

**AN ORDINANCE OF THE CITY COUNCIL OF NIXA, MISSOURI, TO
REGULATE THE POSSESSION, CARE, TREATMENT AND DISPOSAL
OF EXOTIC ANIMALS HELD IN PRIVATE POSSESSION AND TO
ESTABLISH PENALTIES FOR VIOLATION OF THE ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF NIXA, MISSOURI AS FOLLOWS:

Section 1. Intent

It is the intent of the City of Nixa to protect the public against health and safety risks that exotic animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment.

Section 2. Definitions

A. "Animal control officer" the person or persons responsible for the enforcement of animal ordinances, offenses, or investigations.

B. "Exotic animal" means those species of animals that are exotic to humans. Exotic animals include, but are not limited to, any or all of the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. Class Mammalia

Order Artiodactyla (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats)

Order Carnivora

(a) Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats)

(b) Family Canidae (wolves, coyotes, foxes, jackals, not domestic dogs)

(c) Family Ursidae (all bears)

(d) Family Mustelidae (weasels, skunks, martins, minks, not ferrets)

(e) Family Procyonidae (raccoons, coatis)

(f) Family Hyaenidae (hyenas)

(g) Family Viverridae (civets, genets, mongooses)

(h) Family Chiroptera (bats)

Order Edentalia (anteaters, armadillos, sloths)

Order Lagomorphs (rabbits not domestic breeds)

Order Marsupialia (opossums, kangaroos, wallabies, not sugar gliders)

Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)

Order Primates (lemurs, monkeys, chimpanzees, gorillas)

Order Proboscidae (elephants)

Order Rodentia (squirrels, beavers, porcupines, not guinea pigs, or rats, or mice, or gerbils, or hamsters)

2. Class Reptilia

Order Squamata

(a) Family Varanidae (only water monitors and crocodile monitors)

(b) Family Iguanidae (only green iguanas and rock iguanas)

(c) Family Boidae (all species whose adult length has the potential to exceed eight (6) feet in length)

(d) Family Colubridae (only boomslangs and African twig snakes)

(e) Family Elapidae (such as coral snakes, cobras, mambas, etc.)
all species

(f) Family Natrixidae (only keelback snakes)

(g) Family Viperidae (such as copperheads, cottonmouths, rattlesnakes, etc.) - all species

Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.) - all species

C. "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity, and any officer, member, shareholder, director, employee, agent or representative thereof.

D. "Possessor" means any person who owns, possesses, keeps, harbors, brings into the state, has in one's possession, acts as a custodian, or has custody or control of an exotic animal.

E. "Wildlife sanctuary" means a non-profit organization, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced exotic animals are provided care for their lifetime or released back to their natural habitat and, with respect to any animal owned by the organization, does not:

1. Conduct any activity that is not inherent to the animal's nature;
2. Use the animal for any type of entertainment;
3. Sell, trade or barter the animal or the animal's body parts; or
4. Breed the animal for any purpose.

Section 3. Prohibited Animals

It shall be unlawful for any person to keep, possess, display or offer for sale any wild or exotic animal within the city. For the purpose of this section, the term "exotic animals" shall be defined as listed in section 2B.

Section 4. Exemptions

The provisions of this ordinance shall not apply to:

- A. Animal control or law enforcement agencies or officers acting under the authority of this ordinance.
- B. Licensed veterinary hospitals or clinics.
- C. Any wildlife sanctuary as defined under this ordinance.
- D. Any licensed or accredited research or medical institution.
- E. Any licensed or accredited educational institution.

F. Any lawfully operated circus or rodeo.

G. A person temporarily transporting an exotic animal through the city if the transit time is not more than 48 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

Section 6. Confiscation and Disposition of Exotic Animals

A. The animal control authority may immediately confiscate any exotic animal if the animal is kept in contravention of this ordinance. The possessor is liable for the costs of placement and care for the exotic animal from the time of confiscation until the time of return to the possessor or until the time the animal has been relocated to an approved facility, such as a wildlife sanctuary as defined under this ordinance or an institution accredited by the American Zoo and Aquarium Association (AZA.)

B. If an exotic animal is confiscated due to the animal being kept in contravention of this ordinance, the possessor must post a security bond or cash with the municipal court in an amount sufficient to guarantee payment of all reasonable expenses expected to be incurred in caring and providing for the animal, including but not limited to the estimated cost of feeding, medical care, and housing for at least thirty (30) days. The security bond or cash shall not prevent the animal control officer from disposing of the animal at the end of the thirty (30) days unless the person claiming the animal posts an additional security bond or cash with the court to secure payment of all reasonable expenses expected to be incurred in caring and providing for the animal for an additional thirty (30) days, and does so prior to the expiration of the first thirty (30) day period. The amount of the security bond or cash shall be determined by the animal control officer and based on the current rate to feed, provide medical care, and house the animal.

C. If a confiscated animal possessor cannot be located or if a confiscated animal remains unclaimed, in the discretion of the animal control officer, the animal control officer may contact an approved facility, such as a wildlife sanctuary as defined under this ordinance or an institution accredited by the American Zoo and Aquarium Association (AZA), allow the animal to be adopted or euthanized.

D. If the exotic animal cannot be taken up or recaptured safely, the animal control officer or law enforcement may immediately euthanize the animal.

E. If proper and safe housing cannot be found, the animal control officer or his designee may immediately euthanize the animal.

Section 7. Penalties

A. Any person violating any provision of this Ordinance shall be deemed:

1. Guilty of a misdemeanor. Penalties may be imposed of up to five hundred (\$500.00) dollars plus the costs of prosecution.
2. Responsible for a civil infraction. Penalties may be imposed in fines up to one thousand (\$1000.00) dollars plus the costs of prosecution.

Section 8. Effective Date

A. Except as provided by this section, this ordinance takes effect on the date the ordinance is signed into law.

Section 9. Grandfather Clause

A. A person may not own, possess, keep, harbor, bring into the city, have in one's possession, act as a custodian, or have custody or control of an exotic animal unless that person holds a personal possession permit for that animal issued by an animal control officer. A person may obtain a personal possession permit for an exotic animal only if the following requirements are met:

1. The person was in legal possession of the exotic animal prior to the effective date of this ordinance and is the legal possessor of the exotic animal.
2. The person applying must own and or keep the animal confined to property either zoned R-1 or AG.
3. The person applies for and is granted a personal possession permit for each exotic animal in the person's possession.

B. Persons who meet the requirements set forth in subsection A of this section shall annually obtain a personal possession permit. From and after the effective date of this ordinance, no new exotic animal shall be brought into possession or replaced under authority of a personal possession permit.

C. An applicant shall file an application to receive a personal possession permit with the animal control authority on forms provided by the animal control authority. The application shall include the following:

1. A written statement which sets forth the following information:

The name, address, telephone number, and date of birth of the applicant.

A description of each exotic animal applicant possesses, including the scientific name, name, sex, age, color, weight, and any distinguishing marks or coloration that would aid in the identification of the animal.

A photograph of the exotic animal.

The exact location where the exotic animal is to be kept.

The names, addresses, and telephone number of the person from whom the applicant obtained the exotic animal, if known.

The name, address, and phone number of the veterinarian providing veterinary care to the exotic animal and a certificate of good health from the possessor's veterinarian.

Submit his/her plan for the quick and safe recapture of the exotic animal if the exotic animal escapes.

An applicant must submit a copy of the policy for liability insurance at the time of filing of the application.

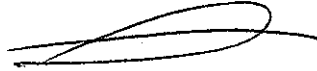
Any additional information the animal control authority may deem necessary to carry out the provisions of this ordinance

- D. All of the requirements set forth in this ordinance are and will continue to be met.
- E. The facility and the conditions in which the exotic animal will be kept are in compliance with all ordinances.
- F. The applicant will be subject to an annual inspection.

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

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

READ TWO (2) TIMES AND PASSED BY THE CITY COUNCIL FOR THE CITY OF
NIXA, MISSOURI THIS 18th DAY OF AUGUST, 2014.

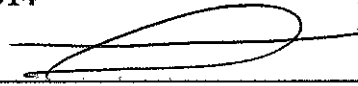


Presiding Officer

ATTEST:



City Clerk

APPROVED THIS 18th DAY OF AUGUST, 2014



Mayor

ATTEST:


City Clerk