

BILL NO. 2023-181

ORDINANCE NO. 11897

**AN ORDINANCE OF THE CITY OF SEDALIA AMENDING THE CITY CODE REGARDING THE REGULATION OF ANIMALS.**

**WHEREAS**, the City Council, in consultation with Animal Control staff, desire to simplify the provisions of the Animal Code; and

**WHEREAS**, the Animal Control department, in carrying out its duties, shall be authorized to obtain administrative search warrants to inspect premises for suspected animal code violations; and

**WHEREAS**, the City Council, in consultation with Animal Control staff, desire to exempt activities related to the annual Missouri State Fair occurring on the state fairgrounds from the Sedalia Animal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEDALIA, MISSOURI AS FOLLOWS:**

**SECTION ONE.** The City Code is hereby amended by amending Article I of Chapter 8 as follows

Article I. In General

Section 8-1 Intent and purpose.

The intent and purpose of this chapter is ensure the public safety from all non-human living creatures, while also to require responsible animal ownership to protect the welfare of all living creatures.

Section 8-2 Definitions

*Domesticated Animals* means animals which have reproduced while in captivity in the United States for at least two generations. A particular animal shall not be regarded as domesticated unless both parents are themselves domesticated animals. For the purposes of prosecution or litigation under this Chapter, the burden of proof to establish that an animal is domesticated shall rest entirely on the owner to prove the animal satisfies this definition by clear and convincing evidence.

Section 8-3. Penalties.

Any person violating any provision of this chapter shall be subject to penalties as provided in section 1-14 and in the city fine schedule, in addition to any specific penalties provided in this chapter. The euthanization of an animal pursuant to this Chapter does not constitute a penalty, sanction, or sentence, but is a public safety and/or animal welfare measure.

**SECTION TWO.** The City Code is hereby amended by amending Article III of Chapter 8 to read as follows:

**SECTION THREE.**

### Article III. Regulations

#### Section 8-57 Possessing animals.

- (a) The following types of animals may kept in the city without a permit: birds, fish, guinea pigs, hamsters, mice, and turtles except when prohibited by part (b). Domesticated dogs and cats do not require a permit, but such animals do require a license as described in this Chapter.
- (b) Animals that are listed as endangered by the United States Fish and Wildlife Service or animals that produce venom that can be fatal to humans shall not be in kept in the city limits. Animals that weigh in excess of 250 pounds shall only be kept on property that is zoned an agricultural district as defined in Chapter 64.
- (c) Any animal not covered by section a or b may be kept in the city limits only upon written approval of the Sedalia Director of Animal Control, who shall have discretion in granting or denying approval based upon the circumstances of each animal and owner. The Director may revoke approval as appropriate for good cause. The determination of the Director may be overturned by resolution of the City Council.

#### Section 8-58. Animal habitats to be clean, sanitary; inspection authorized,

- (b) An animal control officer or police officer may at any time seek authorization to inspect any structure or premises from either the structure or premises owner or may seek an administrative search warrant as described in Chapter 16. An animal control officer or police officer may issue any such order as may be necessary to carry out the provisions of this section. A violation of this section shall be punishable as specified in section 1-14.

#### Section 8-59

- (e) Any person who is convicted of their animal biting on two occasions within a given 12-month period shall, on the second conviction, be subject to a jail sentence at the discretion of the municipal judge.

#### Section 8-60. Animal abuse.

##### (a) *Actions that constitute misdemeanors.*

- (1) Any person who does any of the following shall be deemed guilty of a misdemeanor:
  - a. Cruelly overwork any domestic animal;
  - b. Cruelly drive or work the same when unfit for labor;
  - c. Abandon the same without means for survival;
  - d. Beat, ill-treat, torment;
  - e. Cause injury or unnecessary pain to any animal;
  - f. Carry or cause the same to be carried, moved or kept in or upon any vehicle in a cruel or inhumane manner; or
  - g. Impound or cause to be impounded or confined in any place, any animal or creature and fail to supply the same during such confinement with sufficient good and wholesome food and water, proper shelter with sufficient living space, protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (2) An animal's area must be free of litter and hazardous substances and objects and must have access to shade from direct sunlight and must allow regress from exposure to inclement weather conditions.

- (3) The opinion testimony of the Director of Animal Control on the topic of an animal's welfare shall be admissible at trial to prove animal abuse. The Director shall be subject to cross-examination as to that opinion and the Director's qualifications.
- (4) This section shall not obstruct or impede a person from lawfully surrendering their animal to the staff of the Sedalia Animal Shelter provided the person makes contact with the staff and then executes the necessary paperwork to complete an owner surrender. The undocumented abandonment or release of an animal on the grounds of the Sedalia Animal Shelter is unlawful.

Section 8-61. Refusal to deliver animal to animal control officer or police officer.

It shall be unlawful for any person to refuse to deliver up to an animal control officer or police officer, any animal of any kind when requested to do so under the provisions of this chapter. Upon collection of the animal, the animal control officer or police officer shall provide the animal's owner with a written receipt for the animal. The owner has five (5) business days from the date of the receipt to contest the collection of the animal by notifying the municipal prosecutor in writing of their objection.

Sec. 8-63. Sale of certain animals less than two months of age prohibited.

- (a) It shall be unlawful for any person to sell, offer for sale, barter, trade, 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.
- (b) It shall be illegal to sell, barter, or trade any animal within city limits without a current and valid license to do so from the Missouri Department of Agriculture.
- (c) It shall be lawful to donate or otherwise give away an animal. The exchange of such animals shall occur only on residential private property.

Section 8-67. Snake keeping.

All snakes must be submitted for licensing as described in Section 8-67.

Section 8-72. Limitation upon the number of animals to be kept in a household.

- (a) No person may keep more than three (3) animals of any kind in a household without the written approval of the Sedalia Director of Animal Control, who shall have discretion in granting or denying approval based upon the circumstances of each animal, household, and owner. The Director may revoke approval as appropriate for good cause. The determination of the Director may be overturned by resolution of the City Council.
- (b) For the purposes of this section, a household shall mean an individual domicile, to include a house or apartment. In the case of an apartment building, the limitation applies to each individual unit or apartment, such that more than three animals may be cumulatively kept in the building.
- (c) This section 8-72 shall not apply to property zoned as an agricultural district as defined in Chapter 64.

Section 8-92 Animal at Large

2. Any person who is convicted of animal at large on three occasions within a given 12-month period shall, on the third conviction, be subject to a jail sentence at the discretion of the municipal judge.

**SECTION FOUR.** The City Code is hereby amended by amending Article V of Chapter 8 to read as follows:

Article V. Livestock

Section 8-199.

The following livestock animals/fowl are allowed to be kept on property zoned as an agricultural district as defined in Chapter 64.

- (1) Horse;
- (2) Pony;
- (3) Mule;
- (4) Cow;
- (5) Swine,
- (6) Rabbits,
- (7) Fowl,
- (8) Sheep, and
- (9) Goats.

**SECTION FIVE.** Article VI. Missouri State Fairgrounds Exempted

Section 8-200

The provisions of this chapter shall not apply to the activities on the Missouri State Fairgrounds during or related to the Missouri State Fair.

**SECTION SIX.** Repeal of Conflicting Ordinances.

The provisions of any ordinance or code section in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

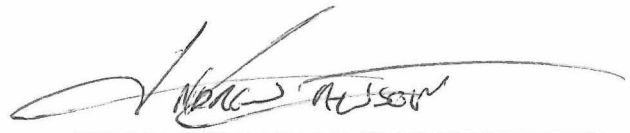
**SECTION SEVEN.** Effective Date.

This ordinance shall be in full force and effect from and after the date of its passage and approval.

**SECTION EIGHT.** Severability.

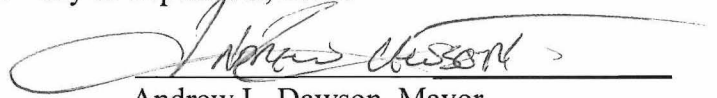
The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 5<sup>th</sup> day of September, 2023.



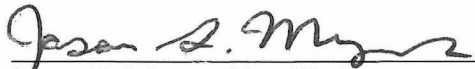
Presiding Officer of the Council

Approved by the Mayor of said City this 5<sup>th</sup> day of September, 2023.



Andrew L. Dawson, Mayor

ATTEST:



Jason S. Myers, City Clerk