

AN ORDINANCE OF THE CITY OF BELTON AMENDING CHAPTER 4, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF BELTON, MISSOURI.

WHEREAS, the City of Belton, Missouri Code of Ordinances was recodified in October 2011 and from time to time, the Code of Ordinances may be amended, supplemented, modified, or repealed by the City Council; and

WHEREAS, the Belton Police Department and Animal Control Division have found the proposed amendments to be in the best interest of public health and safety; and

WHEREAS, the City Council desires to amend the Code of Ordinances to increase the effectiveness and quality of the city's animal control services.

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

- Section 1.** That Chapter 4 of the Code of Ordinances, City of Belton, Missouri, is hereby amended with additions shown in **bold** notation and deletions shown in ~~strike through~~ notation as detailed and attached in **Exhibit A** incorporated hereto as if fully set forth herein.
- Section 2.** That all ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed.
- Section 3.** That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

READ FOR THE FIRST TIME: November 30, 2021

READ FOR THE SECOND TIME AND PASSED: December 14, 2021

Approved this 14th day of December, 2021.



Mayor Norman K. Larkey, Sr

Mayor Norman K. Larkey, Sr

ATTEST:



Andrea Cunningham, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON) SS
COUNTY OF CASS)

I, Andrea Cunningham, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was introduced for first reading at a meeting of the City Council held on the 30th day of November, 2021, and thereafter adopted as Ordinance No. 2021-4679 of the City of Belton, Missouri, at a meeting of the City Council held on the 14th day of December, 2021, after the second reading thereof by the following vote, to-wit:

AYES: 8 COUNCILMEMBER: Kraft, Powell, Trutzel, Mayor Larkey,
Clark, Peek, Lawson, Gough

NOES: 0 COUNCILMEMBER:

ABSENT: 1 COUNCILMEMBER: Savage



Andrea Cunningham, City Clerk
of the City of Belton, Missouri

Chapter 4 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following terms as used in this chapter shall have the following meanings:

Animal: Any living vertebrate creature, domestic, exotic or wild, other than humans.

Dangerous animal:

- (1) Any animal that has inflicted a severe or fatal injury on a human being on public or private property.
- (2) Any animal that has **severely injured or** killed a domestic animal, dog, or cat without provocation, while off the owner's property.
- (3) Any animal owned, possessed or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting.
- (4) Any animal that has bitten a human being without provocation on public or private property other than the property of the owner.
- (5) Any animal that, while on the owner's property, has bitten without provocation a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept.
- (6) Any animal that, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds or private property other than the property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by such an animal.
- (7) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings, domestic animals, dogs or cats.

Domestic animal: Any animal customarily raised for food, agricultural or recreation purposes, including, but not limited to cows, horses, goats, sheep, and chickens but not including dogs, cats or other pet animals.

Exotic animal or wild animal: Any animal which is not of a species customarily used kept as a household pet, or commonly raised for food or agricultural purposes, but one which would ordinarily be confined to a zoo or other exhibit, or one which would ordinarily be found in the wilderness of this or any other country. This definition

¹State law reference(s)—Agriculture and animals, RSMo 261.010 et seq.; disposal of dead animals, RSMo 269.010 et seq.; animals restrained from running at large, RSMo 270.010 et seq.; strays, RSMo 271.010 et seq.; fences and enclosures generally, RSMo 272.010 et seq.; local option regarding fences and enclosures, RSMo 272.210; dogs and cats, RSMo 273.010 et seq.; local option dog tax, RSMo 273.040 et seq.; animal care and facilities licensing and regulation, RSMo 273.325 et seq.; adoption and purchase of animals from shelters and human societies, RSMo 273.400 et seq.; pet spay and neuter fund, RSMo 301.387; authority for municipal inspection of animals intended as food, RSMo 71.730; offenses against police animals, RSMo 575.350, 575.353; animal neglect and abandonment, RSMo 578.009; animal abuse, RSMo 578.012; impoundment of animal running at large, RSMo 578.016; keeping dangerous wild animals, RSMo 578.023.

includes hybrids with wolves, coyotes or other animals, but does not include fish and captive species of common birds.

Livestock: Cattle, swine, horses, mules, sheep, goats and all other domestic animals.

Owner: Any person owning, keeping or harboring an animal or any person who possesses or allows any animal to habitually remain or to be lodged or fed within his or her house, yard or property **for five (5) days or more.**

Poultry: Geese, ducks, chickens, turkeys and all other domestic fowl.

Severe injury: Any physical injury, resulting directly from an animal's bite, confrontation or attack, that results in broken bones, lacerations requiring stitches or in-patient hospitalization.

(Code 1976, § 6-1; Ord. No. 67.308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 86-1609, § 1, 2-11-1986; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 1, 4-24-2007; Ord. No. 2014-4008, § 1, 6-24-2014)

State law reference(s)—Dog defined, RSMo 273.010, 273.040; boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, hobby or show breeder, and pet shop defined, RSMo 273.325; dangerous animals, RSMo 578.023.

Sec. 4-2. Police department, animal control officer to enforce chapter provisions.

Members of the police department and the animal control officer of the city shall be responsible for determining the applicability of the definitions of this chapter to any animal and shall have the power to enforce the provisions of this chapter, including, but in no way limited to, the powers to issue notice of violation of the provisions of this chapter and, as far as permissible under the laws of the state and ordinances of the city, to enter upon private property after observing any violation of the provisions of this chapter for the purpose of enforcement.

(Code 1976, § 6-1.01; Ord. No. 79-1039, § 19, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2014-4008, § 2, 6-24-2014)

Sec. 4-3. Penalty for chapter violations.

Each person convicted of violating any of the provisions of this chapter shall be punished by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days or both such fine and imprisonment.

(Code 1976, § 6-1.02; Ord. No. 79-1039, § 21, 11-13-1979; Ord. No. 86-1609, §§ 2, 13, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987)

Secs. 4-4—4-24. Reserved.

ARTICLE II. ANIMAL CARE AND CONTROL

Sec. 4-25. Unreasonably noisy animals prohibited.

No person shall keep, maintain or harbor any horse, livestock, poultry, dog or cat which, by loud, frequent or habitual utterances of vocal sounds, unreasonably annoys or disturbs other persons.

(Code 1976, § 6-1.03; Ord. No. 79-1039, § 17, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2014-4008, § 3, 6-24-2014)

Sec. 4-26. Cruel and abusive treatment; fighting between animals or between animals and humans.

No person shall cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. Any animal which is subjected to treatment prohibited in this section may be impounded in accordance with the provisions of this article.

(Code 1976, § 6-1.1; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 86-1609, § 3, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2014-4008, § 4, 6-24-2014)

State law reference(s)—Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009; baiting or fighting of animals unlawful, RSMo 578.173.

Sec. 4-27. Exposing to poison.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her own property common rat poison mixed only with vegetable substances.

(Code 1976, § 6-1.2; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 87-1766, § 1, 10-13-1987)

State law reference(s)—Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009.

Sec. 4-28. Providing sufficient food and shelter, veterinary care and humane care and treatment; Control feeding of feral, stray and wild animals.

- (a) No owner or person caring for an animal shall fail to provide such animal with sufficient and wholesome food and water, proper shelter and protection from the weather, adequate space, veterinary care when needed to prevent suffering, and with human care and treatment. Any animal not afforded the care and treatment described and required in the section may be impounded in accordance with the provisions hereof.
- (b) No person shall provide food for cats, dogs, or wildlife, other than those owned by that person, by setting such food out on the exterior portion of the person's home or residence.
- (c) Exceptions include the following:
 - 1. Any person who is the legal owner of a wild animal and the wild animal is kept in compliance with all applicable state and local laws.
 - 2. Any person who feeds or provides food to a trapped, injured, or unweaned wild animal.
 - 3. Any person with a bird feeder intended to feed songbirds, provided the feeder is suspended on cable or other device to make it inaccessible to wild animals, and the area below the feeder is kept free from the accumulation of seed debris.
 - 4. Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided all reasonable efforts are made to reduce attractants to wild animals while feeding livestock/farm animals and in the storage of animal feed.

5. Nothing in this section shall restrict citizens' ability to maintain ornamental plants or vegetable gardens on their property, provided all reasonable efforts are made to reduce wild animals feeding from such ornamental plants or vegetable gardens.

(Code 1976, § 6-1.3; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 86-1609, § 4, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2014-4008, § 5, 6-24-2014)

State law reference(s)—Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009.

Sec. 4-29. Abandonment.

No owner or person caring for an animal shall abandon such animal.

(Code 1976, § 6-1.4; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 87-1766, § 1, 10-13-1987)

State law reference(s)—Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009.

Sec. 4-30. Animals as inducements and prizes.

No person shall give away any fish, reptile, bird or live animal, other than a cow, pig, sheep or full grown turkey, as a prize for or as an inducement to enter a place of amusement, or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(Code 1976, § 6-1.5; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-31. Duties of operators of motor vehicles upon striking an animal.

Any person who, as the operator of a motor vehicle, strikes any animal shall render assistance, immediately report such injury or death to the animal's owner, or shall at once report the accident to a city police officer.

(Code 1976, § 6-12.1; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-32. Animal traps.

- (a) It shall be unlawful for anyone to set or use traps of the type commonly referred to as "steel jaw traps" or "leghold traps" or traps that will inflict injury or death to any animal, wild or domestic, or be injurious to humans within the city limits. Live traps that are humane to animals and not injurious to the animals when captured may be used.
- (b) The animal control officer shall have the power to confiscate any trap that is in violation of this section and handle according to law.
- (c) Animal control officers performing their official duties are exempted from the prohibitions of this section.

(Code 1976, § 6-16; Ord. No. 81-1207, §§ 1—5, 12-22-1981; Ord. No. 87-1766, § 1, 10-13-1987)

State law reference(s)—Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009.

Sec. 4-33. Dangerous animals, exotic animals and wild animals prohibited.

- (a) *Prohibition.* The owning, keeping and harboring of any dangerous, exotic or wild animal is hereby prohibited, except as provided in subsection (b) of this section, and no person shall keep or permit to be kept any dangerous, exotic or wild animal as a pet other than dangerous dogs as regulated by article III, division 2, of

this chapter. The animal control officer shall have the authority to declare an animal dangerous if such animal demonstrates dangerous behavior or has demonstrated prior dangerous behavior, is deemed inherently dangerous due to the nature of the animal, or presents a violation of any of the provisions of this chapter.

- (b) *Exception.* Dangerous, exotic or wild animals may be kept in a properly maintained and licensed zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge, only after animals have been registered with the animal control office. The Federal Animal Welfare Act must be strictly followed if any dangerous, exotic or wild animal is to be kept by a zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.
- (c) *Notice.* Upon the written complaint of any person that a person owns, or is keeping or harboring a dangerous, exotic or wild animal within the city in violation of this section, the animal control officer shall conduct an investigation, and if the investigation reveals evidence that indicates that such person named in the complaint is in fact the owner, keeper or harbinger of any such dangerous, exotic or wild animal in the city, the city shall mail written notice, return receipt requested, to the property owner where the animal is located requiring the safe removal of the animal from the city within five days.
- (d) *Severe injury or death to any person.* If a dangerous, exotic or wild animal has caused severe injury or death to any person, the city shall cause the animal to be immediately seized and impounded without notice to the owner. No such animal may be redeemed by the owner or possessor unless ordered by the animal control officer and the chief of police, or his or her designee, or by order of a court of competent jurisdiction, and the city shall have the power to destroy such animal as an exercise of police power to protect the health and safety of the city.
- (e) *At large.* If a dangerous, exotic or wild animal has escaped and is at large, the city shall cause the animal to be immediately seized and impounded. The animal control officer shall make reasonable efforts to immediately notify the owner or possessor of said animal of the seizure and impoundment. Any animal impounded may be redeemed by its owner or possessor from the location where impounded during business hours or as authorized by the supervisor of said facility. Any animal not redeemed from the city within ten days shall be disposed of at the discretion of the animal control officer and the chief of police. or his or her designee.
- (f) *Noncompliance.* If, after notice as described in subsection (d) above, the person owning, keeping or harboring a dangerous, exotic or wild animal has failed to comply with the notice to remove the animal within the specified time period, the city shall forthwith cause the animal to be seized and impounded. Any animal so impounded may be redeemed by its owner or possessor during business hours as authorized by the supervisor of said facility when the owner or possessor provides proof to the animal control officer and the chief of police, or his or her designee, that a site outside of the city has been prepared for the relocation and removal of the animal. Any animal not redeemed within ten days shall be disposed of at the discretion of the animal control officer and the chief of police, or his or her designee.
- (g) *Seizure and impoundment.* Any animal seized and impounded by the city, for any reason, shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept own, keep or harbor such animals. If, during either the seizure or impoundment of any such animal or both, the animal poses a risk of causing severe injury or death to any persons, such person or persons authorized by the city may render the animal immobile by means of tranquilizer or other safe drugs, and if such mobilization cannot be safely performed, then the animal shall be destroyed as an exercise of police power to protect the health and safety of the city.
- (h) *Expenses.* Any reasonable expenses incurred by the city in seizing, impounding and confining any dangerous, exotic or wild animal shall be charged against the owner, keeper or harbinger of such animal. Such charges shall be in addition to any fine or penalty provided for violating this section.

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- (i) *Appeals.* The owner, keeper or harbinger of any dangerous, exotic or wild animal may appeal the findings of the animal control officer by filing a written request for a hearing on the matter with the chief of police, or his or her designee, within five days of receipt of a notice requiring the removal of the animal from the city.

(Code 1976, § 6-17; Ord. No. 86-1609, § 7, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 90-1966, § 1, 3-27-1990; Ord. No. 01-2782, § 1, 5-8-2001; Ord. No. 01-2841, § 1, 11-13-2001; Ord. No. 2007-3341, § 2, 4-24-2007; Ord. No. 2014-4008, § 6, 6-24-2014)

State law reference(s)—Keepers of dangerous wild animals must register, RSMo 578.023.

Sec. 4-34. Reserved.

Editor's note(s)—Ord. No. 2014-4008, § 6, adopted June 24, 2014, repealed § 4-34 Editor's note(s)—, which pertained to horse riding, driving livestock, poultry on sidewalks, and derived from Code 1976, § 6-11; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987.

Sec. 4-35. Erection of signs prohibiting animals on specific streets, sidewalks.

The mayor or his or her designee is authorized to erect or have erected signs on any sidewalk or roadway or street prohibiting the riding of horses thereon by any person or the driving of livestock or poultry thereon by any person, and when such signs are in place, no person shall disobey the same.

(Code 1976, § 6-12; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

Secs. 4-36—4-58. Reserved.

ARTICLE III. DOGS AND CATS²

DIVISION 1. GENERALLY

Sec. 4-59. Limitation on number kept, maintained, etc., at residence; exception.

- (a) It shall be unlawful and it is hereby declared a public nuisance for any person in charge of a residence to keep, harbor or maintain or allow to be kept more than four dogs or four cats or any combination of such animals exceeding four in number, for longer than 90 days.
- (b) Such unlicensed dogs or cats exceeding four in number, shall not be allowed under any circumstances unless such animals are part of a litter belonging to a licensed animal otherwise allowed on the premises or unless the residence is licensed as a commercial animal establishment with proper zoning classification thereto.

(Code 1976, § 6-25; Ord. No. 79-1039, § 18, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 88-1843, § 1, 9-27-1988)

²State law reference(s)—Dogs and cats, RSMo 273.010 et seq.; local option dog tax, RSMo 273.040 et seq.

Sec. 4-60. Confinement required, when.

The owner shall confine any female dog or cat in heat within a building, in such manner that the dog or cat shall not be accessible to other dogs or cats except for planned breeding.

(Code 1976, § 6-29; Ord. No. 86-1609, § 6, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-61. Running at large prohibited.

~~All dogs and cats must be confined to the premises of the owner, keeper or harborer thereof, except when taken off the premises on a leash, in a car or other conveyance, or in a crate or carrier suitable for shipment.~~

- (a) It shall be unlawful for any person owning, controlling, harboring, possessing, or having the management or care, in whole or in part, of any dog, to permit such dog to run at large. For the purpose of this article, for every dog when on any street, alley or any other public place in the city or when on private property within the city, which is either not attached to a leash, the other end of which is securely held, or which is not so confirmed as to prevent its straying from the premises, or not securely confined as to prevent its straying from the premises, or not securely confined in a cage or motor vehicle shall be deemed running at large. Dogs attached to leashes, ropes or chains which are staked into the ground in yards without the confinement behind a fence shall not be staked in a manner that permits the dog, regardless of the length of such leash, rope or chain, to come within ten (10) feet of all walkways, sidewalks, or streets to allow the safe unhindered passage of person utilizing said walkways, sidewalks or streets. .
- (b) It shall be unlawful for any person to own, control, harbor, possess, manage or care for or have the management or care, in whole or part of any cat which is not under control. For the purpose of this article, cats which cause injury to person or damage to property shall be deemed not under control.

(Code 1976, § 6-48; Ord. No. 64-160, § 1, 9-8-1964; Ord. No. 79-1039, § 11, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987)

State law reference(s)—Animals restrained from running at large, RSMo 270.010 et seq.; strays, RSMo 271.010 et seq.; fences and enclosures generally, RSMo 272.010 et seq.; local option regarding fences and enclosures, RSMo 272.210; dogs prohibited from running at large, RSMo 322.020.

Secs. 4-62—4-80. Reserved.

DIVISION 2. DANGEROUS DOGS

Sec. 4-81. Compliance required.

No person or owner shall harbor, maintain or allow to be in or upon any premises occupied by him or her or under his or her charge or control any dog which has been deemed to be a dangerous animal pursuant to the provisions hereof without adhering to the requirements of this article.

The animal control officer shall have the authority to declare a dog dangerous based upon the definition of such animal defined in this chapter.

It shall be unlawful for the owner, keeper, or harborer of a dangerous animal to fail to comply with the requirements and conditions set forth in this chapter. Failure to comply within ten (10) days will result in

immediate seizure and impound. Animal control may request a court order for removal and/or destruction from a Belton municipal judge.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-82. Leash and muzzle.

No person shall permit a dangerous dog to go outside its kennel or pen unless such dangerous dog is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous 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 dangerous dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all dangerous dogs on a leash outside the dog's kennel must be muzzled by a muzzling device sufficient to prevent such dangerous dog from biting other persons or other animals.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-83. Confinement.

- (a) All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in section 4-82. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous dogs must be locked with a key or combination lock when such dogs are 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 dangerous dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (b) No dangerous dogs 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 dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-84. Warning signs.

All owners, keepers or harborers of dangerous dogs within the city shall, within ten days of the effective date of the ordinance from which this chapter is derived, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dangerous Dog." In addition, a similar sign is required to be posted on the kennel or pen of such dog.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-85. Registration.

Owners of dangerous dogs within the corporate limits of the city shall be required to register their dogs with the animal control officer as a "dangerous dog" within 30 days of the effective date of the ordinance from which

this section is derived, or upon the determination that the dog is a dangerous animal by the animal control officer, or a court of competent jurisdiction. The registration shall be accompanied by a registration fee in the amount provided in the city schedule of fees and charges.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-86. Identification photographs.

All owners, keepers or harborers of dangerous dogs must, within ten days of the effective date of the ordinance from which this chapter is derived, provide to the animal control department two color photographs of the dog clearly showing the color and approximate size of the dog.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-87. Duty to report changes in animal's status.

All owners, keepers or harborers of dangerous dogs must within ten days of the incident, report the following information in writing to the animal control department as required hereinafter:

- (1) The removal from the city or death of a dangerous dog.
- (2) The birth of offspring of a dangerous dog.
- (3) The new address of a dangerous dog owner should the owner move within the corporate city limits.
- (4) The deletion, expiration or change in liability insurance policies maintained as required in this section.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-88. Sale and transfer restricted.

No person shall sell, barter, or in any other way dispose of a dangerous dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided, that the registered owner of a dangerous dog may sell or otherwise dispose of a dangerous dog or offspring of such dog to persons who do not reside within the city.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-89. Liability insurance required.

The owner or keeper of a dangerous dog shall present to the animal control department proof that the owner or keeper has procured public liability insurance in a single incident in the amount of at least \$300,000.00 for bodily injury to or death of any person or for damage to property owned by any persons which may result from the ownership of such dog. The policy must stay in effect while the dangerous dog is maintained in the city. This policy shall contain a provision requiring the city to be notified by the insurance company of any cancellation, termination or expiration of the policy.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-90. Violations and penalties.

Any person violating or permitting the violation of any provision of this section shall upon conviction in municipal court be fined a sum not less than \$500.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 90 days. In addition to all other applicable penalties for violation of this chapter, upon violation of this article the court shall order the registration of the subject dog revoked and the animal removed from the city. Should the defendant refuse to move the dangerous dog from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the dog. Each day that a violation of this section continues shall be deemed a separate offense. In addition to all other applicable penalties the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Sec. 4-91. Appeals.

Any person who owns, harbors, or maintains a dog deemed to be dangerous under the provisions hereof by the animal control officer, which declaration must be personally served or mailed by U.S. mail, certified, return receipt requested, by said animal control officer, shall have the right to appeal such determination to the chief of police or his or her designee within ten days after being personally served with notice of such written determination or within 15 days after the mailing of said notice as aforesaid. Further appeal may be heard by the city council.

(Code 1976, § 6-18; Ord. No. 86-1609, § 12, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2007-3341, § 3, 4-24-2007)

Secs. 4-92—4-110. Reserved.

DIVISION 3. GUARD DOGS

Sec. 4-111. Defined.

For the purpose of this division, the term "guard dog" means a dog not owned by a governmental unit that is used to guard public or private property.

(Code 1976, § 6-18.1; Ord. No. 01-2841, § 2, 11-13-2001; Ord. No. 2007-3341, § 4, 4-24-2007)

Sec. 4-112. Confinement.

No person shall own, keep, harbor, maintain or allow to be on any premises occupied by him or her or under his or her charge or control any guard dog without such dog being confined behind a fence from which it cannot escape or within any part of a house or structure except when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure; and must not be used or maintained in a manner which, as determined by the animal control department, endangers individuals on or off the premises guarded.

(Code 1976, § 6-18.1; Ord. No. 01-2841, § 2, 11-13-2001; Ord. No. 2007-3341, § 4, 4-24-2007)

Sec. 4-113. Registration.

All guard dogs residing in or used as such in the city must be registered annually with the animal control department. The registration shall be accompanied by a registration fee in the amount provided in the city schedule of fees and charges.

(Code 1976, § 6-18.1; Ord. No. 01-2841, § 2, 11-13-2001; Ord. No. 2007-3341, § 4, 4-24-2007)

Sec. 4-114. Warning signs.

The owner or keeper shall display on the premises guarded that there is a guard dog on the property. This sign shall be visible and capable of being read from the roadway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.

(Code 1976, § 6-18.1; Ord. No. 01-2841, § 2, 11-13-2001; Ord. No. 2007-3341, § 4, 4-24-2007)

Sec. 4-115. Liability insurance required.

The owner or keeper of a guard dog shall present to the animal control department proof that the owner or keeper has procured liability insurance in the amount of at least \$300,000.00. The policy must stay in effect while the guard dog is maintained in the city. This policy shall contain a provision requiring the city to be notified by the insurance company of any cancellation, termination or expiration of the policy.

(Code 1976, § 6-18.1; Ord. No. 01-2841, § 2, 11-13-2001; Ord. No. 2007-3341, § 4, 4-24-2007)

Secs. 4-116—4-143. Reserved.

DIVISION 4. RABIES CONTROL

Sec. 4-144. Removal from city of animals suspected of rabies.

It shall be unlawful for any person knowing or suspecting a dog, cat or any other animal of having rabies to allow such dog, cat or other animal to be taken from the city without the written permission of the animal control officer or, in his or her absence, the chief of police.

(Code 1976, § 6-15; Ord. No. 79-1039, § 20, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-145. Biting dog or cat.

A dog or cat which bites a person shall immediately be quarantined by the owner, keeper or harbinger thereof with a doctor of veterinary medicine for a period of ten consecutive days after said biting incident at the sole expense of the owner, keeper or harbinger thereof. It shall be the duty of the owner, keeper or harbinger of such dog or cat to notify the animal control officer of the date and place of confinement. Prior to the release of said dog or cat, the owner, keeper or harbinger shall obtain a certificate from the veterinarian showing the dog or cat to be free of rabies and shall deliver said certificate to the animal control officer and to the person bitten by said dog or cat. If said dog or cat is determined to have rabies, the owner, keeper or harbinger thereof shall immediately notify the animal control officer and the person bitten.

(Code 1976, § 6-26; Ord. No. 64-160, § 2, 9-8-1964; Ord. No. 79-1039, § 1, 11-13-1979; Ord. No. 86-1609, § 3, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-146. Dogs or cats suspected of having rabies.

If a dog or cat is suspected of having rabies or has been bitten by any animal suspected of having rabies, but has not bitten a person, such dog or cat shall be confined by a leash or chain on the home premises and quarantined from contact with other animals for ten consecutive days and shall be placed under the observation of a veterinarian for said period at the expense of the owner, keeper or harbinger of the dog or cat. In addition, it shall be the duty of the owner, keeper or harbinger of said dog or cat to notify the animal control officer that the dog or cat has been or may have been exposed to rabies.

(Code 1976, § 6-27; Ord. No. 79-1039, § 2, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-147. Power to impound; penalty for violations.

- (a) In the event an owner, keeper or harbinger of any dog or cat who has bitten a person or is suspected of having rabies or has been bitten by any animal suspected of having rabies shall fail to abide by the provisions of this division, the animal control officer may have such dog or cat quarantined in a pound or private veterinary hospital for examination for rabies at the expense of the owner, keeper or harbinger of the dog or cat.
- (b) Any owner, keeper or harbinger who shall be convicted of violating any of the provisions of section 4-145 or 4-146 shall be subject to a fine of not more than \$200.00, in addition to court costs and any costs incurred by the animal control officer in quarantining, impounding, and obtaining the examination of said dog or cat by a veterinarian as provided in this division.

(Code 1976, § 6-28; Ord. No. 79-1039, § 3, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-148. Required veterinarian tag.

No person shall own, keep or harbor any dog or cat over four months of age within the city limits unless such animal has been vaccinated against rabies within the last 12 months, and has been issued a receipt and tag from a licensed veterinarian as herein provided, which tag the dog or cat shall wear at all times.

(Code 1976, § 6-36; Ord. No. 65-197, § 1, 7-6-1965; Ord. No. 67-282, § 1, 5-4-1967; Ord. No. 79-1039, § 5, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 97-2477, § 2, 10-28-1997)

Sec. 4-149. Unlawful to use veterinarian tag of another dog or cat.

No person shall use a veterinarian tag for any dog or cat which was previously issued for a different dog or cat.

(Code 1976, § 6-37; Ord. No. 65-197, § 1, 7-6-1965; Ord. No. 67-282, § 1, 5-4-1967; Ord. No. 79-1039, § 6, 11-13-1979; Ord. No. 81-1198, § 1, 11-24-1981; Ord. No. 85-1544, § 23, 5-29-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 97-2477, § 2, 10-28-1997)

Secs. 4-150—4-166. Reserved.

PART II - CODE OF ORDINANCES
Chapter 4 - ANIMALS
ARTICLE III. - DOGS AND CATS
DIVISION 5. IMPOUNDMENT AND DISPOSITION

DIVISION 5. IMPOUNDMENT AND DISPOSITION

Sec. 4-167. Impounding of dogs and cats running at large.

~~It shall be the duty of the animal control officer or, in his or her absence, police officers of the city to capture all dogs or cats running at large within the city and place them in a pound or shelter house maintained, operated or designated by the city for such purposes. However, if the owner, keeper or harbinger of the dog or cat in violation of the provisions of section 4-61 may be determined, such dog or cat may be immediately returned to said owner, keeper or harbinger.~~

When a law enforcement officer or animal control officer detects an animal in violation of 4-61, the officer shall make a reasonable attempt to determine, when possible, the owner of such animal. Animals may be seized and impounded at the discretion of the officer. Impounded animals will be transferred to the city's contracted shelter. Owners seeking to recover impounded animals are responsible for all cost associated to care for such animal.

(Code 1976, § 6-49; Ord. No. 64-160, § 3, 9-8-1964; Ord. No. 79-1039, § 12, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987)

State law reference(s)—Impounding of dogs, RSMo 273.100; impoundment of animal found off custodian's property, RSMo 578.016; municipal authority to impound animals and impose lien for cost thereof, RSMo 430.165.

Sec. 4-168. Owner to be notified of impoundment.

If a dog or cat wears a veterinarian tag or if an owner of a dog, cat, or other animal can by any other reasonable means be identified or located, the owner shall, if at all possible, be notified that the dog, cat, or other animal has been impounded. However, failure of the owner to be notified shall not excuse any violation of this chapter or any expenses for which the person would otherwise be responsible.

(Code 1976, § 6-50; Ord. No. 64-160, § 4, 9-8-1964; Ord. No. 79-1039, § 13, 11-13-1979; Ord. No. 86-1609, § 9, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 97-2478, § 1, 10-28-1997)

Sec. 4-169. Owner's redemption fees.

- (a) An owner redeeming a captured dog or cat shall pay, before release, a redemption fee and a daily boarding fee in the amount provided in the city schedule of fees and charges. Before redeeming a dog or cat, the owner shall provide a receipt from a licensed veterinarian that the dog or cat has been vaccinated against rabies, or said dog or cat shall be vaccinated against rabies by a licensed veterinarian within two business days of release and proof of said vaccination shall be submitted to the animal control office within that time period.
- (b) In addition to any redemption fee for an impounded animal, an owner redeeming any animal from impoundment shall pay, before release, any veterinarian charge and the prevailing board fee charged the city for each 24 hours, or fraction thereof, that the dog or cat has been impounded. This shall not apply to "dangerous animals" that have been seized or impounded.

(Code 1976, § 6-51; Ord. No. 64-160, § 4, 9-8-1964; Ord. No. 79-1039, § 14, 11-13-1979; Ord. No. 86-1609, § 10, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 97-2478, § 1, 10-28-1997)

Sec. 4-170. Disposition of unredeemed dogs, cats or dangerous animals.

If a dog, cat or other animal is not redeemed by the owner within five business days after impoundment, the dog, cat or other animal may be disposed of in one of the following ways:

- (1) Euthanasia, using a method approved by the Humane Society of the United States.
- (2) Release for adoption by a new owner who shows evidence of ability and intention to provide the dog, cat, or other animal with an appropriate home and humane care, and who has the dog, cat or other animal vaccinated against rabies by a licensed veterinarian within 48 hours. Proof of said vaccination shall be submitted to the animal control office within the time period.

(Code 1976, § 6-52; Ord. No. 64-160, § 4, 9-8-1964; Ord. No. 79-1039, § 15, 11-13-1979; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 97-2478, § 1, 10-28-1997)

Secs. 4-171—4-193. Reserved.

ARTICLE IV. LIVESTOCK AND POULTRY

Sec. 4-194. Sale of chickens and ducklings.

Chickens or ducklings younger than eight weeks of age may not be sold in quantities of less than 25 to a single purchaser.

(Code 1976, § 6-1.6; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-195. Keeping livestock.

No person shall keep any livestock in a building used for residential purposes or where more than five persons are employed in said building where such livestock is being maintained. This prohibition shall not apply where the persons residing or working in such building is employed to care for such livestock.

(Code 1976, § 6-2; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-196. Keeping livestock near residences; number of animals kept.

No livestock shall be kept or maintained within 75 feet of the nearest portion of any building occupied by or in any way used by human beings as a residence, other than such dwelling occupied by the owner or keeper of such animal or animals. Beyond the aforementioned limitation of 75 feet, not more than two animals per acre or part of an acre shall be kept or maintained; provided, however, a limitation of two animals shall not apply to a riding stable, a commercial stockyard or land zoned for agricultural purposes.

(Code 1976, § 6-3; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2003-2991, § 1, 8-12-2003)

Sec. 4-197. Keeping poultry.

It shall be unlawful, and it is hereby declared a public nuisance for any person in charge of a residence to keep, harbor or maintain or allow to be kept more than four poultry animals per acre or part of an acre at such residence unless the residence is licensed as a commercial animal establishment with proper zoning classification therefor.

(Code 1976, § 6-3.1; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2003-2991, § 1, 8-12-2003)

Sec. 4-198. Keeping livestock to conform to zoning, building regulations.

Stables, barns or other buildings erected for the housing of livestock shall comply with all zoning and building restrictions applicable.

(Code 1976, § 6-4; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-199. Cleanliness of premises where livestock kept.

Every stable, barn, building or other structure wherein any livestock are kept or maintained, shall be maintained in a clean and sanitary condition at all times, devoid and free of all rodents and vermin and free from objectionable odor, smell or stench.

(Code 1976, § 6-5; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-200. Disposal of manure.

Every stable, barn or other structure in which livestock are kept or maintained shall be provided with a watertight and flytight receptacle for manure of such dimensions as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure or refuse shall be allowed to accumulate except in such receptacle and all such manure or refuse when removed from the receptacle shall be buried with a covering of not less than six inches of earth, or if used as fertilizer, shall be thoroughly spaded into the ground or shall be removed from the property.

(Code 1976, § 6-6; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-201. Control of livestock, poultry off premises of owner.

All livestock and poultry shall be kept under the control of the owner at all times when off the premises of the owner.

(Code 1976, § 6-7; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-202. Livestock, poultry at large.

All livestock and poultry shall be kept under the control of their owners at all times and shall be prohibited from running at large. Any livestock or poultry found running at large may be impounded and sold by the chief of

police in the same manner as wrecked or abandoned motor vehicles and other personal property in accordance with article II of chapter 19.

(Code 1976, § 6-8; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-203. Driving livestock, poultry on streets.

All livestock and poultry upon a roadway or city street shall be under the control of its owner, and its owner shall keep livestock and poultry as near to the right-hand side of the roadway or street as practicable, exercising the highest degree of care when passing a standing motor vehicle or one proceeding in the same direction, and shall not have the livestock or poultry upon the street or roadway at nighttime.

(Code 1976, § 6-9; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

Secs. 4-204—4-229. Reserved.

ARTICLE V. HORSES

Sec. 4-230. Riding horses on streets.

Every person riding a horse upon a city street or roadway shall ride as near to the right-hand side of the roadway as practicable, exercising the highest degree of care when passing a standing motor vehicle or one proceeding in the same direction, and shall ride single file when practicable and shall not ride at a greater speed than is reasonable and prudent under the conditions then and there existing. No person shall ride a horse at nighttime on the city streets or roadway.

(Code 1976, § 6-10; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

Secs. 4-231—4-253. Reserved.

ARTICLE VI. KENNELS

Sec. 4-254. Defined; compliance required.

Any person who shall own and keep or harbor upon his or her premises more than four dogs or cats which are six months of age or older shall be deemed the operator of a "kennel." It shall be unlawful to operate a kennel within the corporate limits of the city, which violates the zoning ordinances, ordinances of the city or standards of operation as established herein.

(Code 1976, § 6-30; Ord. No. 86-1609, § 11, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-255. Standards of operation.

Kennel premises shall be maintained in a clean and sanitary condition at all times, and sanitary methods shall be used to obliterate or prevent any offensive odors.

(Code 1976, § 6-30; Ord. No. 86-1609, § 11, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-256. Inspection.

The animal control officers have the right to inspect such kennels at all reasonable hours. The animal control officer shall inspect each registered kennel at least once each calendar year to ensure compliance with the standards of operation.

(Code 1976, § 6-30; Ord. No. 86-1609, § 11, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-257. Registration.

Any person who is deemed to be the operator of a kennel within the corporate limits of the city shall register said kennel on a form provided by the animal control officer. The registration shall be accompanied by a registration fee in the amount provided in the city schedule of fees and charges.

(Code 1976, § 6-30; Ord. No. 86-1609, § 11, 2-11-1985; Ord. No. 87-1766, § 1, 10-13-1987)

Secs. 4-258—4-277. Reserved.***ARTICLE VII. SMALL ANIMAL HOSPITALS*****Sec. 4-278. Defined.**

The term "small animal hospital" means a building used for the examination, observation, treatment and hospitalization of cats, dogs, rabbits, birds, fowl and other small animals of the household pet variety. It shall not include animals usually classified as livestock such as cattle, sheep, horses and swine.

(Code 1976, § 6-14; Ord. No. 372, §§ 1, 2, 8-5-1957; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-279. Noise and sanitation.

No building shall be constructed or operated as a small animal hospital in which there would be created a nuisance or conditions which would be objectionable to adjoining property owners or injurious to their property because of noise, odors or unsanitary conditions.

(Code 1976, § 6-14; Ord. No. 372, §§ 1, 2, 8-5-1957; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-280. Outdoor housing and treatment prohibited.

No outside housing or treatment of any small animals will be permitted in connection with the operation of a small animal hospital at any time.

(Code 1976, § 6-14; Ord. No. 372, §§ 1, 2, 8-5-1957; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-281. Inspections; enforcement.

The city will designate an inspector who will conduct periodic inspections to enforce this section.

(Code 1976, § 6-14; Ord. No. 372, §§ 1, 2, 8-5-1957; Ord. No. 87-1766, § 1, 10-13-1987)