and sanitary condition.

(b) *Leash and muzzle.* No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(c) *Confinement indoors.* No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when the screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) *Signs.* All owners, keepers or harborers of vicious dogs within the city shall display in a prominent place on their premises a sign easily readable by the public indicating that a vicious dog is on the premises. In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(e) *Insurance.* All owners, keepers or harborers of vicious dogs must provide proof to the animal control division of public liability insurance in a single-incident amount of \$100,000.00 for bodily injury to or death of any person which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days' written notice is first given to the animal control division. An effective insurance policy with the coverage and in the amounts specified in this section must be maintained by the owner, keeper or harborer at all times.

(f) *Destruction authorized.* If it shall appear to the municipal judge that a dog is vicious and that the owner of the dog is willfully allowing the dog to run at large, or has violated any of the provisions of this section, the municipal judge may, in addition to the usual judgment, order the

public impounder to take possession of and euthanize the dog.

(g) If the animal control manager has probable cause to believe that a dog determined vicious by the health director or anyone acting on his/her behalf; or if the owner has signed a waiver to the vicious dog determination hearing acknowledging the vicious propensity of the dog, and said dog is in violation of this section, said dog may be impounded and held pending the ruling of the municipal judge for disposition. The owner, keeper or harborer shall be responsible for all cost associated with impoundment, including impoundment fees, board fees and medical care. (Code 1969, § 6-62; G.O. 2004, 1-20-04)

Sec. 5-91. Certain dogs and cats declared nuisance.

Any dog or cat is declared a public nuisance, if such dog or cat:

- (1) Seriously disturbs a person or neighborhood by loud, frequent barking or howling. No charge will be filed against any person unless the complainant executes an affidavit indicating that he will testify in municipal court concerning such disturbance when notified of the date and time the matter is set for trial.
- (2) Threatens or causes a condition which endangers public health.

(Gen. Ord. No. 866, § 1(6-63), 4-1-91)

Sec. 5-92. Kennels.

(a) The director shall have the authority to promulgate regulations for the sanitary and humane operation of breeding kennels, rescue kennels and boarding kennels; said regulations shall be filed with the city clerk.

(b) The failure of the person to comply with the regulations as set forth by the director shall result a revocation of the person's kennel license, in addition to any citation for city code violations.

(c) A person who operates a breeding kennel, rescue kennel or boarding kennel shall pay an initial inspection/license fee of \$100.00. Thereafter, the person shall pay an annual inspection/license fee of \$75.00, and be inspected annually. As an option, the city will accept the inspection of either a licensed veterinarian or inspector from the Missouri Department of Agriculture as long as it meets the city's regulations. If a breeding kennel, rescue kennel or boarding kennel requires additional inspections due to non-compliance items, the person shall pay a fee of \$100.00 for each inspection necessary to verify non-compliance items are resolved.

(d) A person who operates a breeding kennel, rescue kennel or boarding kennel shall comply with all business licenses, zoning ordinances, and building regulations of the city.

(e) Any person found guilty of animal neglect or animal abuse shall not be allowed to operate a breeding kennel, rescue kennel, or boarding kennel.

(Code 1969, § 6-64; G.O. 2432, 7-11-11)

(Editor's note: Any breeding kennel, rescue kennel or board kennel currently licensed with the Missouri Department of Agriculture and in compliance with all business licenses, zoning ordinances and building regulations of the city shall adhere to the provisions of this ordinance by no later than January 1, 2016.)

Sec. 5-93. Dogs at large.

(a) It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any dog, whether licensed or not, to permit the dog to leave the premises of the owner or keeper thereof, unless it is securely tied or led by a line or leash of a length of not more than six feet.

(b) Any person who shall violate or fail to comply with this section shall be deemed guilty of a misdemeanor upon conviction, punishment shall be assessed as follows:

- (1) For the first conviction, by a fine of not less than \$25.00 nor more than \$500.00 and/or up to 30 days incarceration.
- (2) For the second conviction within a consecutive twelve month period by a fine of not less than \$75.00 nor more than

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\$500.00 and/or up to 90 days incarceration.

- (3) For the third and subsequent convictions in a consecutive twelve month period by a fine of not less than \$200.00 nor more than \$500.00 and/or up to six months incarceration.

(c) Fines received for violations or failure to comply shall be deposited in the public health fund.

(Code 1969, § 6-55(a); G.O. 2220, 4-9-07)

Sec. 5-94. Confinement of female dogs in heat.

All female dogs shall be kept securely confined in an enclosed place while in heat. If, in the opinion of the director, a female dog in heat confined to a premises creates a serious neighborhood nuisance, the owner shall within 24 hours of notice, provide satisfactory quarters for such female to eliminate the nuisance.

(Code 1969, § 6-60)

Sec. 5-95. Biting dogs, cats or other animals.

(a) In all cases where a dog or domestic cat bites a person, such dog or cat shall be impounded and placed for observation in the city animal shelter, an approved veterinary hospital in or near the city or any other place approved by the director for a period of ten days. If the dog or cat is well and healthy at the end of the ten-day period, a person proving ownership may claim it subject to the payment of the appropriate fees. Should such dog or cat confined in a veterinary hospital become ill or die during the confinement, the veterinarian shall notify the department of health immediately.

(b) In the case of a bite concerning an animal other than a dog or domestic cat, state department of health guidelines pertaining to rabies control will be followed.

(c) A person determined to be guilty of failure to confine a bite animal pursuant to subparagraph (a) of this section by the municipal judge shall be assessed a fine of not less than \$100.00 nor more than \$500.00 and/or up to six months in jail. Every day the animal is not confined during the ten day period constitutes a new violation. In addition to any assessed fines, the municipal judge may order restitution for any medical

treatment to people or animals or for property damages as a result of the bite incident.

(Code 1969, § 6-61; G.O. 2182, 7-3-06)

Sec. 5-96. Maintenance of pens or enclosures.

Every pen, run, cage, yard, establishment or dwelling wherein any dog or cat is kept shall be maintained so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of surrounding neighbors.

(Code 1969, § 6-67)

Sec. 5-97. Abandonment.

It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any dog or cat to abandon, desert or forsake such dog or cat.

(Code 1969, § 6-66(a))

Sec. 5-98. Litter permit required.

(a) Any person which maintains an unsterilized dog or cat and allows or fails to prevent the breeding of the same, sells or offers for sale, gives away or offers to give away, or has in their possession a litter of dogs or cats and is not in possession of a breeders permit issued by the animal control and rescue division of the department of health and registered therewith, must pay to the city a litter fee of \$100.00 within ten working days after the whelping thereof. Fifty dollars of this fee will be paid back to the owner if they provide written proof of sterilization from a licensed veterinarian within 30 days of contact by animal control and rescue. An extension may be granted if a licensed veterinarian states it is necessary in writing. Transfer of ownership of the animal shall not void this fee.

(b) Said person must present to the animal control section a list describing the animals by breed, color, sex and markings, therein registering the litter with the city. This list will remain on file until a transfer of ownership notice is received by the animal control section of the department of health for each animal.

(c) The animal control section of the department of health shall furnish the permit holder with printed information regarding animal control services and regulations which shall be

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provided by the same to the new owner of any dog or cat if the owner resides within the corporate limits of the city.

(d) Any person convicted of violating this section shall be summoned to court and assessed a fine of not less than \$100.00 and not in excess of \$500.00.

(e) Transfer of ownership, death or the loss of the dam and/or sire shall not waive the litter permit fee, but may waive any fine.

(f) This section shall not apply to kennels, both professionally and individually owned, inspected or licensed by another government agency. (G.O. 1288, 4-10-95; G.O. 1436, 7-15-96; G.O. 2183, 7-3-06)

Sec. 5-99. Breeders - permit required.

(a) Any person which maintains unsterilized dog(s) and/or cat(s) for the purpose of breeding with the intent to cause the whelping of or sale of or transfer of ownership of the same must pay an annual breeders permit fee of \$20.00 to the animal control section of the department of health prior to such action.

(b) Each person subject to the provisions of this section shall:

- (1) Not allow the whelping of more than one litter per each dog or cat in a 12 month period in order to protect the wellbeing of the animal;
- (2) In the event a permit holder is forced to destroy a litter of dogs or cats due to poor health or disease, with the same verified by a licensed veterinarian, the supervisor of animal control may authorize the whelping of one additional litter within the same permit year;
- (3) Cause all dogs and cats, prior to their sale or transfer of ownership, to be immunized against common disease. In the case of dogs, said immunizations shall be against distemper, parvo, adenovirus type-2, coronavirus and parainfluenza; in the case of cats, said immunizations shall be against panleukopenia, rhinotrachetis and calicivirus. Upon the sale or transfer of ownership of a dog or cat, a signed

statement from the seller/transferor attesting to his knowledge of the animal's health shall be tendered to the buyer/transferee, and said statement shall include the animal's immunization history;

- (4) Not sell, transfer ownership of or release any dog or cat, until such time that the animal has become accustomed to taking solid food and has done so without nursing for a period of at least five days; and
- (5) Furnish the animal control section of the department of health with a complete transfer of ownership notice (provided by the animal control section) for each dog or cat sold or transferred within five days after the same.

(c) The animal control section of the department of health shall furnish the permit holder with printed information regarding animal control services and regulations which shall be provided by the permit holder to the new owner of any dog or cat from a litter if the owner resides within the corporate limits of the city.

(d) Persons subject to this section shall not publish or advertise the sale or giving away of any dog or cat unless said publication or advertisement is accompanied by their permit number.

(e) Each permit issued hereunder shall expire one year from the date of issuance. However, a permit may be renewed at any time up to and including the last day of the calendar month in which it is due to expire.

(f) The payment of a permit fee shall not exempt the permit holder from compliance with any other applicable provisions of this ordinance.

(g) Any person in possession of a permit convicted of violating any subsection of this section shall be summoned to court and assessed a fine of no less than \$1.00 and not in excess of \$500.00. Only a person in possession of a breeders permit may be convicted of a violation of this section.

(h) This section shall not apply to kennels, both professional and individually owned, which

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are inspected or licensed by another government agency.

(G.O. 1289, 4-10-95)

Sec. 5-100. Cat(s) injuring or destroying property of others considered nuisance.

It shall be unlawful for any person to own, or allow to be in or upon any premises occupied by him/her and under his/her control, any cat(s) that in any manner materially damages or destroys any real or personal property of any description belonging to another person.

(G.O. 1552, 8-25-97)

Sec. 5-101. Apprehension of cats considered nuisance.

(a) Apprehension of cats considered a nuisance pursuant to Section 5-100 of this chapter may be undertaken by the affected person or their designee. Animal control and rescue personnel may serve as designee for affected person as determined by the animal control and rescue manager or health director and agreed by the affected person. The animal shelter will make available humane box traps to be used by the complainant or their designee to apprehend such cats upon receipt of a signed affidavit alleging such nuisance pursuant to Section 5-100.

(b) A person borrowing a humane trap must pay a \$50.00 damage/replacement deposit, which will be refunded when the trap is returned to the animal shelter and the person must adhere to conditions outlined in an "animal trap release waiver of claims" form.

(c) All cats apprehended pursuant to this article shall be handled in accordance to Section 5-144 of this code.

(G.O. 1552, 8-25-97; G.O. 2105, 6-20-05)

Sec. 5-102. Cremation services and fees.

(a) The animal control and rescue shelter will provide cremation services for dogs and cats for the following fees:

- (1) For congregate cremations, with ashes returned, the following fees apply:
 - a. Small pet (1 to 24 lbs.) \$30.00
 - b. Medium pet (25 to 49 lbs.) \$40.00

- c. Large pet (50 to 99 lbs) \$45.00
- d. X-large pet (over 99 lbs.) \$60.00

- (2) For individual cremations, with ashes returned, the following fees apply:

- a. Small pet (1 to 24 lbs.) \$ 70.00
- b. Medium pet (25 to 49 lbs.) \$ 80.00
- c. Large pet (50 to 99 lbs) \$ 90.00
- d. X-large pet (over 99 lbs.) \$100.00

- (3) All congregate cremations, with no ashes returned, are subject to the following fee: \$10.00

- (4) Practicing veterinarians within the City limits may be offered a 20% discount for the congregate and individual cremation with the ashes returned.

(b) The animal control and rescue division will provide pet retrieval services for cremation for an additional \$10.00 fee. The \$10.00 pet retrieval fee may be waived by the animal control and rescue manager for local veterinarians' clinics which participate in the sale of the city registration tags.

(c) For the purpose of this section, "congregation cremations" means that more than one animal may be cremated in the crematorium at the same time. There is no guarantee that the ashes returned to the animal owner will be those of a specific animal when "congregation cremation" is the chosen method.

(G.O. 2106, 6-20-05)

Sec. 5-103. Canine good citizen program.

(a) The animal control and rescue division may offer to the citizens of the City of St. Joseph, Missouri the American Kennel Club Canine Good Citizen Program for a fee of \$15.00. Upon receipt of the \$15.00 fee and the canine passing all ten items of the canine good citizen test, the canine's owner shall be presented a (canine good citizen) test registration form.

(b) It shall be the responsibility of the canine's owner to submit the canine good citizen test registration form with any additional required fees to the American Kennel Club for the Canine Good Citizen frameable certificate.

(G.O. 2389, 6-28-10)

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Sec. 5-104. Individual Management for Protection of Animal Care and Treatment (IMPACT) Program.

The animal control and rescue division may implement an educational program to be titled Individual Management for Protection of Animal Care and Treatment Program also to be known as the IMPACT Program. The following charges shall apply to individuals attending the IMPACT Program.

- (1) The program may be ordered or offered by the municipal court judge to defendants who have either pled guilty or have been found guilty of either; animal abuse, animal neglect, or an individual who has repeatedly violated Chapter 5 "Animals" of the Code of Ordinances of the City of St. Joseph, Missouri. Any person ordered by the court, or any person who agrees to attend the program as a repeated offender shall pay a fee of \$50.00. This fee may be in lieu of any fines, or the fee may be in addition to any fine and costs as determined by the municipal court judge.
- (2) Any resident of the City of St. Joseph, Missouri wanting to participate in the program to enhance their animal husbandry knowledge and skills may do for a fee of \$25.00.

(G.O. 2390, 6-28-10)

Sec. 5-105. Removal of dog waste from property.

(a) It shall be illegal for any person owning, possessing or having control of a dog to allow such dog to defecate upon the public property of the city or upon the private property of another unless the person immediately removes the feces and properly disposes of it in a sanitary manner.

(b) A citation may be issued to a person owning, possessing or having control of a dog if any animal control and rescue officer witnesses the dog defecating upon public property of the city or upon the private property other than that owned or rented by the person owning, possessing or having control of the dog and the person fails to immediately remove the feces and properly dispose of it in a sanitary manner.

(c) A citation may be issued against a person owning, possessing or having control of a dog for violation of this section if any individual witnessing a dog defecating upon the public property of the city or upon the private property other than that owned or rented by the person owning, possessing or having control of the dog is willing to execute an affidavit indicating that he/she will testify in municipal court concerning the violation.

(G.O. 2437, 7-25-11)

Secs. 5-106--5-115. Reserved.

DIVISION 2. REGISTRATION AND VACCINATION OF DOGS OR CATS

Sec. 5-116. Exemptions.

(a) *Seeing Eye dogs.* No charge shall be made for registration and furnishing tags for Seeing Eye dogs while used as such by any blind person, provided that an affidavit of such services is filed with the director of finance and that such dog shall be vaccinated in compliance with this division.

(b) *Kennels.* Dogs confined in a professional kennel which is licensed by the city and approved by the director shall be exempt from this division, provided that such dogs are at no time allowed to run at large.

(Code 1969, § 6-49)

Sec. 5-117. Registration and vaccination required.

(a) Every owner of any dog or cat at more than three months of age in the city shall register the dog or cat with the city manager or his/her designee, whether said dog or cat is confined to a premises or not, and shall obtain and keep on the neck of any such dog or cat a collar or harness to which shall be attached the registration tag received from the city manager or his/her designee. Such registration shall be renewed annually or within one week from the rabies vaccination expiration date, whichever shall come first. Registration tags are not transferable from one dog to another, or one cat to another.

(b) The owner of any dog or cat shall also have such dog or cat vaccinated in accordance with this division.

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(c) It shall be unlawful to own a dog or cat in violation of this section.

(d) Any person who shall violate or fail to comply with this section shall be deemed guilty of a misdemeanor upon conviction, punishment shall be assessed as follows:

- (1) For the first conviction by a fine of not less than \$25.00 nor more than \$500.00 and/or up to 30 days incarceration.
- (2) For the second conviction within a consecutive 12 month period by a fine of not less than \$75.00 nor more than \$500.00 and/or up to 90 days incarceration.
- (3) For the third and subsequent convictions in a consecutive 12 month period by a fine of not less than \$200.00 nor more than \$500.00 and/or up to six months incarceration.

(e) Fines received for violation of failure to comply shall be deposited in the public health fund.

(Code 1969, § 6-44; G.O. 1254, 1-30-95; G.O. 2221, 4-9-07; G.O. 2338, 8-10-09)

Sec. 5-118. Certificate of vaccination prerequisite to registration.

No registration tag shall be issued for any dog or cat by the city manager or his/her designee unless a valid certificate or statement of rabies vaccination signed by a veterinarian is provided. The certificate shall show the date the rabies vaccination was administered; the type of vaccine; the expiration date of the vaccination; the vaccine serial number; the vaccine manufacturer's name; the sex, breed and color of the dog or cat; and the owner's name and address. (Code 1969, § 6-45; G.O. 1254, 1-30-95; G.O. 2339, 8-10-09)

State law reference(s)--Protection against rabies, RSMo ch. 322.

Sec. 5-119. Certificate, tag evidencing registration.

The city manager or his/her designee shall deliver to every owner who registers any dog or cat a certificate stating that such person has registered same and containing the registration tag number and shall deliver to every such person a metal check or tag on which shall be stamped or engraved the registration number, the year the tag was issued and the words "Animal Registration, St. Joseph, Missouri."

(Code 1969, § 6-46; G.O. 1254, 1-30-95; G.O. 2340, 8-10-09)

Sec. 5-120. Fee for registration.

(a) The annual or partial annual registration fee for each spayed or neutered dog or cat registered under this division shall be the sum of \$5.00. For an unaltered dog or cat the sum shall be \$15.00, and for any dog declared vicious, or any dog for which the owner has signed an acknowledgment form attesting to the vicious disposition of said dog, the sum shall be \$50.00.

(b) Written verification that the dog or cat has been spayed or neutered must be provided by the owner's veterinarian so that the proper registration fee may be charged. If no verification is received, then the sum of \$15.00 shall be charged. (Gen. Ord. No. 991, §§ 1(6-47), 2, 7-20-92; G.O. 1254, 1-30-95; G.O. 1865, 12-26-01; G.O. 2107, 6-20-05; G.O. 2341, 8-10-09)

Sec. 5-121. Records of registration.

The director of finance shall keep a record giving the name of the owner of every dog or cat registered under the provisions of this division and the number of the certificate of registration, together with a general description of the dog or cat registered and the vaccination date, type and certificate number. (Code 1969, § 6-48; G.O. 1254, 1-30-95)

Sec. 5-122. Duplicate tags or checks.

In case of loss, a duplicate check or registration tag shall be issued by the director of finance for the sum of \$0.25. (Code 1969, § 6-51; G.O. 1254, 1-30-95)

Sec. 5-123. Registration of replacement dog or cat.

If a properly registered dog or cat dies or is killed during the registration period, on satisfactory proof thereof, a replacement dog or cat may be registered after proof of vaccination for the sum of \$1.00, provided that no refund shall be made on an animal registration payment. (Code 1969, § 6-52; G.O. 1254, 1-30-95)

Sec. 5-124. Removal of collar, harness, registration tag.

No person shall remove or cause to be removed the collar, harness or registration tag from any registered dog or cat without the consent of the owner thereof. (Code 1969, § 6-53; G.O. 1254, 1-30-95)

Sec. 5-125. Unlicensed dogs.

It shall be the duty of the public impounder to take possession of all dogs and bitches found within the city limits without license tags and confine them in the public pound or shelter. (Code 1969, § 6-54)

Sec. 5-126. Microchip fee.

Animal control and rescue will implant a microchip into any dog or cat for the fee of \$10.00 to be paid for by the owner regardless of place of residence.

(G.O. 2108, 6-20-05)

\$7.50 microchip fee to the animal control and rescue division, then said dog or cat may be released.

Secs. 5-127--5-140. Reserved.

DIVISION 3. IMPOUNDMENT

Sec. 5-141. Impoundment of dogs at large.

It shall be the duty of the public impounder to take possession of all dogs, whether licensed or not, found within the city limits running at large and to confine them in the animal shelter.

(Code 1969, § 6-56)

Sec. 5-142. Destruction of dogs at large.

If, after reasonable effort by the public impounder, a dog running at large in violation of Section 5-141 cannot be impounded, whenever in the judgment of the director the dog is putting persons to fear or is causing a serious neighborhood nuisance, the dog may be destroyed by the police department on written request from the director.

(Code 1969, § 6-57)

Sec. 5-143. Redemption.

(a) An impounded dog (other than those dogs listed in Section 5-148 of this chapter) or cat may be released from animal control and rescue to any person proving ownership or right to possession.

- (1) The person shall produce a certificate of ownership showing that the animal has been duly registered and, upon the payment of a redemption fee of \$10.00 for the first offense in a 12 month period, \$25.00 for the second offense in a consecutive 12 month period and \$50.00 for the third or additional offense in a 12 month period and/or up to six months in jail,
- (2) A spay or neuter deposit (as predetermined by the manager of animal control and rescue in conjunction with local veterinarians) shall also be paid with the boarding fee of \$8.00 per day and a

(b) A person wishing to claim a dog (other than those dogs listed in Section 5-148 of this chapter) or cat not registered shall pay a \$10.00 redemption fee for the first offense in a 12 month period, \$25.00 for the second offense in a consecutive 12 month period and \$50.00 for the third or additional offense in a 12 month period and/or up to six months in jail, a spay or neuter deposit (as predetermined by the manager of animal control and rescue in conjunction with local veterinarians), a \$8.00 per day boarding fee and a \$7.50 microchip fee. The spay/neuter deposit shall be refunded within 30 days if the animal is licensed and satisfactory proof from a veterinarian is submitted that such animal has been spayed or neutered, except in the case of puppies or kittens where the animal must be sterilized within 30 days of becoming two months of age. Otherwise, the deposit shall be considered forfeited.

(c) The manager of animal control and rescue, or his designee, shall issue a receipt containing the name and address of the person claiming the dog or cat, the fees paid, a description of the dog or cat and the impounder's signature. A registration application fee shall also be collected. If said dog or cat is three-months of age or older, it must be vaccinated for rabies by a licensed veterinarian and registered with the city within five working days. If the dog or cat is less than three-months of age, it must be vaccinated by a licensed veterinarian and registered within five days of becoming three months of age. A person claiming an animal to be kept or harbored outside the city limits shall be exempt from the registration requirement of this division.

(Code 1969, § 6-58; G.O. 1249, 12-19-94; G.O. 1663, 11-2-98; G.O. 2005, 1-20-04; G.O. 2109, 6-20-05; G.O. 2184, 7-3-06; G.O. 2198, 9-25-06)

Sec. 5-144. Disposal of unclaimed, impounded dogs and cats.

(a) *Unregistered dogs and cats.* All unregistered dogs and cats which shall have remained in the public pound or animal shelter for five days, counting the day of pickup as one day, and including at least one Saturday, without being claimed and released, shall be euthanized in a humane manner or shall be sold and the proceeds

of such sale shall be deposited with the director of finance, provided that the manager of animal control and rescue may place such animal which is not sold in a suitable place for care. The manager of animal control and rescue or his/her designee may decline the adoption of any animal(s) based on the breed, behavior, health or the inherently dangerous nature of the animal to persons or other animals.

(b) *Registered dogs and cats.* All registered dogs and cats which shall have remained in the animal shelter ten days shall be handled as in the case of unregistered dogs and cats, except that the ten days shall commence from the time a notice is placed in the mail addressed to the owner of record of said dog or cat.

(c) *Records.* It shall be the duty of the manager of animal control and rescue to make a record of all dogs and cats euthanized, adopted or otherwise disposed of under the provisions of this article. Said record shall be at all times open to inspection.

(Code 1969, § 6-59; G.O. 1250, 12-19-94; G.O. 1254, 1-30-95; G.O. 1664 - 11-2-98; G.O. 2192, 8-28-06)

Sec. 5-145. Handling fee - surrendered animals.

(a) There shall be a \$10.00 handling fee for residents of the City of St. Joseph and a \$40.00 handling fee for non-city residents collected by animal control and rescue for each animal surrendered to the animal control and rescue division by its rightful owner.

(b) There shall be a \$40.00 handling fee plus a \$10.00 per day boarding fee collected by animal control and rescue for each stray animal delivered by non residents of the City of St. Joseph. All stray animals must be held a minimum of five days including one Saturday pursuant to the regulations of the Missouri Department of Agriculture Animal Care Facilities Act (ACFA). (G.O. 1255, 1-30-95; G.O. 1865, 12-26-01; G.O. 2110, 6-20-05; G.O. 2336, 7-27-09)

Sec. 5-146. Adoption of unclaimed and impounded dogs and cats.

(a) A person wishing to purchase an unclaimed and/or impounded dog shall pay a \$10.00 purchase price, a spay/neuter fee (that has been predetermined by the manager of animal control and rescue or his/her authorized representative in conjunction with local veterinarians), a \$7.50 microchip fee and a \$15.00 rabies and preventive vaccination fee.

(b) A person wishing to purchase an unclaimed and/or impounded cat shall pay a \$5.00 purchase price, a spay/neuter fee (that has been predetermined by the manager of animal control and rescue in conjunction with local veterinarians), a \$7.50 microchip fee and a \$15.00 rabies and preventive vaccination fee.'

(c) It shall be the duty of animal control and rescue staff to arrange transportation of the purchased animal to a local veterinarian for sterilization and vaccination prior to being released to purchaser. It shall be the responsibility of purchaser to redeem the animal from the veterinarian clinic within 24 hours of date and time notified. The unreasonable failure to redeem animal within time specified will result in forfeiture of all rights to said animal and any monies paid.

(d) The manager of animal control and rescue, or his/her authorized representative, shall issue a receipt containing the purchaser's name and address, a description of the animal, the fees paid, date and time of purchase and the employee's signature. He shall also require a license application providing for (rabies) vaccination by a licensed veterinarian in or near the city and for registration of the dog or cat, provided however, that a person claiming an animal to be kept or harbored outside the limits of the city shall be exempt from the registration requirements of this division.

(G.O. 1665, 11-2-98; G.O. 2006, 1-20-04; G.O. 2209, 12-18-06)

Sec. 5-147. Animal shelter contract users, fees.

Any governmental entity that does not have animal shelter facilities in its jurisdiction, or does not have adequate animal shelter facilities to meet the needs and demands of said entity may contract with the City of St. Joseph, Missouri, to

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provide animal shelter services for animals impounded by that entity. Any entity that desires to enter into an agreement shall use, and be bound by the terms and conditions of the animal shelter contract user agreement. The agreement shall include provisions for the procedures for delivery, reclamation, destruction and adoption of animals impounded by such contracting entity and delivered to the City of St. Joseph, as well as all fees, costs and expenses to be charged for such services. The director of health, or his or her designated representative shall have the authority to enter into this agreement on behalf of the city. The specific form of the animal shelter contract user agreement shall be approved by the council by resolution.

(G.O. 1672, 11-30-98)

Section 5-148. Redemption and requirements of certain dogs.

(a) Any American Staffordshire Terrier, American Pit Bull Terrier, Pit Bull Terrier or Rottweiler, or any dog mixed with one of these breeds that has been impounded may be released from the pound or animal shelter to any person proving ownership or right to possession. Said person shall:

- (1) pay a redemption fee of \$10.00 for the first offense in a 12 month period, \$100.00 for the second offense in a consecutive 12 month period, \$200.00 for the third offense in a consecutive 12 month period and \$300.00 for any additional offense(s) in a consecutive 12 month period and/or up to six months in jail; and
- (2) provide a secure kennel to house the dog; and
- (3) pay a spay/neuter fee (as predetermined by the manager of animal control and rescue in conjunction with local veterinarians); and
- (4) pay a \$7.50 microchip fee; and
- (5) pay a boarding fee of \$8.00 per day; and
- (6) pay a vaccination fee of \$15.00 and city registration fee of \$5.00 (if animal is not currently vaccinated against rabies and registered with the city).

(b) All impounded dogs as described in Subsection (a) of this section if impounded a second time within a 12 month period must be housed in a secure kennel when outside; tethering of any type is prohibited. The kennel must be constructed with a secure top and floor to prevent the dog from escaping. The kennel must be kept locked at all times. The kennel must be constructed and inspected by animal control and rescue prior to the dog being released.

(c) All impounded dogs as described in subsection (a) of this section shall be spayed or neutered prior to being released to the owner or person having the right to possession.

(d) All dogs identified in subsection (a) of this section are prohibited from being tethered outside its kennel after redemption from animal control and rescue.

(e) The determination of a dogs' breed by the animal control and rescue manager, or his designee, shall be final.

(G.O. 2197, 9-25-06; G.O. 2210, 12-18-06)

Secs. 5-149--5-170. Reserved.

ARTICLE V. BEEKEEPING

Sec. 5-171. Definitions.

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

Apiary means any place or location where one or more colonies or nuclei of bees are kept.

Bees means any stage of the common honeybee, *Apis mellifera*, or other bees kept for the production of honey or wax.

Hive means any domicile for keeping bees. One hive houses one swarm consisting of one queen and workers.

(Gen. Ord. No. 1172, § 1(6-70), 5-23-94)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

(8/1/11)

Sec. 5-172. Within corporate limits.

It shall be unlawful for any person to place, establish, or maintain any hive, stand, box, apiary, or keep any bees in or upon any premises within the corporate limits of the city unless the bees are kept in accordance with the provisions of this article.

(Gen. Ord. No. 1172, § 1(6-71), 5-23-94)

Sec. 5-173. Requirements for hives, stands, boxes, or apiaries.

(a) No person shall establish or maintain any hive, stand, box, or apiary or keep any bees on any premises within 50 feet of any occupied dwelling, except the dwelling of the owner of such bees, or within 25 feet of any property line, sidewalk, alley, or other public way. No person shall establish or maintain a number of hives, stands, boxes, or apiaries on any premises such as to constitute a nuisance to neighboring property owners as determined by the director or his designee based on all provisions of this article. The distance requirements shall be enforced with the exception of an adjacent property owner or occupant who may request in a written affidavit to the director that the distance requirement be waived pertaining to their property line. The affidavit may be voided at any time upon request from the submitting owner or occupant.

(b) No bees shall be kept upon any land not owned or possessed by the keeper of such bees without first obtaining written permission to do so from the owner or person lawfully in possession of such land, which permission may be revoked at any time.

(c) All apiaries maintained within the city must be securely enclosed by at least a four-foot fence. All gates must be locked with a key or combination lock at all times.

(d) A conspicuous sign identifying the site as housing bees and warning of danger shall be posted at entrance and exit points of all apiary enclosures.

(Gen. Ord. No. 1172, § 1(6-72), 5-23-94)

Sec. 5-174. Subsequent development of adjacent properties.

If adjacent property is later developed, or residential structures located closer than the

distances prescribed in Section 5-173(a), the keeper shall move such hives, stands, boxes, or apiaries to comply with this article.

(Gen. Ord. No. 1172, § 1(6-73), 5-23-94)

Sec. 5-175. Water facilities.

Fresh, clean water facilities for the bees shall be provided within 25 feet of each hive, stand, box or apiary.

(Gen. Ord. No. 1172, § 1(6-74), 5-23-94)

Sec. 5-176. Power of director to remove or destroy bees.

Whenever the director of health shall find, and so declare, that a public health nuisance or emergency exists by reason of beekeeping within the city limits, or by failure to comply with the provisions of this article, the director may order the removal or destruction of any apiary in order to preserve the public health and welfare.

(Gen. Ord. No. 1172, § 1(6-76), 5-23-94)

Sec. 5-177. Exemptions.

Nothing in this article shall be deemed or construed to prohibit the keeping of bees within a school or university building for the purpose of study or observation, or within a physician's office or laboratory for the purpose of medical research, treatment, or other scientific purposes.

(Gen. Ord. No. 1172, § 1(6-75), 5-23-94)