

BILL NO. 2021-029

ORDINANCE NO. 4572

AN ORDINANCE OF THE CITY OF BOONVILLE, MISSOURI, REPLACING CODE OF GENERAL ORDINANCES, CITY OF BOONVILLE, MISSOURI, CHAPTER 4, PERTAINING TO ANIMALS AND FOWL FOR THE CITY OF BOONVILLE, MISSOURI, ESTABLISHING AN EFFECTIVE DATE THEREFORE, AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

WHEREAS: The City of Boonville approved and adopted the City of Boonville Animal and Fowl Ordinance most recently in 2015 with Ordinance 4379, eliminating breed specific language; and

WHEREAS: In July 2021, a citizen requested staff and Council to consider clarifying language about chickens in the City limits; and

WHEREAS: City Council created a small committee to review and recommend changes to the City Code specific to Chickens; and

WHEREAS: City Council reviewed the recommendations of the committee and believe that chickens can be a benefit to citizens by providing eggs, providing teaching opportunities for families, and providing enjoyment.

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

SECTION 1: To replace Chapter 4, with **Exhibit A** as set forth herein fully described in the document attached hereto. **Exhibit A** is incorporated herein by reference as if set forth fully in this ordinance.

SECTION 2: This Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

FIRST READING: November 1, 2021

READ FOR THE SECOND TIME AND PASSED THIS 15th DAY OF NOVEMBER, 2021, AFTER A COPY OF THIS ORDINANCE HAS BEEN MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO ITS FIRST AND SECOND READINGS.



PRESIDENT OF THE COUNCIL

APPROVED THIS 15th DAY OF NOVEMBER, 2021



NED BEACH, MAYOR

ATTEST:



AMBER DAVIS, CITY CLERK

Chapter 4- ANIMALS AND FOWL

Editor's note— Ord. No. 4379, § 1, adopted July 20, 2015, amended chapter 4 in its entirety to read as herein set out. Former chapter 4, §§ 4-1—4-8, 4-14—4-38, pertained to similar provisions. See Code Comparative Table for complete derivation.

Cross reference— Live animals in food service establishments, § 8-63; nuisances, Ch. 13; disposition of stolen, lost or abandoned animals, § 19.1-7; zoning, App. C.

State Law reference— Power of city to regulate animals, RSMo 77.510, Chapters 273, 578.

ARTICLE I.- IN GENERAL

Sec. 4-1. – Purpose

The intent and purpose of this chapter is to protect the welfare of all nonhuman living creatures, to regulate and control the possession and ownership of animals in the city and to promote the health and safety of residents of the City from the diseases and vicious animals.

Sec. 4-2- Definitions

Animal Control Officer means the animal control officer of the city or his/her agent

Animal Shelter means the facility designated by the City Administrator for the detention of animals.

At large. An animal is "at-large" when off the property of the owner or controlling party and unleashed. Dogs off their leash and supervised by their owner or controlling party in the city dog park shall not be considered running at large.

Dangerous exotic animal includes the following exotic animals:

- (a) Lions, tigers, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, jaguarundis, bears, hyenas, wolves, and coyotes.
- (b) Deadly, dangerous, or venomous reptiles, and venomous arthropods.
- (c) All nonhuman primates.
- (d) Any other exotic animal declared by the Animal Control Officer to be dangerous.

Dangerous, vicious, or ferocious animal. Any animal which:

- (a) Has caused death or serious injury to a person engaged in a lawful activity; or
- (b) Without provocation, attacks, or bites, or has attacked or bitten, a human being or domestic animal; or
- (c) Because of its size, physical characteristics and observed aggressive behavior toward a person or domestic animal is capable of inflicting serious physical injury or death on a human being; or
- (d) Has a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
- (e) Has been trained for fighting or is owned or kept for the purpose of fighting; or
- (f) Has been determined to be vicious by the municipal judge or pursuant to the procedures set forth in this chapter.
- (g) No dog may be deemed a vicious animal under this chapter if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass, or other tort upon the premises occupied by the owner or keeper of the dog, or if a person at the time of such threat, injury or damage was teasing, tormenting, abusing or assaulting the dog, or was threatening or committing an assault or other bodily harm to the owner, the owner's or keepers' immediate family or their invitees; furthermore, dogs used by commissioned officers for law enforcement shall not be deemed dangerous, vicious or ferocious for purposes of this chapter.

Eartipping means the removal of the one-fourth inch of a feral cat's ear to identify the cat as being sterilized and vaccinated for rabies

Euthanize means the humane destruction of an animal by a method that involves anesthesia produced by an agent which causes painless loss of consciousness and death during loss of consciousness.

Exotic animal includes the following:

- (a) Any mammal not generally accustomed to living in or near human populations.
- (b) Any mammal not considered to be a member of the class generally referred to as domesticated animals.
- (c) Venomous reptiles and venomous arthropods.
- (d) All nonhuman primates.
- (e) All animals listed on the endangered species list as designated by the U.S. Department of Interior in the Endangered Species Act of 1969.
- (f) All animals protected from hunting and capture by federal and state law.
- (g) All predatory birds.

Failure to control Failure on the part of an owner, competent person or controlling party to exercise adequate control over or properly govern the behavior of an animal to the point that the animal bites, attacks or injures a person or other domestic animal; chases, lashed out at or approaches a person in a menacing fashion; or exhibits an unprovoked threat of attacking or biting a person, domestic animal, or farm animal.

Fowl means any and all fowl, domesticated or wild, male or female, single or plural

Impound means to take into custody any animal, by any humane means, for the purposes of confinement.

Livestock means any fowl, cow, pony, horse, pig

Sanitary means clean and free from infectious or deleterious influences

Trap-Neuter-Release means the process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping and releasing feral cats to their original location.

Sec. 4-3. - Animal control officer.

There is hereby established the position of animal control officer. The officer shall be appointed by the city administrator with the advice and consent of the city council. The animal control officer shall be of good character. It shall be the officer's duty to enforce all provisions of this chapter for animals within the city limits.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-4. - City animal shelter.

There is hereby established a City Animal Shelter under the supervision and direction of the Animal Control Officer for the temporary care and adoption of dogs and cats within the city limits who have been impounded pursuant to these regulations.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-5. - Enforcement.

The animal control officer and police department 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 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 hereof. It shall be unlawful for any person to refuse to deliver up to the animal control officer or police officer, any animal, fowl or reptile, when requested to do so under the provisions of this chapter.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-6. - Penalty.

Any person violating the provisions of this chapter, shall be subject to the general penalty provisions of sections 1-9 and 1-10 of the Code of General Ordinances. Upon conviction under this section the city enforcement personnel shall have the right to seize and impound the animal(s).

Secs. 4-7 – 4-25. Reserved.

ARTICLE II. - OWNER RESPONSIBILITY

Sec. 4-26. - Owner accountability.

In an effort to promote personal accountability and responsible animal ownership, it is the intent of the city council to govern the behavior of animal owners so that animals in their care are kept and controlled in a manner that is amenable to the city and the residents within, therefore, all violations that are cited in this chapter are to the owner regardless of whether the same or different animals are the subject of the offense. Therefore, as an example of this meaning, a violation of this chapter shall be considered a second (2nd) or subsequent violation regardless if the first (1st) violation involved a different animal.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-27. - Registration.

The city shall keep a registry of all dogs, cats, and ferrets within the city which:

- (a) Are voluntarily registered by their owners;
- (b) Are adopted from the city animal shelter;
- (c) Have been diagnosed with rabies;
- (d) Have bitten or attacked a person or domestic animal; or
- (e) Have been impounded, given a warning, or charged with any violation under this chapter.

This registry shall serve three (3) functions: 1) to be of assistance to the animal control officer/police officers in returning animals to their owners, 2) to alert to trends or incidents of public health significance including rabies outbreaks or vicious animals, and 3) to provide a running account of animal interventions for proper enforcement of this chapter. The registry will collect the animal's name, breed, rabies vaccination status, physical description and whether or not the animal has a microchip along with the owner's name, address, phone number and emergency or back up person contact information.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-28. - Rabies vaccinations and controls.

- (a) *Inoculation of dogs and cats required.* Every resident person who owns, controls, manages, possesses or has part interest in any dog, cat or ferret any time during the year or who permits a dog, cat or ferret to come upon, or in, and remain in or about such person's home, place of business or other premises in this city shall have the dog, cat or ferret inoculated against rabies at least once each year or given the veterinarian approved multi-year inoculation, provided that the inoculation requirement shall not apply to dogs, cats or ferrets less than four (4) months of age.
- (b) *Quarantine order to be issued by mayor—To be published and posted.* Whenever rabies becomes prevalent in the city, the mayor shall, according to the necessity of owner or person in charge of any dog or dogs within the limits of the city, to either kill or impound his/her dog or dogs, or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the city; and in the absence of such paper, shall be posted as in case of sales of personal property. The mayor is authorized by proclamation to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists.

(c) *Exposure to rabid animals.*

- (1) To the extent permitted by law, every physician shall report to the animal control officer pertinent information concerning any resident of the city who has been bitten by an animal suspected of being rabid, and every veterinarian shall report to the animal control officer all pertinent information concerning rabid animals in the area under his/her care.
- (2) Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the animal control officer and shall provide the animal control officer with all pertinent information respecting persons bitten or suspected of being bitten by the animal, and also with all pertinent information respecting any other animal exposed to the animal destroyed.

(d) The animal control officer shall have the power to have examined and impounded any animal bitten by or exposed to any animal affected with rabies.

Sec. 4-29. - Number of animals limited.

- (a) It shall be unlawful for any resident owner to possess more than a total of four (4) dogs, cats and/or other domestic animals that are legal to be possessed in the city over the age of four (4) months. The total number of domestic animals over the age of four (4) months allowed to be owned, controlled, or residing upon a given contiguous property shall not exceed four (4).
- (b) This section shall not apply to properly zoned, agricultural operations with farm animals
- (c) This section shall not apply to those permitted for chickens.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-30. - Animal feces to be cleaned up.

It shall be unlawful for the owner or controlling party to allow or permit their animal to excrete on sidewalks, driveways, rights-of-way, private property, public property including public parks without removing feces from the property not owned or controlled by such person.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-31. - Certain animals prohibited in city limits.

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Boonville, Missouri:

- (a) Any warm blooded, carnivorous or omnivorous, wild, dangerous exotic or exotic animal
- (b) Any animal having poisonous bites and all constrictors.

Sec. 4-32. - Animals creating public nuisance prohibited.

It shall be a public nuisance for any owner or controlling party to allow or permit an animal to:

- (a) Frequently and habitually barking, crying, yelping, or howling thereby causing the peace of any person to be disturbed multiple times in a compressed time period at the discretion of the animal control officer or other empowered city official; or
- (b) Cause reasonably articulable fear or annoyance to a person in the immediate area or substantially interfere with the rights of persons, other than its owner to enjoyment of life or property by frequently displaying aggressive behavior, including, but not limited to, growling, charging, showing of the teeth, hissing, or raising of fur as determined by an animal control officer or other empowered city official.
- (c) Damages the property of anyone other than its owner's.

- (d) If an animal is impounded as a result of creating a public nuisance, then all fees associated with impoundment shall be made payable to the city animal shelter in addition to any fines imposed by the court.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-33. - Animals running at large prohibited.

It shall be unlawful for any owner or controlling party to permit any animal, fowl, or reptile to run at large at any time at any place in the city. An animal is "at-large" when off the property of the owner or controlling party and unleashed. Dogs off their leash and supervised by their owner or controlling party in the city dog park shall not be considered running at large.

- (a) Animals found running at large will be collected by an animal control officer and:
 - i. If the owner or controlling party is known, the animal may be returned to the owner and enforcement action taken at the discretion of the animal control officer; or
 - ii. If the owner or controlling party is unknown, the animal will be impounded at the city animal shelter and all fees associated with impoundment shall be made payable to the city animal shelter in addition to any fines imposed by the court.
- (b) Animals found running at large that are dangerous, vicious, or ferocious or display qualities of dangerousness, viciousness or ferociousness shall be handled as set forth in section 4-35.
- (c) If an animal is impounded as a result of running at large, then all fees associated with impoundment shall be made payable to the city animal shelter in addition to any fines imposed by the court.
- (d) Feral cats that have been eartipped as part of the City's Trap-Neuter- Release Program are exempted from provisions of this section.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-34. - Failure to control animals prohibited.

- (a) It shall be unlawful for an owner or controlling party to fail to control any animal regardless of whether the animal is on or off a leash. Failure to control is the failure on the part of an owner, competent person or controlling party to properly govern the behavior of an animal to the point that the animal bites a person or other domestic animal or exhibits an unprovoked threat of attacking or biting a person, domestic animal, or farm animal.
- (b) If an animal is impounded as a result of an owner or controlling party's failure to control, then all fees associated with impoundment shall be made payable to the city animal shelter in addition to any fines imposed by the court.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-35. - Dangerous, vicious, ferocious animals prohibited.

- (a) It shall be unlawful for any person to keep, harbor, possess or allow in or upon their premises any dangerous, vicious, or ferocious animal as defined in article I, section 4-2, regardless of whether or not the animal is on its owner's property. Mere possession or knowledge of presence of a dangerous, vicious, or ferocious animal shall be a violation of this section.
- (b) The animal control officer or police officer shall, upon determination that an animal is demonstrating or has recently demonstrated behavior that would classify the animal as a dangerous, vicious, or ferocious animal, take custody of said animal and transport it to the city animal shelter, where it shall be held until the municipal court hears the matter for final determination. The city animal shelter shall

not place for adoption an animal that is found to be dangerous, vicious, or ferocious or awaiting adjudication for same. The animal control officer or police officer may:

- (1) Destroy the animal on site with no risk of liability, if the animal is so dangerous, vicious, or ferocious that taking custody of the animal would put the officer or others at risk of attack and injury.
- (2) Order in-home confinement of the animal if certain strict conditions can be met.
- (c) After the animal is impounded or confined, the municipal court shall determine whether the animal is a dangerous, vicious, or ferocious animal in violation of this section based upon evidence and testimony presented by the owner and the city through the prosecuting attorney.
- (d) Upon adjudication by the municipal court finding an animal to be dangerous, vicious, or ferocious, the municipal judge will:
 - (1) Punish the owner according to article I, section 4-6 with a fine and/or jail time;
 - (2) Order the animal to be destroyed, rehabilitated at a licensed rehabilitation facility, trained by a certified dog trainer, or released to a qualified 501(c)(3) state licensed rescue organization;
 - (3) Order the owner to pay for any costs to impound the animal;
 - (4) Order the owner to pay for costs to euthanize the animal if so ordered; and/or
 - (5) Order the owner to pay for costs of rehabilitation or training and provide the Court with certification of successful completion.
- (e) Persons who destroy a dangerous, vicious, or ferocious animal in defense of themselves, other persons or other domestic animals shall not be held criminally responsible.
- (f) Owners whose animals attack, bite or injure another party in defense of their owner, other persons or domestic animals shall not be guilty under this section.
- (g) Dogs owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt from being classified as dangerous, vicious, or ferocious.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-36. - Knowingly releasing an animal prohibited.

- (a) A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or controlling party of an animal, intentionally releases any animal that is lawfully confined.
- (b) The provisions of this section shall not apply to a public servant acting in the course of such servant's official duties.

(Ord. No. 4379, § 1, 7-20-15)

Secs. 4-37—4-45. - Reserved.

ARTICLE III. - ANIMAL CRUELTY AND NEGLECT

Sec. 4-46. - Animal abuse prohibited.

It shall be unlawful for a person to abuse an animal by:

- (a) Intentionally or purposely killing an animal in any manner not allowed by or expressly exempted from the provisions of RSMo Sections 578.005 to 578.023 and 273.030; or
- (b) Purposely or intentionally causing injury or suffering to an animal.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-47. - Animal neglect or abandonment prohibited.

- (a) *Animal neglect.* An owner or controlling party is guilty of animal neglect when he/she fails to provide adequate care, shelter or control of an animal which creates an unreasonable risk of injury to an animal or results in harm to the animal or harm to a person or other domestic animal, including failure to comply with one (1) or more of the following:
- (1) Owners or controlling parties will ensure that all animals are kept in an environment that has both shelter and temperature suitable for that species and/or breed. This includes environments that are inside and outside.
 - (2) Owners or controlling parties will ensure that all areas where animals are kept are cleaned regularly so that fecal matter is disposed of so not to attract insects or rodents, become unsightly or cause objectionable odor.
 - (3) Owners or controlling parties must provide animals with access to clean, unfrozen water in a tip-proof bowl at all times as well as nutritious food at least once daily.
 - (4) Owners or controlling parties will ensure that animals confined to outside pens have not less than one hundred fifty (150) square feet of open space per each animal housed.
 - (5) Owners or controlling parties leave an animal tethered outdoors for more than nine (9) continuous hours a day.
 - (6) No owner or controlling party shall have an animal in their possession that is known to, or suspected to, have an untended injury, accidental injury or deliberate injury, or to exhibit any signs of disease, shock, temperature fluctuations, tremors, swelling, open wounds, inability to eat, blistering or abnormal bleeding, partial paralysis, discharging blood or mucus or any other sign that the animal is not in good health. Owners or controlling parties are required to seek professional veterinary medical attention.
- (b) *Animal abandonment.* An owner or controlling party is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for adequate care or fails to redeem the animal from the city animal shelter upon notification. This includes, but is not limited to, any owner or controlling party that moves from a residence or business and leaves any domestic or farm animal without returning to provide adequate care for the animal(s).

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-48. - Warrant for entry to inspect.

Any duly authorized animal control or law enforcement official may seek a warrant from the appropriate court to enable him/her to enter private property in order to inspect, care for or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of this article has occurred. A person acting under the authority of a warrant shall not be liable for necessary damage to property while acting under such warrant.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-49. - Animals confined in vehicles prohibited.

It shall be unlawful for the owner or operator of a motor vehicle to leave an animal confined in a motor vehicle under circumstances that could endanger its life. In the event the animal control officer determines an animal is confined under these circumstances and unable to locate the owner of the vehicle, the animal control officer, with the assistance from the police department is hereby authorized and may enter said vehicle and rescue the endangered animal and thereafter impound it. The officers will attempt to locate the vehicle owner prior to removal if possible and if personal notification is unsuccessful,

a prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded at the city animal shelter.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-50. - Animal habitats shall be clean; inspection authorized.

All structures, pens, coops, or yards wherein animals or fowl are kept or permitted to be, shall be maintained in a clean and sanitary condition at all times, devoid of all rodents and vermin, and free from offensive, disagreeable, or noxious smell or odor to the injury, annoyance, or inconvenience of any inhabitant of the neighborhood. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The animal control officer may at any time inspect, or cause to be inspected, any structure or premises and issue any such order as may be necessary to carry out the provisions of this section.

(Ord. No. 4379, § 1, 7-20-15)

Secs. 4-51—4-65. - Reserved.

ARTICLE IV. - CONFINEMENT, IMPOUNDMENT AND REDEMPTION

Sec. 4-66. - When confinement or impoundment is authorized.

- (a) Any animal in violation of the provisions of this chapter may be impounded at the city animal shelter by the animal control officer or designee.
- (b) Whenever a report is made of a person being bitten, injured or attacked by any dog, cat or ferret or a notice is received by the animal control officer, police department, or health center of a dog, cat or ferret having bitten a person or other animal, but no summons or warrant is sworn up charging maintenance of a dangerous, vicious or ferocious dog, the animal control officer shall immediately issue an order to the owner to confine the animal and keep the animal under observation at the owner's residence for a period of ten (10) days during which time the animal control officer shall check on and observe the animal during the ten-day observation period for signs of rabies. If the owner refuses to comply with the provisions of this section, the animal control officer shall immediately impound the animal at the city animal shelter, a licensed veterinarian's business, or secured compound at the owner's expense for the remainder of the period of the ten-day observation period. It shall be at the sole discretion of the animal control officer to impound an animal if there have been prior complaints of the animal running at large, or neglected or abused, or if the owner is not willing to comply with the observation period. If within the observation period, such animal does not develop or manifest rabies, the owner of the animal shall be released from any further requirement of this section. If the animal develops rabies during such period, it shall be put to death. The animal shall be subject to testing at the owner's expense.
- (c) Any dog or cat observed running at large shall be impounded and kept at the city animal shelter. If the dog or cat has upon it the name or address of the owner, or such or address is known to the animal control officer, the owner shall be notified of the seizure of the animal and redemption procedures followed as below. Eartipped cats, included in the Trap-Neuter-Release program are exempted from this provision and shall not be considered animals running at large.
- (d) Whenever a summons or warrant is sworn out against the owner of a dog charging dangerous, vicious, or ferocious animal, the dog in question shall be impounded and kept at the city animal shelter, licensed veterinarian's business, rescuer/rehabilitation center or under in house confinement at the discretion of the animal control officer, pending final disposition of the case.

- (e) Any female dog or cat in season shall be confined in an enclosure. If there is any question of whether or not said animal is in season, it shall be verified by the veterinarian at the owner's expense if it is in season; or at the city's expense if it is not in season.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-67. - Redemption procedures and fees.

- (a) In the event a dog or cat impounded is registered with the city or otherwise identifiable as to its owner, the animal control officer shall send written notice to the address of the person shown to be the owner. Said notice shall indicate that unless the owner redeems the dog or cat within five (5) days from the date of this notice, it may be sold, adopted out, or destroyed by the animal control officer.
- (b) Any dog or cat may be redeemed by the owner within five (5) days after impoundment after showing proof of vaccinations, consent to enter animal city registry if not already registered and payment of impound fees and costs.
- (c) The impound fee and daily board costs are authorized under the schedule of administrative fees by the city council. The impounding fee and daily boarding costs shall be paid in addition to fines and court costs levied if applicable. If the owner of said dog or cat can be determined, the impounding fee and board fee shall be paid regardless of whether or not the owner redeems said animal.
- (d) In addition to any other fees, costs or penalties imposed by this section, the owner or controlling party shall be responsible to pay all reasonable costs and expenses necessary for:
 - (1) The care and maintenance fees as well as fees for implantation of identifying technology imposed by the city animal shelter of neglected or abandoned animals during their impoundment;
 - (2) The disposal of any dead or diseased animals within the person's custody or ownership;
 - (3) The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
 - (4) The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.
- (e) In the event the impounded dog or cat is not registered with the city and not redeemed or claimed by the owner for five (5) days, the animal control officer shall sell, adopt out or destroy said animal.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-68. - Tranquilizing dangerous dogs.

- (a) Any dog, which is required to be impounded under this chapter and cannot safely be taken up and impounded may be tranquilized by the animal control officer or any police officer, if in his judgment such is reasonable and necessary. The animal shall then be impounded.
- (b) If any animal is found running-at-large without a license or otherwise in violation of this chapter and cannot be safely taken up and impounded by means such as humane trap, tranquilizer dart gun, or other conventional means the animal may be destroyed by the animal control office or a police officer.

(Ord. No. 4379, § 1, 7-20-15)

Sec. 4-69.- Restriction on poultry and chicken hens

The keeping of chickens shall be allowed on a detached single-family lot subject to the following conditions and regulations.

- (a) An application shall be submitted. Following a review of the application and inspection of the property concluding that the proposed location and facilities comply with all regulations as set out in this section and there are no outstanding violations of local, state, or federal law on the

property, and all outstanding fines and invoices due to the city have been paid prior to approval, the city shall issue a permit.

- (1) The property must be a single-family residence with a minimum lot size of 6000 square feet. A tenant must obtain the landlord's written permission to install a coop or pen. Maximum number of chickens allowed will be determined by lot size and are as follows:
 - (a) 6000- 20,000 square feet: 8 chickens;
 - (b) 20,001 square feet- 1 acre:12 chickens;
 - (c) 1 acre +: 16 chickens;
 - (d) At the animal control officer's discretion, a variance from the maximum number of chickens may be considered, if the property is zoned agricultural or if the lot size is so great that additional chickens can be accommodated without disturbance to neighbors. Additional terms or conditions may be given in association with the grant of a variance or waiver.
- (2) No roosters are allowed.
- (3) Chickens shall be confined and not permitted to run at-large and must not be kept inside the dwelling.
 - (a) No dog or cat which kills a chicken at large will, for that reason alone, be considered a dangerous or vicious animal.
- (4) Coops shall be constructed, repaired, and maintained in a manner to prevent rodents from being harbored underneath or within the walls of the enclosures. Coops shall be built of solid weatherproof materials such as wood, metal, or plastic. Wood shall be treated wood and not particle board that will not withstand outdoor weather conditions. Coop floors shall be made of wood or cement set a minimum of one foot above ground level with a slight slope toward the door or other opening to prevent puddling. Coops shall have at least one solid door and window that can be opened for ventilation. Feces shall be removed and disposed of, composted or land applied in a manner to avoid odor.
- (5) Runs must be situated on a well-drained area that allows the chickens to have access to dry ground at all times. Feces shall be removed and disposed of, composted or land applied in a manner to avoid odor. Coops and runs may not be located indoors (garage, basement, cellar, or accessory structure). Coop or run may not be located in the front or side yards.
- (6) Coops/pens and runs cannot be within ten feet from the applicant residence or within 20 feet of any adjacent residential dwelling, church, school, place of business or other occupied structure. Should 20 feet not be practicable on a lot, the applicant must get a signature from the neighbor consenting to the proposed chicken coop location. Run and coop design, materials, location, and screening shall be reviewed and approved by staff.
- (7) No slaughtering permitted within the city limits.
- (8) No person may breed chickens for sale or sell any chicken byproducts. Chicken feed must be stored in rat-proof containers. Chickens currently kept shall not be grandfathered or permitted to remain after the effective date of the ordinance from which this article is derived unless brought into compliance.
- (9) Chickens running at large will be subject to the provisions of section 4-33.
- (10) Failure of an owner to maintain coops, pens and/or runs and failure to keep chickens in the designated area may result in revocation of permit and a violation of city ordinance described in section 4-6 of this chapter.