

1
2 **AN ORDINANCE AMENDING CHAPTER 14 OF THE BRANSON MUNICIPAL CODE**
3 **PERTAINING TO ANIMALS, BY REPEALING SAID CHAPTER IN ITS ENTIRETY AND**
4 **ENACTING A NEW CHAPTER IN LIEU THEREOF.**
5

6
7 **WHEREAS**, the Police Department reviewed Chapter 14 pertaining to animals; and

8
9 **WHEREAS**, the Police Department is recommending significant changes to align with industry best
10 practice models and municipal standards relative to animal ordinances; and

11
12 **WHEREAS**, the Board of Aldermen desires to codify an updated animal code for the public good.

13
14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF**
15 **BRANSON, MISSOURI, AS FOLLOWS:**
16

17 Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions
18 of this ordinance shall become and be made a part of the Branson Municipal Code, and the
19 sections of this ordinance may be renumbered to accomplish such intention.
20

21 Section 2: That Chapter 14 – *Animals* and Chapter 14 – *Animals* of Appendix A – *Fee Schedule* of
22 the Branson Municipal Code are hereby repealed in there entirety and a new Chapter 14
23 and Chapter 14 – *Animals* of Appendix A – *Fee Schedule* is enacted in its place to read as
24 follows:
25
26

27 **ARTICLE 1. – IN GENERAL**
28

29 **Sec. 14-1. - Definitions.**
30

31 **The following words, terms, and phrases, when used in this chapter, shall have the meanings**
32 **ascribed to them in this section, except where the context clearly indicates a different meaning. For**
33 **general definitions of words not defined in this chapter and rules of construction applicable**
34 **throughout this Code, see section 1-2.**
35

36 ***Abandon* means any instance where the owner or keeper leaves an animal without demonstrated**
37 **or apparent intent to recover or to resume custody; or leaves for more than 12 hours without**
38 **providing for adequate food, water, and shelter for the duration of the absence; or turns out or**
39 **releases an animal; or dumps or releases an animal from a vehicle.**
40

41 ***Adequate care* means normal and prudent attention to the needs of the animal, including that**
42 **care that is normally necessary to maintain good health in an animal considering its age and**
43 **condition.**
44

45 ***Adequate food* means wholesome foodstuffs suitable for the species provided at suitable intervals**
46 **in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age**
47 **and condition.**
48

49 *Adequate shelter* means a structurally sound, properly ventilated, sanitary, and weatherproof
50 shelter suitable for the species, condition, and age of the animal which provides access to shade from
51 direct sunlight and regress from exposure to inclement weather conditions. The condition of the
52 shelter should be such as to not exacerbate existing weather conditions.

53
54 *Adequate water* means continual access to or access at suitable intervals to a supply of clean,
55 fresh, potable water provided in a sanitary manner suitable for the species, condition, and age of the
56 animal in sufficient amounts to maintain good health in the animal. Such water will be provided in a
57 secure manner so that the container cannot be overturned.

58
59 *Adopter* means any person who is legally competent to enter into a contract and who is adopting
60 or buying any animal from a releasing agency.

61
62 *Adoption facility* means any animal pound, impounding facility, shelter, humane organization,
63 animal welfare society, society for the prevention of cruelty to animals, or animal control agency,
64 whether public or private and meets the requirements of the appropriate city and state agencies, not
65 including an individual person who occasionally renders humane assistance or shelter in his home to
66 any animal.

67
68 *Animal* means any member of the kingdom Animalia, other than homo sapiens.

69
70 *Animal adoption* means the transfer of custody or control of any animal, for a fee or not, from
71 any person or, facility to another, and allows the adopter to take custody or control of any animal as
72 his own property. Provisions shall be made for the sterilization of all animals sold, released for
73 adoption, or purchased from any public or private shelter or animal adoption facility operated by a
74 humane society, or other political subdivision.

75
76 *Animal control* means any person employed by the city or employed by an agency contracted by
77 the city, or who are qualified, trained, and certified to perform such duties which are designated and
78 adopted by the local jurisdiction for the enforcement of animal control. A police officer may perform
79 these duties as required.

80
81 *Animal owner* means any person having a right of property in an animal, or who keeps or
82 harbors an animal, or who has it in his care or acts as its custodian, or who knowingly permits an
83 animal to remain on any premises occupied by him or her.

84
85 *Animal shelter* means any facility which is used to house or contain animals, which is owned,
86 operated, or maintained by an incorporated humane society, animal welfare society, society for the
87 prevention of cruelty to animals, municipal agency, or other not for profit organization devoted to
88 the welfare, protection, and humane treatment of such animals, or a person whose primary purpose
89 is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption.

90
91 *Apiary* means the assembly of not more than five (5) hives or an equivalent capacity, may be
92 maintained at a single location.

93
94 *At large* shall mean to be freely roaming on the private property of another without the
95 consent of the owner or person in control of the property or to be freely roaming on any public
96 property, street, or highway without consent of the public entity in control of the property, street
97 or highway.

98

99 *Auction* means any place or facility where animals are regularly bought, sold, or traded, except
100 for those facilities otherwise defined in this chapter. This definition does not apply to individual
101 sales of animals by owners.

102
103 *Bite injury* means any contact between an animal’s mouth and teeth and the skin of a bite victim
104 which causes visible trauma, such as puncture wound, laceration, or other piercing of the skin.

105
106 *Body harness* means a set of straps that extend around the chest and mid-section of the dog’s
107 body, so as to not tighten around the dog’s neck when the dog pulls on the end of the tether.

108
109 *Cat* shall mean *Felis catus*.

110
111 *Chicken* shall mean *gallus gallus domesticus*.

112
113 *Choke type collar* means a collar that reduces the circumference of the collar when an attached
114 tether is pulled or extended and constricts or chokes.

115
116 *Circus* means a commercial variety show featuring animal acts for public entertainment.

117
118 *Colony or hive* means an aggregate of bees consisting principally of workers, but having, when
119 perfect, one queen and at times many drones, including brood, combs, honey and the receptacle
120 inhabited by the bees.

121 *Commercial animal establishment* means any facility or place that is issued a permit, by its
122 licensing authority to house and/or hold animals, exhibit animals, display animals, perform animal
123 acts, shelter and/or harbor animals for commercial use, adoption, and/or sale of animals. The term
124 “commercial animal establishment” includes, but is not limited to, dog pounds, animal control
125 facilities, humane animal shelters, pet shops, grooming facilities, animal auctions, horse riding
126 schools or stables, horse-drawn carriages, zoological parks, circuses, boarding or breeding kennels,
127 and performing animal exhibitions. The term “commercial animal establishment” does not include
128 an individual who occasionally renders humane assistance or shelter in his home to any animal or
129 their privately owned pets.

130
131 *Commercial animal permit* means the annual permit issued to any establishment when it becomes
132 a commercial animal establishment by providing for animal occupancy or handling on its premises
133 for a continuous period of time for an animal exhibition or various animal exhibits and said
134 occupancy is in compliance with the licensing authority rules.

135
136 *Dangerous dog* means any dog that has caused a bite injury and is not a vicious dog.

137
138 *Dog* means *Canis familiaris*.

139
140 *Domesticated* means trained or adapted for use in a human environment.

141
142 *Domestic animal* means any animal of a tamed species commonly kept as pets and includes
143 livestock. The term “domestic animal” does not include wild species regulated by the Missouri
144 Department of Conservation or animal used for commercial purposes.

145
146 *Enclosure* means a fenced or walled area having a fence or wall height of at least six (6) feet
147 suitable to prevent the entry of young children and suitable to confine a dog.

148

149 Euthanize means to put to death in a humane manner.

150
151 Exhibited animal means any animal, as defined by the licensing authority or the promulgated
152 regulations, that is exhibited, put on display, used as a spectacle, performing act, labored, or kept
153 for any means other than personal pleasure as a pet.

154
155 Exotic animal means an animal of a non-domesticated species not commonly kept as a
156 household pet or for food and fiber production. Those species of animals that are exotic to
157 humans. Exotic animals may or may not be native to the area and may or may not be governed
158 by existing wildlife regulations.

159
160 Feral animal means any domesticated animal that has returned to the wild or the descendants
161 of such animal.

162
163 Fowl means Order Anseriformes, Order Galliformes and other wild or domesticated
164 Gallinaceous birds.

165
166 Guard dog means any dog not owned by a governmental unit which is used to guard public or
167 private property.

168
169 Grooming shop means a commercial establishment where animals are bathed, clipped, plucked,
170 or otherwise groomed.

171
172 Harbor means to feed or shelter an animal at the same location for three (3) or more consecutive
173 days.

174
175 Honey bee means all life stages of the common domestic honey bee, Apis mellifera species.

176
177 Hybrid means an offspring of two animals of different breeds, species, or genera.

178
179 Impoundment means seizing and confining a dog or other animal by any police officer, animal
180 control officer, or any other public officer under the provisions of this chapter.

181
182 Kennel or cattery means any premises wherein any person engages in the business of
183 boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and cats, or any
184 premises having more than five dogs or cats over six months of age.

185
186 Licensing authority means any and all federal government, state government, county
187 government, and city government agencies that have regulating and licensing authority by
188 promulgating any relative regulations, statutes, or guidelines, including, but not limited to, the
189 U.S. Department of Agriculture, the Association of Zoos and Aquariums, the Missouri
190 Department of Agriculture, the Missouri Department of Conservation, and all local
191 municipalities.

192
193 Livestock means cattle, oxen, sheep, horses, mules, donkeys, llamas, alpacas, goats, swine, and
194 other domestic animals ordinarily raised or used on a farm and shall also include rabbits for meat
195 production, bees, chickens, turkeys, fowl, poultry, ducks, geese, peacocks, and guineas. Falcons and
196 other raptors are allowed if the property is issued a special animal permit annually.

197

198 *Migratory bird* means ducks and geese, whether or not raised in captivity or which is a
199 mutation or hybrid of such species.

201 *Miniature pig or Potbellied pig* means any breed of small swine, bred to be domesticated pets
202 and having a straight tail, potbelly, swayback, and black, white, or black and white coat that is kept
203 as a pet that weighs no more than 125 pounds.

205 *Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten over
206 the mouth of an animal that prevents the animal from biting any person or other animal and that
207 does not interfere with its respiration.

209 *Non-choke type collar* means a collar that does not constrict or choke when pulled or extended
210 by an attached tether.

211 *Nuisance* means any one of the following conditions:

- 213 (a) Any barn, animal pen, yard, or other places where an animal or fowl waste
214 collects in any manner that is not clean and sanitary, or which creates odors
215 offensive to a person of ordinary sensibilities that are allowed to escape the
216 premises;
217 (b) Any accumulation or deposit of foul, dirty, or polluted water, including stagnant
218 water that does or could afford harborage for the breeding of mosquitos;
219 (c) Any condition or substance that may generate, transmit, or promote disease, or
220 that may present a safety hazard to the general public.

222 *Performing animal exhibition* means any spectacle, display, act, or event, other than circuses,
223 in which performing animals are used or animals are displayed.

225 *Pet shop* means any facility, whether operating separately or in connection with another
226 business where animals are bought, sold, exchanged, or offered for retail sale to the general
227 public.

229 *Public nuisance* means for purpose of this chapter only any animal owner that allows an animal
230 to unreasonably annoy humans, endanger the life or health of other animals or persons, or
231 substantially interfere with the rights of citizens, other than their owner's to enjoyment of life or
232 property. An animal owner convicted three or more times of violations of this Chapter within a
233 two-year timeframe shall be deemed an irresponsible animal owner. This term shall include but is
234 not limited to, any animal allowed to:

- 235 (a) Repeatedly be found at large;
236 (b) Damage public or private property to anyone other than its owner.
237 (c) Molest, intimidate or chase pedestrians or passerby;
238 (d) Chase vehicles;
239 (e) Excessively disturb the peace;
240 (f) Cause unsanitary conditions in enclosures or surroundings where the animal is
241 kept or harbored;
242 (g) Be offensive or dangerous to the public health, safety, or welfare by virtue of the
243 number or types of animals maintained;
244 (h) Attack other domestic animals or livestock;
245 (i) Be found by animal control or their designee, after notice to its owner and
246 hearing, to be a public nuisance animal by virtue of being a menace to the public
247 health, welfare, and safety;
248 (j) Not to be properly confined as provided in this article while in season (estrus);

249 **(k) Defecate on public or private property other than that of the owner, keeper, or**
250 **harborer and the owner doesn't want to clean up after the animal.**

251
252 **Potentially dangerous dog means a dog that while at large: (1) behaves in a manner that a**
253 **reasonable person would believe poses a serious and unjustified imminent threat of serious physical**
254 **injury or death to a person or domestic animal, or (2) causes injury to a domestic animal.**

255
256 **Provocation means any action or activity, whether intentional or unintentional, which would be**
257 **reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to**
258 **that shown by the evidence.**

259
260 **Releasing agency means any animal pound, shelter, humane organization, animal welfare**
261 **society, society for the prevention of cruelty to animals, or animal control agency, whether public**
262 **or private, that is regulated by a licensing authority, not including an individual person who**
263 **occasionally renders humane assistance or shelter in his home to any animal.**

264
265 **Restraint means any animal which is within a secure, fully enclosed, or fenced area; under the**
266 **hand-held leash not to exceed ten feet, at "heel" of a competent person; secured while in parked**
267 **vehicles in public areas. Electronic animal perimeter fence systems may be considered as adequate**
268 **restraint with the following conditions:**

269
270 **(a) Perimeter or confinement areas must be signed in a conspicuous way so as to**
271 **provide notice of confinement to pedestrians.**

272
273 **(b) Systems must be installed, operated, and maintained according to the**
274 **manufacturer's instructions to include training requirements for the animal to**
275 **be restrained.**

276
277 **(c) A minimum of ten-foot set back from any property line to the system perimeter**
278 **must be kept.**

279
280 **(d) If the animal to be restrained demonstrates an ability and propensity to disobey**
281 **the electronic perimeter fence system the system will not be considered adequate**
282 **restraint.**

283
284 **(e) No above-ground electric fences are allowed except in A-Agriculture Zoning**
285 **District.**

286
287 **Riding school or stable means any place that has available for hire, boarding, and/or riding**
288 **instruction any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or**
289 **trains such animals, including a racetrack, trotting track, or rodeo.**

290
291 **Sanitary condition means a condition of good order and cleanliness to minimize the possibility**
292 **of disease transmission.**

293
294 **Serious physical injury means disfigurement, protracted impairment of health, or impairment**
295 **of the function of any bodily organ.**

296
297 **Service animal means any dog or other animal that is individually trained to do work or**
298 **perform tasks for the benefit of an individual with a disability, including a physical, sensory**

299 psychiatric, intellectual, or other mental disability that is recognized under Title II or Title III of
300 the ADA.

301
302 *Special animal permit* means a permit issued by animal control listing specific animals allowed
303 in a zoning district or other designated areas.

304
305 *Stray* means any domestic or feral animal that is wandering at large or is lost.

306
307 *Temporary animal permit* means a public event (by itself or part of a larger event) which is
308 sponsored by a bona fide nonprofit organization or a governmental organization, and is planned
309 for a time of less than four days, and includes animals in its event. Animals are either provided
310 approved temporary housing at the event or are removed daily to their usual approved
311 occupancy. The term "temporary animal adoption event" means adoption events by approved
312 releasing agencies.

313
314 *Tether* means a rope, chain, or cable that is attached to a dog's collar or body harness for the
315 purpose of restraining the dog.

316
317 *Veterinarian* means a state-licensed professional who practices veterinary medicine.

318
319 *Veterinary facility* means any Missouri licensed and regulated veterinary established
320 maintained and operated by a state-licensed veterinarian for the purpose of practicing veterinarian
321 medicine.

322
323 *Vicious dog* means a dog that without provocation or justification bites or attacks a person and
324 causes serious physical injury or death or is declared a vicious dog under this chapter.

325
326 *Zoological park* means any facility operated by a person, partnership, corporation, or
327 government agency, other than a pet shop or kennel, displaying or exhibiting one or more species
328 of nondomesticated animals, which is accredited by the U.S. Department of Agriculture or the
329 Association of Zoos and Aquariums.

330
331 *Wild animal* means any animal living in a natural, undomesticated state.

332
333 *Wildlife* means any living thing and especially mammals, birds, and fishes that are neither
334 human nor domesticated. These animals may be defined by the Missouri Code of State
335 Regulations.

336
337
338 *Wildlife sanctuary* means a non-profit organization, that operates a place of refuge where
339 abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced exotic animals are
340 provided care for their lifetime or released back to their natural habitat and, with respect to any
341 animal owned by the organization, does not:

342
343 (1) Conduct any activity that is not inherent to the animal's nature;

344
345 (2) Use the animal for any type of entertainment;

346
347 (3) Sell, trade, or barter the animal or the animal's body parts; or

348
349 (4) Breed the animal for any purpose.

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Secs. 14-2 – 14-8. –Reserved.

ARTICLE II --- ANIMAL CONTROL

DIVISION 1. --- DOMESTIC ANIMALS

Sec. 14-09. – Purpose.

The City has undertaken to establish this article to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the City. Animal ownership is encouraged and welcomed within this City; however, strong emphasis is placed on responsible and safe ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and also those of their animals. Primary responsibility is placed upon animal owners to properly train and/or secure their animals so as to prevent them from causing injuries and/or creating nuisances.

Sec. 14-10. – Contracted services.

The City may contract with an agency or agencies for the enforcement of code, issuance of permits, collection of fees, the housing of animals, an inspection of facilities, veterinarian services, etc. as deemed necessary.

Sec. 14-11. – Animals within residential zoning districts.

(a) The following animals only are allowed within residential districts as defined in Sec. 94-32:

- (1) Dogs (excluding all canine/wild animal hybrids)
- (2) Cats (excluding all feline/wild animal hybrids, except savannah cats and servals)
- (3) Ferrets
- (4) Caged birds (i.e. psittacine birds, such as parrots, parakeets, cockatoos, as well as canaries, finches, pigeons, chickens, and doves)
- (5) Chickens
- (6) Pocket pets, including: ferrets, rats, guinea pigs, mice, gerbils, hamsters, and sugar gliders;
- (7) Non-Venomous amphibians (i.e. iguanas, bearded dragons, and frogs)
- (8) Non-Venomous fish
- (9) Non-Venomous arachnids (i.e. spiders and crabs)
- (10) Non-Venomous insects
- (11) Non-Venomous reptiles (except all species of anacondas)
- (12) Miniature pig or Potbellied pig

(b) Exceptions. The current owners of prohibited animals will be allowed to remain in the residential districts upon applying for and being issued a one-time special animal permit. The special animal permit shall be issued within six months of this article becoming effective, each animal shall be specifically listed on the permit. No additional animals will be allowed in the residence after the six months and no new animals will be allowed to be brought into the residence.

Sec. 14-12. – Limitation on the number of dogs, cats, and ferrets.

401 (a) It shall be unlawful and a public nuisance for any person in charge of a lodging
402 establishment or nightly rental to keep or allow to be kept more than three (3) dogs, three
403 (3) cats, or three (3) ferrets, or any combination exceeding three (3) in number - over the
404 age of 120 days in a guest room.

405
406 (b) It shall be unlawful and a public nuisance for any person in charge of a residence to keep
407 or allow to be kept more than six (6) dogs, or six (6) cats, or six (6) ferrets, or any
408 combination of such animals exceeding six (6) in number, over the age of 120 days at such
409 residence unless the residence or all of the dogs, cats, and ferrets are kept there are within
410 one or more of the following exceptions:

411
412 (1) The residence is licensed as a commercial animal establishment.

413
414 (2) The residence is zoned agricultural but is not licensed as a commercial animal
415 establishment, in which case the number of dogs, cats, and ferrets shall not exceed
416 fifteen (15) over the age of 120 days.

417
418 (c) It shall be unlawful and a public nuisance for any person to keep or allow to be kept more
419 than six (6) ferrets unless the residence is licensed as a commercial animal establishment
420 or the individual in charge of the residence has a current special animal permit, in which
421 case the number of ferrets shall not exceed ten (10), unless otherwise granted an exception
422 pursuant to such permit.

423
424 (d) When animals in excess of the limit established in subsection (a) or (b) or (c) of this
425 section are found at a residence, lodging establishment, or nightly rental all of the animals
426 found at the residence may be removed by animal control to be handled in accordance
427 with section 14-101, except that the person in charge, if present, may designate and retain
428 animals to come into compliance.

429
430 **Sec. 14-13. – Harboring cats.**

431
432 No person shall feed or harbor stray or feral cats except in connection with an approved
433 animal adoption facility.

434
435 **Sec. 14-14. – Cats outdoors to be sterilized.**

436
437 Any cat allowed to be outdoors and unsupervised for any period of time shall be spayed or
438 neutered unless a licensed veterinarian states, in writing, that an animal is unfit to undergo the
439 required surgical procedure due to an extreme health condition. Proof of spay or neuter must be
440 maintained by the owner and available for review by animal control upon their request.

441
442 **Sec. 14-15. – Limitation on breeding dogs and cats in the city.**

443
444 No person in residential districts shall allow the birthing of more than one litter of dogs
445 or cats per household in the city in any 12-month period.

446
447 **Sec. 14-16. – Dogs at large are prohibited.**

448
449 It is unlawful for any person owning, controlling, harboring, possessing, or having the
450 management of care of any dog to allow the dog to be at large without the owner or person in
451 charge having direct physical control over the dog. Every dog, when on any street, alley, park,

452 school ground, or other public places in the city, which is not attached to a leash, the other end of
453 which is securely held by a person, or every dog, when on private property within the city, which
454 is either not attached to a leash the other end of which is securely held by a person and the leash
455 is of sufficient length and the conditions are such that the dog cannot leave the premises, or which
456 is not so confined by a fence or other device so as to prevent its straying from the premises, shall
457 be deemed running at large.

458
459 **(a) Exceptions:**

- 460
461 **(1) Where specifically authorized by the city, such as in a dog park;**
462 **(2) Where the dog is a certified law enforcement canine;**
463 **(3) When the owner of the dog is present and the dog is on the owner's private property;**
464 **(4) Where an owner or person having in his possession a dog allows the dog to be at large**
465 **on a property that does not provide the animal with access to a sidewalk, street, or**
466 **common areas of apartment buildings, condominiums, retirement facilities, nursing**
467 **homes, and other multiple-unit residential facilities.**

468
469 **(b) Any dog at large without the owner or person in charge having direct physical control shall be**
470 **impounded by an animal control officer. In the event that an animal control officer is not**
471 **available or the adoption facility is closed, a dog at large may be transported to a safe place by**
472 **any person. Any person who transports a dog shall immediately notify the police and deliver**
473 **the animal to an animal control or adoption facility within 48 hours provided, it has not been**
474 **claimed by the animal owner.**

475
476 **Sec. 14-17 – Nuisance animals.**

477
478 **No person shall own or keep, handle, carry, transport or otherwise maintain any animal**
479 **or bird which persistently makes loud barking, yapping, howling, baying, whining, crowing,**
480 **meowing, or any other noise utterances, or produces a foul order creating a nuisance to any**
481 **person in the vicinity.**

482
483 **Sec. 14-18 – Unsanitary Animal Enclosure.**

484
485 **No person shall confine or keep within the city, any animal or fowl in any unclean or**
486 **filthy pen, shed, or other enclosure so as to be harmful to the animal or a nuisance to the**
487 **community, or emits a noxious odor disturbing the peace and comfort of any person in the vicinity.**

488
489 **Sec. 14-19 – Roadside sale of animals.**

490
491 **(a) It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or**
492 **display for any purpose a live animal on a roadside, public right-of-way, commercial**
493 **parking lot, or at an outdoor special sale, swap meets, flea market, parking lot sale, or**
494 **similar event.**

495
496 **(b) This section does not apply to:**

497
498 **(1) An agent of a business that is licensed by the Missouri Department of**
499 **Agriculture to operate a pet store;**

500
501 **(2) A tax-exempt nonprofit organization founded for the purpose of providing**
502 **humane sanctuary or shelter for abandoned or unwanted animals; or**

503

504 (3) Sale, trade, barter, lease, rent, giving away, or display of a live animal on the
505 residential property of said animal's owner.

506
507 **Sec. 14-20 – Keeping of Miniature pig or Potbellied pigs.**

508
509 Any person who owns, keeps or maintains on his owned or leased premises a miniature
510 pig or potbellied pigs, within the corporate limits of the city, shall conform with the following
511 regulations.

512
513 (a) No person shall own, keep or harbor at any one time more than one (1) miniature pig
514 on residential premises owned or controlled by him/her within the City.

515
516 (b) No person shall cause or allow a miniature pig to become pregnant.

517
518 (c) The owner shall of a miniature pig shall trim and maintain all tusks in such a manner
519 that no tusk shall appear outside of the mouth of the miniature pig when the mouth is
520 closed.

521
522 (d) The owner of a miniature pig shall be required to have a current rabies vaccination
523 even though a vaccine may not be specifically formulated for swine.

524
525 (e) The owner of a miniature pig shall have their miniature pig microchipped and they
526 shall submit proof of microchipping by a licensed veterinarian as well as
527 documentation evidencing the content of the microchip, as part of the special animal
528 permit application.

529
530 (f) Every owner of a miniature pig shall apply for a special animal permit with Animal
531 Control once the animal reaches four months of age. Such registration shall be
532 renewed and updated annually. Registration shall not be transferable from one
533 miniature pig to another.

534
535 **Sec. 14-21 – Keeping of Chickens.**

536
537 Any person who owns, keeps, or maintains on his owned or leased premises chickens,
538 within the corporate limits of the city, shall conform with the following regulations.

539
540 (a) No person shall keep or permit the keeping of more than eight (8) chicken hens on their
541 residential premises.

542
543 (b) The wings of the chicken's flight feathers shall be trimmed to ensure that they do not
544 escape their yard or enclosure.

545
546 (c) The chickens shall have access to feed and clean water at all times. The feed and water
shall be unavailable to rodents, wild birds, and predators.

547
548 (d) Chicken roosters are not permitted.

549
550 (e) It shall be unlawful to engage in chicken breeding, the sale of chicken meat or byproducts,
551 or fertilizer production. Unless otherwise prohibited by state or federal law, the sale of
eggs from these chickens shall be permitted under this section.

- 552 **(f) Slaughter may occur provided that it is conducted in a sanitary manner, does not generate**
553 **noise that creates a nuisance, and is not visible from adjacent properties or any public**
554 **area or right-of-way.**
555
- 556 **(g) Chickens shall be kept in a secured enclosure or fenced area at all times. Chickens shall**
557 **be secured within a henhouse, coop/roosts during non-daylight hours.**
558
- 559 **(h) Chickens must be maintained in pens, houses, or coops/roosts must be kept in a neat and**
560 **sanitary condition at all times. At a minimum, four square feet per chicken enclosure**
561 **space and ten square feet per chicken of outside run space shall be provided.**
562
- 563 **(i) The pens, houses, coop/roost shall be well ventilated and provide protection from the**
564 **weather and predators. The coop/roost must be cleaned on a regular basis so as to prevent**
565 **offensive odors, the attraction of flies or vermin or that would obstruct the free use of**
566 **property so as to interfere with the comfortable enjoyment of life and property by**
567 **members of the neighborhood or other persons.**
568
- 569 **(j) All pens, houses, and coops shall be designed to provide safe and healthy living conditions**
570 **for the chickens while minimizing adverse impacts to other residents in the**
571 **neighborhoods. Shall be enclosed on all sides and shall have a roof and doors. Access**
572 **doors shall be able to shut and locked at night. Openings, windows, and vents shall be**
573 **covered with predator and bird proof wire of less than one-inch openings**
574
- 575 **(k) All pens, houses, and coops shall be located.**
576 **(1) On the rear of the parcel or premises;**
577 **(2) At least forty (40) feet from any front property line;**
578 **(3) At least ten (10) feet from any side property line; and**
579 **(4) At least twenty (20) feet from any side street property line.**
580
- 581 **(l) The person owning or controlling the residential premises shall provide for the storage**
582 **or removal of droppings. Stored droppings to be used for composting shall be fully**
583 **covered or placed in an enclosure. No more than three cubic feet of manure shall be**
584 **stored. All droppings not used for composting or fertilizing shall be removed and properly**
585 **disposed of.**
586
- 587 **(m) Odors from chickens, chicken manure, or other chicken-related substances shall not be**
588 **detectable at the property boundaries.**
589
- 590 **(n) Owner shall take necessary action to reduce the attraction of predators and rodents and**
591 **the potential infestation of insects and parasites. Chickens found to be infested with**
592 **insects and parasites that may result in unhealthy conditions to human habitation may**
593 **be removed by animal control.**
594

595 Sec. 14-22 – Fowl running at large.

596
597 No person owning any chickens, guineas, geese, ducks, turkeys, or other domestic fowl
598 shall allow or permit the fowl to run at larger except on premises owned or controlled by such
599 person.

600
601 Sec. 14-23. - Migratory bird feeding.

602
603 No person shall feed or cause to be fed any migratory birds in areas of public property
604 designated as “no feeding zones” as designated by the city administrator upon recommendation by
605 animal control. Designated “no feeding zones” shall be signed accordingly and the designated
606 area(s) shall be on file with the city clerk.

607
608 Sec. 14-24. - Keeping of livestock.

609 Livestock shall only be kept, maintained, or housed within a property zoned in an
611 Agriculture (A) District or in a commercial animal establishment.

612
613 Sec. 14-25. – Livestock running at large.

614
615 It shall be unlawful for any person to permit, suffer or allow any swine, horses, mules,
616 donkey, sheep, goats, or cattle to run at large within the city, or to herd or pasture such animals
617 in or upon any street, park or other public grounds of the city. No person shall keep any such
618 animals, or herd such animals, on any unenclosed land within the city unless securely tied or
619 tethered so that the animals may not freely run at large therefrom upon the public lands or the
620 lands of others.

621
622 Sec. 14-26. - Keeping of bees.

623 (a) No person shall keep or permit the keeping of bees except as permitted herein. It is unlawful for
624 any person to own, harbor, or possess a beehive or bee colony unless the provisions of this section
625 are complied with, and a special animal permit is obtained from animal control.

626 (b) It shall be unlawful for any person or entity to keep, harbor, or allow any colony or colonies of
627 any species of bee other than a "honey bee" on land that is not zoned for agricultural uses by
628 the city.

629 (c) Each person or entity owning, allowing, or harboring a colony or hive on his, hers, or its property
630 over which it has control, possession or title, shall make available on the same property as where
631 the hive or colony is located at all times and during all seasons a useable water source within 20
632 feet of the colony or hive such that bees will be discouraged from congregating at swimming
633 pools, fountains, pet watering bowls, birdbaths or other water sources where the bees may come
634 in contact with humans, birds or domestic pets.

635 (d) Each person or entity owning, allowing, or harboring a colony or hive shall provide satisfactory
636 proof to the city, upon request, that they have completed a beekeeping training course offered
637 by a beekeeping association, vocational school, college, university, or university extension
638 program, or other equivalent training.

639
640 (e) Notwithstanding compliance with various requirements of this article or other codes of the city,
641 it shall be unlawful for any person or entity to keep, harbor, or allow any colony or colonies in
642 such a manner or of such disposition as to cause any unhealthy condition, interfere with the

643 normal use and enjoyment of human or animal life or interfere with the normal use and
644 enjoyment of any public property or private property of others.

645
646 **(f) All hives shall have written on them in legible printing the name, phone number, and address of**
647 **the person or entity owning such hive.**

648
649 **(g) It shall be the duty of the person or entity on whose property the beehive or colony is physically**
650 **located to remove said hive or colony any time the bees within same shall exhibit a propensity to**
651 **sting without provocation any person, animal or bird; or the hive or colony is not maintained in**
652 **compliance with this chapter or other city code.**

653
654 **Sec. 14-27. – Animal at Large.**

655
656 **No person owning any animal not otherwise listed shall allow or permit the animal to run**
657 **at large, except on premises owned or controlled by such person.**

658
659 **Sec. 14-28. – Prizes**

660
661 **No person shall give or transfer a live animal as a prize, gift, or promotional incentive.**

662
663 **Sec. 14-29. – Fighting animals; attending exhibitions unlawful.**

664
665 **(a) No person shall cause, instigate or permit any dogfight, cockfight, or other combat between**
666 **animals or between animals and humans; and any animal so used shall be seized, impounded,**
667 **and assessed by a veterinary or certified animal behavioral specialist to determine if they can**
668 **be humanely destroyed or adopted. In addition, no person shall place or attempt to place an**
669 **animal in an enclosure or in any other place for the purpose to house or prepare for fighting or**
670 **combat.**

671
672 **(b) No person shall attend such an unlawful exhibition or be an umpire, judge, or spectator at**
673 **such an exhibition.**

674
675 **Sec. 14-30. - Authority of animal control officer or police officer to destroy certain animals.**

676
677 **If in the course of the animal control officer or police officer's normal duties they**
678 **encounter an animal that in their professional opinion is rabid, seriously injured or cannot be safely**
679 **captured and impounded then it shall be the duty of the officer to humanely destroy the animal,**
680 **after reasonable attempts to locate and contact the animal's owner has been made.**

681
682 **Sec. 14-31. –Right of entry.**

683
684 **Any animal control or any duly authorized law enforcement official, may, for the**
685 **purposes of enforcing this chapter, seek a warrant from the municipal court of the city, or other**
686 **appropriate courts, to enable them to enter private property in order to inspect, care for or**
687 **impound abandoned, vicious, neglected or abused animals, or other animals found to be in**
688 **violation of this chapter. All requests for warrants shall be accompanied by an affidavit stating**
689 **the probable cause to support the belief that a violation of this chapter has occurred, and why the**
690 **consent of the owner cannot be obtained prior to entry. A person acting under the authority of a**
691 **warrant shall not be liable for any necessary damage done to the property when acting under**
692 **such a warrant.**

693

694 Secs. 14-32 – 14-60. –Reserved.

695

696 DIVISION 2. – LICENSES, VACCINATIONS, FEES, PERMITS, AND REPORTS

697

698 Sec. 14-61. - Rabies vaccination.

699

700 (a) It shall be unlawful for any dog, cat, ferret, or miniature pig owner to knowingly keep,
701 harbor, or own any dog, cat, ferret, or miniature pig six months of age or more within
702 the city unless the owner maintains a current vaccination against rabies for their dog,
703 cat, ferret or miniature pig by a licensed veterinarian. The veterinarian giving such
704 vaccination shall issue to the animal owner a rabies certificate with the veterinarian's
705 name and contact information along with a rabies tag number.

706

707 (b) The animal owner shall cause any dog, cat, ferret, or miniature pig to wear a current
708 rabies tag if outside the confines of the residence, and the animal owner shall be able to
709 produce the current rabies certificate upon request by any animal control officer or
710 police officer.

711

712 Sec. 14-62. – Animal license for dogs and cats; fees.

713

714 (a) It shall be the duty of every person owning, keeping, or harboring in the city any dog or
715 cat to procure an animal license from the city. No animal license shall be issued without
716 a current rabies certificate from a state-licensed veterinarian.

717

718 (b) Animal licenses are based on a calendar year and the fees are listed in the city fee
719 schedule. Fees may be established for a period of one year. Late fees may be assessed for
720 licenses not purchased within 60 days.

721

722 (c) Service dogs are exempt from the fee but still need to be licensed.

723

724 (d) Animals owned by a nonprofit organization or governmental organization that are
725 placed in foster care within the city are exempt from the fee but still need to be licensed.

726

727 (e) No refund will be made for the license of animals deceased or otherwise removed from
728 the city during the period of a license.

729

730 (f) Licensing requirements under this section shall only apply to residents of the city.

731

732 (g) No license shall be required for cats maintained within a feral cat colony.

733

734 Sec. 14-63. – Records of dog and cat registration.

735

736 The city shall keep a record giving the name, address, and phone number of the animal
737 owner or keeper of such licensed dog or cat, the tag number, rabies vaccine certificate along with a
738 general description of the dog or cat.

739

740 Sec. 14-64. – Animal license tags; replacement tags.

741

742 At the time of issuance of the dog or cat license, a license tag showing the registration
743 number and expiration date of the license shall be issued. A fee may be established for replacement
744 tags.

745
746 **Sec. 14-65. – Counterfeiting, destruction of licenses or tags.**

747
748 **The following acts are declared to be unlawful:**

749 **(a) The counterfeiting of dog or cat licenses or tags; and**

750
751 **(b) The willful and malicious destruction of dog or cat license tags.**

752
753
754 **Sec. 14-66. – Wearing tag required for dogs.**

755
756 **(a) No animal owner or keeper of a dog shall allow or permit such a dog to be outside the**
757 **boundaries of the property of the animal owner or keeper, at any time other than when**
758 **enclosed on all sides in a cage or covered run with a roof and bottom, without having**
759 **attached to a collar about the neck of such animal (or to a secure body harness) the city-**
760 **issued license tag, except when such a dog is being handled in the course of an organized**
761 **dog training or exhibition program.**

762
763 **(b) No person shall remove or cause to be removed the collar, body harness, or the license**
764 **tag from any licensed dog without the consent of the animal owner or keeper.**

765
766 **Sec. 14-67.—Special animal permits.**

767
768 **A special animal permit, as allowed by code, may be issued by animal control. The permit**
769 **shall be issued for the residential address of the animal owner. Prior to issuance of the permit, the**
770 **following shall take place a visual inspection of all cages and pens shall be made to ensure the**
771 **animal can't escape; the animal can be safely kept and maintained, and the cages and pens are**
772 **species-specific. The special animal permit shall contain the following information:**

773
774 **(a) Animal species and name of the animal;**

775 **(b) Name of the owner of the animal;**

776 **(c) Physical address of the owner;**

777 **(d) Primary and secondary telephone number of the owner;**

778 **(e) Secondary contact, including contact information for said contact; and**

779 **(f) Primary veterinarian for the animal.**

780
781 **If the animal is no longer being kept per the special animal permit, the animal owner shall**
782 **inform animal control. Fees may be established for the permit.**

783
784 **Secs. 14-68 – 14-100. –Reserved.**

785
786 **DIVISION 3. – IMPOUNDMENT**

787
788 **Sec. 14-101. - Impoundment of animals in violation.**

789
790 **It shall be the duty of animal control finding any animal in the city contrary to the**
791 **provisions of this article on view, to take such animal, and confine the animal in an animal shelter**
792 **or city pound if in the opinion of the animal control officer the safety of the animal, the safety of the**
793 **public or the preservation of the peace requires such a seizure.**

794
795 **Sec. 14-102. - Notice of impoundment.**

796
797 After the impoundment of an animal under the provisions of this code, the animal control
798 officer shall make best efforts to promptly notify the animal owner of its impoundment if the owner
799 can be determined.
800

801 Sec. 14-103. – Care of impounded animals.
802

803 It shall be the duty of the animal control officer to ensure the impounded animals are
804 housed in a sanitary condition and to ensure food and water are provided to impounded animals
805 daily and that impounded animals will receive any necessary veterinarian care. The animal
806 control officer on behalf of the city shall ensure humane treatment of the animals impounded and
807 protect them from cruel treatment. The designated facility(s) shall maintain common industry
808 operating procedures.
809

810 Sec. 14-104. -- Adoption and impounding facilities.
811

812 The animal impounded shall be kept in a Missouri Department of Agriculture approved
813 adoption facility designated by the city. If no such facility exists for a specific type of animal, the
814 city may periodically need to designate or contract with a special facility for the care and keeping of
815 such impounded animals. The designated facility(s) shall maintain common industry operating
816 procedures. The animal owner shall be required to pay all expenses related to the impoundment of
817 the animal.
818

819 Sec. 14-105. - Claiming impounded animals not impoundmented for rabies observation
820

821 All adoption impounding facilities within the city or contracted by the city shall:
822

- 823 (a) Within seven consecutive days after the impounding of any animal, the animal owner
824 may redeem such animal during normal business hours of the adoption facility, upon
825 payment of all fees and expenses incurred including veterinary care and microchipping,
826 of such animal and shall sign an affidavit swearing the animal is his personal property.
827 If fees can't be paid in full, a payment plan or fee waivers or reductions may be allowed
828 with the approval of the city on a case by case basis.
829

830 An animal whose owner is a resident of the city shall not be released unless the animal
831 owner provides proof of a current animal license and rabies certificate as required by
832 code. The animal owner may leave a deposit of \$50.00 which is returned when the
833 animal owner provides proof of a current animal license or rabies certificate. Failure to
834 provide proof within 14 days will be cause for the deposit to be forfeited and considered
835 a violation of this chapter.
836

- 837 (b) If the owner of any animal impounded pursuant to the provisions of this article does not
838 apply to the city and pay such fees as provided in this section within seven consecutive
839 days from the time the animal is impounded, the animal control officer is hereby
840 authorized to dispose of such animal in the most humane manner possible. At the end of
841 seven consecutive days after impounding of any animal, all adoptable animals shall be
842 available for adoption. Any competent person may adopt an animal. The adopter shall
843 not be held responsible for incurred expenses and fees but shall pay all normal adoption
844 fees. The animal control officer at his discretion may take the following actions as
845 related to an unclaimed animal:

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- (1) If a domestic dog or cat, have the animal neutered, spayed, vaccinated for rabies, and placed up for adoption;
 - (2) If a healthy unadoptable feral cat, it shall be neutered, spayed, vaccinated, and released to a managed cat colony designated by the city or released to an area for collection;
 - (3) If a domestic dog is unadoptable for safety reasons, the animal may be humanely euthanized by any method approved by the Humane Society of Missouri;
 - (4) If an animal is unique due to its species, nature, or size, the animal may be sold;
 - (5) If another species, it may be disposed of humanely by the animal control officer under the supervision of a licensed veterinarian.

864 **Sec. 14-106. - Disposition of animals biting or attaching persons; rabies and zoonotic diseases.**

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896
- (a) If any individual is exposed to the possibility of rabies or other zoonotic diseases, the incident shall be immediately reported to animal control or the police department by the victim, hospital, health department, health care provider, animal owner, keeper, or harbinger of the animal.
 - (b) Any animal which bites, injures, or attacks any person shall be placed immediately under observation for a ten-day period. The animal owner shall be immediately notified.
 - (1) A vaccinated animal where the owner can be identified shall be impounded with a licensed veterinarian of the owner's choice or securely confined by the owner for a period of ten days.
 - (2) A non-vaccinated animal or an animal that the owner of cannot be identified shall be impounded by the police department or animal control officer and placed in a contracted licensed kennel or with a licensed veterinarian for a period of ten days.
 - a. If within such period of ten days, such animal does not develop or manifest signs of rabies, it may be redeemed by the animal owner upon payment of all fees and expenses including veterinarian expenses. If the animal is not redeemed at the end of the ten-day period, appropriate actions shall be taken as directed by the veterinarian including being adopted.
 - b. If such animal does develop symptoms suggestive of rabies, it shall be the duty of the police department or the animal control officer to cause such animal to be examined by a licensed veterinarian and take appropriate action as provided by this chapter.
 - (c) If a ten-day observation period is not appropriate for the species of the animal involved in the bite injury, or attack, animal control shall determine the necessary observation

897 period or other necessary steps that need to be taken to ensure the health, welfare, and
898 safety of the person(s) involved and the community.

899
900 **(d) It shall be unlawful for the animal owner, keeper, or person harboring the animal**
901 **involved in the incident to release it from his custody to hide or conceal such animal or**
902 **to take or allow such animal to be taken beyond the city limits unless so authorized by**
903 **animal control.**

904
905 **(e) The animal control officer shall locate any animal that falls under the provisions of this**
906 **section for observation and determination of the necessary observation procedures and**
907 **outside plain view, the animal owner or guardian of said animal shall present said**
908 **animal to an animal control officer for such a determination. A refusal to do so shall be**
909 **a violation of this section. If an animal owner or guardian of said animal refuses to**
910 **produce said animal and no exigent circumstances exist, the animal control officer shall**
911 **contact the city attorney to request a search warrant based on probable cause that a**
912 **person has been bitten or scratched by an animal and the animal control officer has**
913 **been refused permission to search for and procure said animal.**

914
915 **(f) When any such officer shall have impounded an animal pursuant to this section, it shall**
916 **be the duty of the officer to notify the owner of such animal, if known as soon as**
917 **possible. This animal shall be processed as any other impounded animal.**

918
919 **Sec. 14-107. – Disposition of suspected rabid animals that have not bitten a person or animal.**

920
921 **Any animal that the animal control officer suspects to have contracted rabies that has not**
922 **bitten or injured a person or animal shall be handled in accordance with the procedures prescribed**
923 **by the Missouri Department of Health. All related costs shall be borne by the owner of the animal.**

924
925 **Secs. 14-108 – 14-125. –Reserved.**

926
927 **DIVISION 4. – CARE OF ANIMALS AND ANIMAL ABUSE**

928
929 **Sec. 14-125. – Animal neglect.**

930
931 **(a) It shall be considered animal neglect if the animal owner does not maintain or provide any**
932 **of the following:**

933
934 **(1) A structurally sound, properly ventilated, sanitary, dry, and weatherproof**
935 **shelter suitable for the species, age, and condition of the animal with access to**
936 **shade from direct sunlight. The area where animals are kept must also be kept**
937 **free from unsanitary conditions, vermin-harboring debris, junk, or any other**
938 **dangerous protuberances which can provide an opportunity for injury or a**
939 **danger to the animal's health.**

940
941 **(2) The animal shall be properly restrained or enclosed sufficiently to prevent their**
942 **being at large.**

943
944 **(3) Enclosures shall be species-specific according to the established standards of the**
945 **Missouri Humane Society and dimensions appropriate to the height and weight**
946 **of the animal and of a design that provides for sanitary drainage and public**
947 **safety.**

948
949 **(4) Wholesome foodstuffs are suitable for the species which are provided at suitable**
950 **intervals in a sanitary manner in quantities sufficient to maintain good health in**
951 **the animal, considering its age and condition. Feed shall be stored in a rat-proof,**
952 **fly-tight box, container, or receptacle.**

953
954 **(5) Animal waste is the responsibility of the animal owner. It shall be collected as**
955 **frequently as necessary to maintain a sanitary condition and disposed of in a**
956 **vermin-proof, fly-tight container.**

957
958 **(6) Constant access or access in suitable intervals to a supply of clean, potable,**
959 **unfrozen water, provided in a sanitary manner and insufficient amounts for the**
960 **species to maintain good health in the animal. Access to stagnant bodies of water**
961 **is not allowed.**

962
963 **(7) Normal and prudent attention to the needs of the animal, including all necessary**
964 **immunizations as determined by the licensed veterinarian, sufficient exercise**
965 **and rest to maintain good health, and the provision to each sick or injured**
966 **animal of the necessary veterinary care or humane death.**

967
968 **(b) Animal control or their designee may at any time inspect, or cause to be inspected, any**
969 **premises and issue such an order as may be necessary to carry out the provisions of this**
970 **subdivision. No person shall deny access for inspections during reasonable hours.**

971
972 **(c) An animal may be impounded during an investigation for possible violations of Sec.**
973 **578.012, RSMo. or for animal abuse or for failure to provide adequate care to animals.**

974
975 **Sec. 14-126. - Animal abuse.**

976
977 **(a) It shall be considered animal abuse to do any of the following:**

978
979 **(1) Cruelly overwork an animal;**

980
981 **(2) Cruelly drive or work the animal when it's unfit for labor;**

982
983 **(3) Abandon an animal to die;**

984
985 **(4) Beat, ill-treat, torment, or cause injury or unnecessary pain to an animal;**

986
987 **(5) Carry or cause the animal to be carried, moved, or kept in or upon any vehicle**
988 **in a cruel or inhumane manner;**

989
990 **(6) Impound, confine or cause to be impounded or confined in any place which**
991 **would cause injury or unnecessary pain to an animal;**

992
993 **(7) Leave an animal in an unattended vehicle either without adequate ventilation or**
994 **in any manner which subjects the animal to extreme temperatures that are**
995 **dangerous or detrimental to the animal's health or welfare; or**

996
997 **(8) Improper tethering.**
998

999 (b) Nothing in this section shall be construed so as to prevent a person from taking whatever
1000 action is necessary to defend themselves, another individual, or an animal when endangered
1001 by an unprovoked animal attack.

1002
1003 (c) Removal and impoundment of animals. Any animal control officer or police officer shall
1004 have the right to remove and impound animals from the animal owner or guardian, and
1005 place said animal into the custody of animal control in cases where the health and safety of
1006 the animal is in immediate danger under the provisions of this section. If such removal is
1007 necessary the animal control officer or police shall cite the offending animal owner or
1008 guardian with a violation of this section and shall prepare a report, including photographic
1009 evidence, detailing the issues causing the seizure.

1010
1011 (d) Hearing. If such a removal occurs and the conditions requiring such a seizure cannot be
1012 immediately remedied the animal control officer or police officer shall request through the
1013 city attorney a hearing before the municipal court for a court order to determine probable
1014 cause to maintain the seizure through the pendency of said case. Said hearing shall take
1015 place as soon as practicable after the seizure of said animal before the municipal court but
1016 in no circumstances longer than thirty days. Notice of the hearing shall be provided to the
1017 owner of said animal at their last known address by the first class mail. Providing the court
1018 finds probably case to retain the animal through the pendency of the case, said order can be
1019 recalled for review and further determinations if the animal owner or responsible party
1020 fails to appear at any subsequent court date or fails to comply with any related court
1021 directive.

1022
1023 (e) Reports. Before any final determination of the status of a seized animal is made by the court,
1024 the animal control officer shall update their report with recommendations concerning if the
1025 conditions creating the need for a seizure can be remedied, the requirements for remedy,
1026 along with any follow-up requirements. The final report shall include recommendations by
1027 the animal control officer if the animal can be returned to the owner, placed for adoption,
1028 euthanized, or other alternative options. This report along with the procedure to appeal the
1029 determination shall be sent to the owner of the animal by certified mail or hand delivered to
1030 the animal owner, and a hearing on said final determination shall be held immediately
1031 following a ruling in the accompanying charge for violation of this section.

1032
1033 (f) Appeal of determination. All appeals of the determination shall be within ten days and
1034 according to the provisions of Chapter 536, RSMo. relating to a contested case.

1035
1036 (g) Expenses. Any expense incurred in such removal and impoundment is the responsibility of
1037 the animal's owner. All expenses must be paid before the animal is released from custody to
1038 the animal owner.

1039
1040 (h) Abandoned or no apparent owner. The animal control officer or police officer shall make
1041 every reasonable effort to determine the ownership of the animal if seized under the
1042 provisions of this article. If no determination can be made as to ownership, no hearing as
1043 provided for under this section shall be required. After seven consecutive days of the animal
1044 being impounded and no responsible party is found the animal shall be considered
1045 abandoned and handled as provided for in the article.

1046
1047 Sec. 14-127. – Harming a law enforcement dog.

1048
1049 It shall be unlawful to kick, strike, hit, beat, torment, or cause injury to a law enforcement
1050 canine.

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Sec. 14-128. – Transporting an animal in a vehicle; Safety of animals in enclosed places; Incapacitated or detained owner

- (a) A person shall not transport an animal in a vehicle on public roadways unless**
 - (1) The animal is safely enclosed within the vehicle.**
 - (2) If the animal is transported in an unenclosed vehicle, including a convertible, pick-up truck, flatbed truck, or motorcycle, the animal shall be confined in a manner that prevents the animal from falling or jumping from the vehicle or otherwise being injured. If tethering is used to secure the animals, then a non-choke type collar or body harness must be used, such that the dog cannot reach past the edge of any of the sides of the vehicle.**
- (b) If the animal owner or person in control of the animal is arrested, deceased, detained or is otherwise incapacitated, the animal may be impounded if no responsible party can be found to take control of the animal.**
- (c) Claiming an impounded animal under this section shall be done in the same manner as claiming any impounded animal.**
- (d) Disposal of unclaimed animals shall be in accordance with the current code.**

Sec. 14-129. – Rescue of animals left in a vehicle under dangerous weather conditions.

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life by outside high temperatures or low temperatures, or inadequate ventilation as determined by animal control or a police officer, animal control or a police officer are hereby authorized to enter such vehicle and rescue such animal and thereafter impound the animal in accordance with 14-101. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed and impounded at the animal shelter under the authority of this section and impounded in accordance with 14-101. If animal control or police are required to forcibly enter a vehicle to rescue the animal, and the vehicle can no longer be secured, the police shall cause the vehicle to be towed. In no event shall animal control or police be liable to the animal's owner for damage to the animal, nor liable to the vehicle's owner for tow fees, storage fees, or damage to the vehicle when animal control or police act pursuant to this provision to protect the health and safety of the animal.

Sec. 14-130. - Abandonment of animals.

It shall be unlawful for any person to willfully abandon any animal within the city.

Sec. 14-131. - Tethering dogs.

- (a) Any dog permitted to be kept within the city shall not be chained, tied, fastened, or otherwise tethered to any stationary or inanimate object or trolley system as a means of confinement and restraint.**
- (b) Exceptions**

- 1101
1102 **(1) The dog is being tethered during a lawful animal event, veterinary treatment,**
1103 **grooming, training, or law enforcement activity; or**
1104
1105 **(2) The dog tethering is for a short period of time, not to exceed one hour in a**
1106 **twenty-four (24) period.**
1107
1108 **(3) When a dog is tethered as allowed in either of the above exceptions, the dog**
1109 **must be tethered by a non-choke type collar or a body harness to a tether that is**
1110 **at least three times the body length of the dog measured from the dog’s nose to**
1111 **the back of the hindquarters and the tether shall be free from any objects that**
1112 **could cause entanglement or strangulation. The tether shall be proportional to**
1113 **the size and weight of the individual dog and shall weigh no more than one-**
1114 **eighth of the dog’s body weight.**
1115
1116 **(4) When a dog is tethered as allowed in the above exceptions, any person having**
1117 **custody of such animal shall provide adequate shelter and adequate water for**
1118 **this dog, as defined in this article.**
1119
1120 **(5) When a dog is tethered as allowed in the above exceptions, the dog may not be**
1121 **restrained in a manner that allows the dog to move outside the person’s**
1122 **property or into the public right-of-way or public property.**
1123
1124 **(6) This section shall not apply to dogs used in law enforcement agencies in the**
1125 **performance of their duties.**
1126

1127 **Sec. 14-132. – Confinement of dogs in season (estrus).**
1128

1129 **The animal owner keeper or person harboring any non-spayed female dog shall, during the**
1130 **period that such animal is in season (estrus), keep it securely confined and enclosed within a building**
1131 **or securely fenced yard except when out upon such person’s premises briefly for urination and**
1132 **defecation while on a leash or otherwise effectively physically restrained.**
1133

1134 **Sec. 14-133. – Frightening, shooting, killing, trapping, molesting, etc., song and insectivorous birds.**
1135

1136 **It shall be unlawful for any person to frighten, shoot at, wound, kill, take, capture, ensnare,**
1137 **net, trap, or in any other manner molest or injure any robin, lark, whippoorwill, finch, sparrow,**
1138 **thrush, wren, martin, swallow, snowbird, bobolink, red-winged blackbird, crow, raven, oriole,**
1139 **kingbird, mockingbird, song-sparrow, or other songbird or insectivorous bird; or any bird listed**
1140 **on the migratory bird treaty act; or in any manner molest or injure the nest, eggs, or young of any**
1141 **such birds; or have in possession the nest, eggs, young, or body of any such bird.**
1142

1143 **Secs. 14-134 – 14-160. –Reserved.**
1144

1145
1146 **DIVISION 5. – DANGEROUS DOGS; VICIOUS DOGS**
1147

1148 **Sec. 14-161 – Determination of Status**
1149

- 1150 **(a) An animal control officer may find and declare a dog potentially dangerous, dangerous, or**
1151 **vicious if the officer has probable cause to believe that the dog falls within the definition of**
1152 **“vicious dog”, “dangerous dog” or “potentially dangerous dog”. The finding must be based**

1153 upon:

1154

1155 **(1) The written complaint of a person who is willing to testify that the animal has**
1156 **acted in a manner which causes it to fall within the definition of “vicious dog”,**
1157 **“dangerous dog” or “potentially dangerous dog”; or**

1158

1159 **(2) Dog bite reports filed with the animal control officer, hospital, or health**
1160 **department as required by city ordinance or state law; or**

1161

1162 **(3) Actions of the dog witnessed by any animal control officer or law enforcement**
1163 **officer; or**

1164

1165 **(4) Any other substantial evidence that is admissible in court to support the finding.**

1166

1167 **(b) The declaration shall be in writing, and shall be served by the animal control officer:**

1168

1169 **(1) On the owner, if known, using one of the following methods:**

1170

1171 **a. Regular mail to the owner’s last known address, or by certified mail directed**
1172 **to the owner at the owner’s last known address; or**

1173

1174 **b. Personally; or**

1175

1176 **c. If the owner cannot be located by one of the first two methods, by publication**
1177 **in a newspaper of general circulation and posting a notice on the property of**
1178 **the owner;**

1179

1180 **(2) Where the owner is not known a publication in a newspaper of general**
1181 **circulation.**

1182

1183 **(c) The declaration shall contain the following information:**

1184

1185 **(1) The name and address of the owner of the dog if known and if not know the**
1186 **fact;**

1187

1188 **(2) A description of the dog;**

1189

1190 **(3) The whereabouts of the dog;**

1191

1192 **(4) The facts upon which the declaration is based;**

1193

1194 **(5) The restrictions placed upon the dog and when the owners is not know the**
1195 **intended disposition of the dog;**

1196

1197 **(6) The penalties for violation of the restrictions, including the possibility of**
1198 **destruction of the animal and fine and imprisonment of the owner; and**

1199

1200 **(7) The availability of a hearing to contest the declaration by submitting a written**
1201 **request to the city attorney within fifteen days of receipt of the declaration or if**
1202 **notice is given by publication or posting within 15 days of the earlier date the**
1203 **notice first appears in the newspaper of the property is posted.**

1204

1205 **(d) A dog may be declared dangerous under this section if the dog has within a twelve-month**
1206 **period attacked and killed a domestic animal on more than one occasion. For purposes of this**
1207 **subsection only, a domestic animal does not include any feral animal or does not apply where**
1208 **the attack was upon a domestic animal that was at large or upon a domestic animal that was**
1209 **tormenting or attacking the dog.**
1210

1211 **(e) Dogs shall not be declared dangerous, potentially dangerous, or vicious if the threat, injury, or**
1212 **damage was sustained by a person who, at the time, was committing a willful trespass or other**
1213 **unlawful tort upon the premises occupied by the owner of the dog where the dog was present,**
1214 **or was tormenting, abusing, provoking or assaulting the dog or has, in the past, been observed**
1215 **or reported to have tormented, abused, provoked or assaulted the dog, or was committing or**
1216 **attempting to commit a crime.**
1217

1218 **(f) Notice. When notice is given by regular mail to the owner's last known address, notice is**
1219 **effective on the third day after the notice was placed in the mail, postage prepaid, to the**
1220 **owner's last known address. When notice is given by certified mail, notice is effective when**
1221 **received; provided however, if certified mail delivery has been refused, notice is effective by**
1222 **publication or posting and whenever notice is accomplished by publication or posting the**
1223 **notice is effective and deemed received on the earlier of the day the property is posted of the**
1224 **newspaper is published.**
1225

1226 **Sec. 14-162 –Potentially Dangerous Dogs.**
1227

1228 **(a) No person shall maintain a potentially dangerous dog without a license or otherwise in**
1229 **violation of this section.**
1230

1231 **(b) No person owning, harboring, or having the care or custody of a potentially dangerous**
1232 **dog shall permit the dog to go at large or leave the owner's property unless the dog is**
1233 **securely leashed and muzzled.**
1234

1235 **(c) Spaying/Neutering. All owners of potentially dangerous dogs must spay or neuter the**
1236 **dog and provide proof of sterilization to animal control within 14 days of the animal**
1237 **control officer declaring the dog potentially dangerous.**
1238

1239 **(d) In addition to any other penalty for a violation of this section, a court may revoke the**
1240 **authority of a person to keep a potentially dangerous dog within the city.**
1241

1242 **(e) The owner of a potentially dangerous dog may apply to animal control to have the**
1243 **declaration waived after two (2) years upon meeting the following conditions:**
1244

1245 **(1) The owner and offending dog has no subsequent violations of this chapter of the**
1246 **code; and**
1247

1248 **(2) The owner of the dog has complied with all the provisions of this act for a period**
1249 **of two (2) years; and**
1250

1251 **(3) The owner provides proof to animal control of successful completion of a**
1252 **behavior modification program administered by a Certified Pet Dog Trainer**
1253 **(CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist,**
1254 **certified through the American College of Veterinary Behaviorist (ACVB) or**
1255 **equivalent training.**
1256

1257 If animal control or designee finds sufficient evidence that the dog owner has complied
1258 with all conditions in this subsection, animal control shall rescind the potentially dangerous
1259 dog declaration.

1260
1261 Sec. 14-163 –Dangerous Dogs.

1262
1263 (a) No person shall maintain a dangerous dog without a license or otherwise in violation of
1264 this section.

1265
1266 (b) No person shall maintain a dangerous dog in violation of this section.

1267
1268 (c) Keeping of a Dangerous Dog. Once a dog has been declared dangerous, it shall be kept
1269 in a secure enclosure subject to the following requirements:

1270
1271 (1) No person having charge, custody, control, or possession of a dangerous dog
1272 shall allow the dog to exit its enclosure unless such dog is securely attached to a
1273 leash not more than four (4) feet in length and walked by a person who is both
1274 over the age of eighteen and who has the physical ability to restrain the dog at
1275 all times. No owner shall keep or permit a dangerous dog to be kept on a chain,
1276 rope, or other types of leash outside its enclosure unless a person capable of
1277 controlling the dog is in physical control of the leash.

1278
1279 (2) It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog
1280 to be outside of its proper enclosure unless it is necessary for the dog to receive
1281 veterinary care or exercise. In such cases, the dog shall wear a properly fitted
1282 muzzle to prevent it from biting humans or other animals. Such muzzle shall not
1283 interfere with the dog's breathing or vision.

1284
1285 (3) Except when leashed and muzzled as provided in this Section, a dangerous dog
1286 shall be securely confined in a residence or confined in a locked pen or other
1287 secure enclosure that is suitable to prevent the entry of children and is designed
1288 to prevent the dog from escaping. The enclosure shall include shelter and
1289 protection from the elements and shall provide an adequate exercise room, light,
1290 and ventilation. The enclosed structure shall be kept in a clean and sanitary
1291 condition and shall meet the following requirements:

1292
1293 a. The structure must have secure sides and a secure top, or all sides must be at
1294 least six (6) feet high:

1295
1296 b. The structure must have a bottom permanently attached to the sides or the
1297 sides of the sides must be embedded not less than one (1) foot into the
1298 ground: and

1299
1300 c. The structure must be of such material and closed in such a manner that the
1301 dog cannot exit the enclosure on its own.

1302
1303 (4) No dangerous dog shall be kept on a porch, patio, or in any part of a house or
1304 structure that would allow the dog to exit such building on its own volition. In
1305 addition, no such dog shall be kept in a house or structure when the windows or
1306 screen doors are the only obstacle preventing the dog from exiting the structure.

1307
1308 (5) All owners, keepers, or harborers of dangerous dogs shall display in a

1309 prominent place on their premises a sign easily readable by the public using the
1310 words “Beware of Dog”.

1311
1312 **(6) The owner of a dangerous dog will be required to present to the city proof that**
1313 **he/she has procured liability insurance or a surety bond in the amount not less**
1314 **than one hundred thousand dollars (\$100,000) covering any damage or injury**
1315 **that may be caused by such dangerous dog. The policy shall contain a provision**
1316 **requiring that the city be notified immediately by the agent issuing it if the**
1317 **insurance policy is canceled, terminated, or expires. The liability insurance or**
1318 **surety bond shall be obtained prior to the issuing of a permit to keep a**
1319 **dangerous dog. The dog owner shall sign a statement attesting that he shall**
1320 **maintain and not voluntarily cancel the liability insurance policy during the**
1321 **twelve (12) month period for which a permit is sought unless he ceases to own or**
1322 **keep the dog prior to the expiration date of the permit period.**

1323
1324 **(7) All owners, keepers, or harborers of dangerous dogs must within ten (10) days**
1325 **of determination provided to animal control two color photographs of the**
1326 **registered dog clearly showing the color and approximate size of the dog.**

1327
1328 **(8) All owners, keepers, or harborers of dangerous dogs must within ten (10) days**
1329 **of determination microchip the dog and provide the microchip information to**
1330 **animal control to register the dog as dangerous.**

1331
1332 **(9) All owners, keepers, or harborers of dangerous dogs must within ten (10) days**
1333 **of determination spay or neuter the dog and provide proof of sterilization to**
1334 **animal control.**

1335
1336 **(10) No person shall sell, barter, or in any other way dispose of a dangerous dog**
1337 **registered with the city to any person within the city unless the recipient person**
1338 **resides permanently in the same household and on the same premises as the**
1339 **owner of such dog, provided that the owner of a dangerous dog may sell or**
1340 **otherwise dispose of a registered dog to persons who do not reside within the**
1341 **city. The owner must disclose the dog’s status as a dangerous dog to anyone to**
1342 **whom the owner transfers custody or care of the dog.**

1343
1344 **(11) The owner or keeper of a dangerous dog shall notify police departments**
1345 **dispatch immediately if such dog escapes from its enclosure or restraint and is at**
1346 **large. Such immediate notifications shall also be required if the dog bites or**
1347 **attacks a person or domestic animal.**

1348
1349 **(12) It shall be a separate offense to fail to comply with the restrictions in this**
1350 **section. Any dog found to be in violation of this Section shall be subject to**
1351 **immediate seizure and impoundment pursuant to 14-165. In addition, failure to**
1352 **comply with the requirements and conditions set forth in this Ordinance shall**
1353 **result in the revocation of the dog’s license and the permit providing for the**
1354 **keeping of such dog.**

1355
1356 **(d) A dangerous dog owner may apply to animal control to have the declaration waived**
1357 **after three (3) years upon meeting the following conditions:**

1358
1359 **(1) The owner and offending dog has no subsequent violations of this article; and**
1360

1361 (2) The owner of the dog has complied with all the provisions of this act for a period
1362 of three (3) years; and

1363
1364 (4) The owner provides proof to animal control of successful completion of a
1365 behavior modification program administered by a Certified Pet Dog Trainer
1366 (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist,
1367 certified through the American College of Veterinary Behaviorist (ACVB) or
1368 equivalent training.

1369
1370 (e) If animal control finds sufficient evidence that the dog owner has complied with all
1371 conditions in this subsection, and has sufficient evidence that the dog's behavior has
1372 changed, the animal control officer shall rescind the dangerous dog declaration.

1373
1374 Sec. 14-164 –Vicious Dogs.

1375
1376 It shall be unlawful to keep, possess, or harbor a vicious dog within the city limits.

1377
1378 (a) The provisions of this article shall not apply to a police dog being used to assist one or
1379 more law enforcement officers acting in an official capacity.

1380
1381 (b) The municipal court may order a dog euthanized that has been declared vicious.

1382
1383 (c) The owner of a dog that the municipal court declares to be vicious may appeal the
1384 determination to the circuit court within 15 days of declaration. If an appeal is timely
1385 filed, the order to destroy the animal is suspended pending the final determination
1386 from the circuit court except when the chief of police or his designee declares that the
1387 public health and safety require the immediate destruction of the animal as in the case
1388 of rabies.

1389
1390 (d) The owner of a vicious dog shall be liable for and shall pay all costs associated with
1391 impoundment, removal, or euthanasia of said animal. The owner shall pay any other
1392 associated costs

1393
1394 Sec. 14-165 –Immediate Impoundment.

1395
1396 (a) A dog suspected of being dangerous or vicious may be immediately impounded when
1397 animal control or their designee determines such immediate impoundment is necessary
1398 for the protection of public health or safety.

1399
1400 (b) If the owner of the dog impounded under subsection (a) of this section is not reasonably
1401 ascertainable at the time of impoundment, animal control shall immediately notify the
1402 owner by mail sent to the owner's last known address postage prepaid which upon the
1403 passage of three days be deemed complete or by personal service within five (5)
1404 business days after the dog's impoundment.

1405
1406 (c) The notice of impoundment shall inform the owner of the dog that the owner may
1407 request, in writing, a hearing to contest the impoundment. Upon receipt of the notice of
1408 impoundment either through personal service or by mail (receipt is complete three
1409 days after mailing to the last known address of owner postage prepaid), the owner has
1410 five (5) business days to request a hearing to the administrative hearing officer in
1411 accordance with the procedures set forth in chapter 30.

1412

- 1413 (d) Upon request by the owner of the dog for a hearing under subsection (c), a hearing
1414 must be held within ten (10) business days after receipt of the request. Notice of the
1415 date, time, and location of the hearing shall be provided by regular mail to the dog
1416 owner requesting the hearing. The impoundment hearing shall determine if the dog
1417 poses a risk to public health and safety preponderance of the evidence or if the dog
1418 could be released. If the administrative hearing officer determines the dog does not
1419 pose a risk to public health and safety, the dog shall be immediately released back to
1420 the owner pending further proceedings either administrative or judicial.
1421
- 1422 (e) The owner must pay all of the cost of the impoundment and upon request must post
1423 sufficient funds to cover the anticipated costs for continued impoundment. In the
1424 alternative, the owner may propose a suitable facility where the dog could be contained
1425 and maintained at the sole cost of the owners, and upon approval of animal control, the
1426 dog may be impounded at that facility under the terms and conditions set by animal
1427 control. Failure to post funds sufficient to pay for the costs of impoundment constitutes
1428 a waiver of any rights the owner may have to a hearing under this section.
1429
- 1430 (f) If the owner timely appeals an impoundment or seizure, the owner may also seek
1431 review of animal control's determination of the boarding costs by filing an appeal to
1432 the administrative hearing officer in accordance with the provisions of chapter 30
1433 within five (5) days after the city issues a demand for prepayment. The administrative
1434 hearing officer may make any decision animal control could have made such as
1435 requiring the owner to prepay boarding costs retroactive to the initial boarding date of
1436 the animal, posting a bond, or placing the animal in a suitable facility at the owner's
1437 sole expense. The owner may ask the administrative hearing officer to review animal
1438 controls decision regarding the prepayment of boarding costs as part of its review of
1439 the underlying appeal.
1440
- 1441 (g) If the owner is successful in appealing the decision to impound the dog, the city must
1442 refund to the owner any costs paid for the impoundment.
1443

1444 Sec. 14-166 –Continuation of Dangerous Dog Declaration.
1445

1446 Any dog that has been declared dangerous or vicious by any agency or department of the
1447 city, another municipality, county, or state shall be subject to the provisions of this chapter. The
1448 person owning or having custody of any dog designated as potentially dangerous or dangerous by
1449 any municipality, county, or state government shall notify animal control of the dog's address and
1450 conditions of maintenance within ten (10) days of moving the animal into the city. The restrictions
1451 and conditions of maintenance of any dog declared dangerous by this city, another municipality,
1452 county, or state shall remain in force while the dog remains in the city. No dog declared a
1453 potentially dangerous, dangerous, or vicious dog by any other designation agency or department of
1454 another municipality, county, or state based solely on size, breed, a mix of breeds, or appearance
1455 shall be subject to this section.
1456

1457 Sec. 14-167 –Reckless Dog Owner.
1458

1459 (a) Any person shall be declared a reckless dog owner if convicted of:
1460

- 1461 (1) A violation of any section in Chapter 14 three (3) or more times in a 24 (twenty-
1462 four) month period; or
1463
1464 (2) A violation of this article two (2) or more times in any five-year period.

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(b) Animal control or designee shall issue a notification of the declaration of Reckless Dog Owner to the person with the following:

- (1) Name and address of the person subject to the declaration, and;**
- (2) The description, violation, and conviction that led to the declaration, and;**
- (3) The name, description, and license number of all dogs subject to the effects of the declaration, and;**
- (4) Instructions on appealing the declaration of animal control.**

(c) Once declared a Reckless Dog Owner, the city licenses of all dogs owned by the person shall be revoked, and the person shall not own, keep, possess, or harbor a dog for a period of five (5) full years from the date of the declaration.

(d) A person declared to be a Reckless Dog Owner may apply to animal control or designee to have the declaration waived after two (2) years upon meeting the following conditions:

- (1) The person has no subsequent violation of Chapter 14; and**
- (2) The person has complied with all the provisions of this article for a period of two (2) years; and**
- (3) The person provides proof to animal control of successful completion of a program designed to improve the person's understanding of dog ownership responsibilities and based upon an interview with the supervisor of animal control establishes that understanding.**

If animal control or their designee finds sufficient evidence that the person has complied with all conditions in this subsection, animal control or their designee may rescind the reckless owner declaration subject to conditions that can help to ensure no future violations. If animal control or their designee declines to remove the declaration, the person aggrieved may appeal to the administrative hearing officer in accordance with the procedures set forth in chapter 30 within thirty (30) days of that decision. Upon appeal, the person must provide proof that ownership of a dog in the future will be handled responsibly and not in violation of any law or ordinance.

Sec. 14-168 –Guard Dogs.

(a) No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by him or under his 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 closed or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure, and such guard dog must not be used or maintained in a manner which, as determined by the animal control officer, endangers individuals on or off the premises guarded.

(b) Any guard dog, used in the city by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this article.

1515 (c) It shall be the duty of the owner of all guard dogs residing in or used as such in the city to
1516 register such dogs annually with animal control.

1517 (d) The owner of a potentially dangerous or dangerous dog may apply to animal control to put
1518 the dog into service as a guard dog. The owner must describe in a written application how
1519 the dog will be used and how the use may differ from any condition required for
1520 maintaining a potentially dangerous or dangerous dog. Animal control must review the
1521 application and either approve the proposed use and terms of use, deny the use of terms of
1522 use, and may issue an order authorizing the use under terms established by animal control
1523 or designee.

1524
1525 Sec. 14-169 –Appeals.
1526

1527 Any person aggrieved by a decision of animal control to declare a dog potentially
1528 dangerous, dangerous, or vicious, or to declare a person a reckless dog owner, or to impound a
1529 dog, or to have a dog euthanized may appeal the decision unless a different period is provided
1530 under this division. A person aggrieved by a decision of animal control may appeal that decision to
1531 the administrative hearing officer in accordance with the procedures set forth in chapter 30.
1532

1533 Secs. 14-170 – 14-180. –Reserved.
1534

1535 DIVISION 6. – EXOTIC ANIMALS.
1536

1537 Sec. 14-181. - Intent.
1538

1539 It is the intent of the City to protect the public against health and safety risks that exotic
1540 animals pose to the community and to protect the welfare of the individual animals held in
1541 private possession. By their very nature, exotic animals are wild and potentially dangerous and,
1542 as such, do not adjust well to a captive environment.
1543

1544 Sec. 14-182. – Definitions of Prohibited Exotic Animals.
1545

1546 Exotic animal means those species of animals that are exotic to humans. Exotic animals
1547 include, but are not limited to, any or all of the following orders and families, whether bred in the
1548 wild or in captivity, and any or all hybrids. The animals listed in parentheses are presented
1549 merely as examples and are not to be construed as an exhaustive list or limitation of the class,
1550 order, family, subfamily, genus, or species described unless otherwise specified:
1551

1552 (a) Class Mammalia:
1553

1554 (1) Order Artiodactyla (such as hippopotamuses, giraffes, camels, deer) except
1555 cattle, swine, sheep, or goats).
1556

1557 (2) Order Carnivora:
1558

1559 a. Family Felidae (such as bobcats, lions, tigers, cougars, leopards,
1560 ocelots, servals, cheetahs, jaguars, lynx, caracals) except domestic
1561 cats;
1562

1563 b. Family Canidae (such as wolves, coyotes, foxes, jackals) except

- 1564 domestic dogs;
1565
1566 **c. Family Ursidae (all bears).**
1567
1568 **d. Family Mustelidae (such as weasels, skunks, otters, badgers,**
1569 **martins, and minks) except ferrets;**
1570
1571 **e. Family Procyonidae (such as raccoons and coatis);**
1572
1573 **f. Family Hyaenidae (hyenas);**
1574
1575 **g. Family Viverridae (civets, genets, mongooses);**
1576
1577 **h. Family Chiroptera (bats).**
1578
1579 **(3) Order Edentata (anteaters, armadillos, sloths).**
1580
1581 **(4) Order Lagomorphs (rabbits) except domestic breeds.**
1582
1583 **(5) Order Marsupialia (opossums, kangaroos, wallabies) except sugar glider.**
1584
1585 **(6) Order Perissodactyla (rhinoceroses, tapirs) except horses, donkeys or**
1586 **mules.**
1587
1588 **(7) Order Primates:**
1589 **a. Family Cercopithecidae (such as baboons); and**
1590
1591 **b. Family Hominidae (such as chimpanzees, gorillas, orangutans);**
1592
1593 **c. Family Strepsirrhini (such as lemurs).**
1594
1595 **(8) Order Proboscidea (elephants).**
1596
1597 **(9) Order Rodentia (squirrels, beavers, porcupines) except guinea pigs, rats,**
1598 **mice, gerbils, or hamsters.**
1599

1600 **(b) Class Reptilia:**

- 1601
1602 **(1) Family Helodermatidae (venomous lizards);**
1603
1604 **(2) Family Hydrophiidae (venomous marine snakes);**
1605
1606 **(3) Family Crotalidae (rattlesnakes, fer-de-lance, water moccasins,**
1607 **copperheads);**
1608
1609 **(4) Family Viperidae (such as old world vipers);**
1610
1611 **(5) Family Elapidae (such as coral snakes, cobras, mambas, etc.) all species;**
1612
1613 **(6) Family Natricinae (only keelback snakes);**
1614
1615 **(7) Family Varanidae (only water monitors and crocodile monitors);**

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(8) Family Iguanidae (only green iguanas and rock iguanas);

(9) Family Boidae (all species whose adult length has the potential to exceed six (6) feet in length);

(10) Family Colubridae:

- a. Dispholidus typus (boomslangs);**
- b. Hydrodynastes gigas (false water cobra);**
- c. Boiga dendrophila (mangrove snake); and**
- d. Thelotornis kirtlandii (bird snake); and**

(11) Order Crocodylia (such as crocodiles, alligators, caimans, gavials, etc.);

(12) Family Chelydridae:

- a. Macrolemys temmincki (alligator snapping turtle); and**
- b. Chelydra serpentina (common snapping turtle).**

(c) Class Amphibia:

(1) Family Dendrobatidae: Phyllobates terribilis; and

(d) Any hybrid of an animal listed in this section.

Sec. 14- 183 -- Prohibited exotic animals.

A person commits an offense if he owns, keeps, possesses, transports, controls, display or offer for sale any exotic animal within the city. For the purpose of this section, the term "exotic animals" shall be defined as listed in section 14-182.

Sec. 14-184 - Exemptions.

The provisions of this section shall not apply to:

- (a) Animal control or law enforcement agencies or officers acting under the authority of this article;**
- (b) Licensed veterinary hospitals or clinics;**
- (c) Any wildlife sanctuary as defined under this chapter;**
- (d) Any licensed or accredited research or medical institution;**
- (e) Any licensed or accredited educational institution;**

- 1667 (f) Any lawfully operated circus or rodeo;
1668
1669 (g) Any business holding a commercial animal establishment permit;
1670
1671 (h) Any organization that is an accredited member of the Animal Zoo and Aquarium
1672 Association;
1673
1674 (i) Any person or organization possessing a permit issued by the U.S. Department of
1675 Agriculture, U.S. Fish and Wildlife Service, the Missouri Department of Agriculture,
1676 or Missouri Department of Conservation;
1677
1678 (j) In the temporary custody or control of a television or motion picture production
1679 company during the filming of a television or motion picture production in this state;
1680 or
1681
1682 (k) A person temporarily transporting an exotic animal through the city if the transit
1683 time is not more than twenty-four (24) hours and the animal is at all times maintained
1684 within confinement sufficient to prevent the exotic animal from escaping.
1685

1686 Sec. 14-185 - Confiscation and disposition of exotic animals.
1687

- 1688 (a) Animal control may immediately confiscate any exotic animal if the animal is kept in
1689 contravention of this article. The possessor is liable for the costs of placement and care for
1690 the exotic animal from the time of confiscation until the time of return to the possessor or
1691 until the time the animal has been relocated to an approved facility, such as a wildlife
1692 sanctuary as defined under this article or an institution accredited by the American Zoo
1693 and Aquarium Association (AZA).
1694
1695 (b) If an exotic animal is confiscated due to the animal being kept in contravention of this
1696 article, the possessor must post a security bond or cash with the city in an amount
1697 sufficient to guarantee payment of all reasonable expenses expected to be incurred in
1698 caring and providing for the animal, including but not limited to the estimated cost of
1699 feeding, medical care, and housing for at least thirty (30) days. The security bond or cash
1700 shall not prevent the animal control from disposing of the animal at the end of the thirty
1701 (30) days unless the person claiming the animal posts an additional security bond or cash
1702 with the city to secure payment of all reasonable expenses expected to be incurred in
1703 caring and providing for the animal for an additional thirty (30) days, and does so prior
1704 to the expiration of the first thirty-day period. The amount of the security bond or cash
1705 shall be determined by the animal control or his designee and based on the current rate to
1706 feed, provide medical care, and house the animal.
1707
1708 (c) If a confiscated animal possessor cannot be located or if a confiscated animal remains
1709 unclaimed, in the discretion of the animal control officer, the animal control officer may
1710 contact an approved facility, such as a wildlife sanctuary as defined under this article or
1711 an institution accredited by the American Zoo and Aquarium Association (AZA), allow
1712 the animal to be sold, adopted or euthanized.
1713
1714 (d) If the exotic animal cannot be taken up or recaptured safely, the animal control officer or
1715 law enforcement officer may immediately euthanize the animal.
1716
1717 (e) If proper and safe housing cannot be found, animal control or their designee may
1718 immediately euthanize the animal.

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Sec. 14-186 – Exotic Primary Enclosures.

A person commits an offense if he harbors or maintains an exotic animal unless the animal is confined to a primary enclosure that meets the following minimum construction specifications:

- (a) Orders Rheiformes, Struthioniformes, and Casuariiformes: A fence of not less than six feet (6') in height, constructed of not less than eleven and one-half (11 ½) gauge chain link fence or its strength equivalent.
- (b) Family Ailuridae: a cage of not less than nine (9) gauge chain link or its strength equivalent.
- (c) Families Protelidae and Viverridae: A cage of not less than eleven and one-half (11 ½) gauge chain link or its strength equivalent.
- (d) Gibbons, monkeys, and other primates: a cage consisting of not less than nine (9) gauge chain link or its strength equivalent.
- (e) Elephants, rhinoceros, and hippopotamus: a cage of steel bars, masonry block, or its strength equivalent.
- (f) Order Marsupialia: a cage consisting of not less than eleven and one-half (11½) gauge chain link or its strength equivalent.
- (g) Order Perissodactyla (except rhinoceros) and Order Artiodactyla (except hippopotamus): a fence of not less than eight feet (8') in height, constructed of not less than nine (9) gauge chain link or its strength equivalent.
- (h) Order Chiroptera (bats): a cage with no openings that will allow passage of a sphere larger than three-eighths inch (3/8"), excluding the door. Any door to such a cage shall have no openings which will allow passage of a sphere greater than three-eighths inch (3/8") and shall be kept secured when not in use.
- (i) All cages and fences constructed of chain link shall be well braced and securely anchored at ground level and shall utilize metal corners, clamps, ties, and braces of equivalent strength to other materials prescribed for cage construction for that order, family, or species.
- (j) Frames for cages and fences, including corners, braces, top, and bottom rails, shall be securely bolted or welded to provide maximum strength.
- (k) Cages and fences shall be sufficiently strong to prevent escape.
- (l) Cages and fences shall be equipped with locks and locking mechanisms to prevent opening by unauthorized persons.
- (m) All cages shall be covered at the top to prevent escape. In lieu of this requirement, facilities provided for rhinoceros, elephants, and hippopotami may be constructed at sufficient height and in such a manner to prevent escape.

Sec. 14-187 – Transportation of Exotic Animals.

1770 It is unlawful to transport an exotic animal unless such animal is transported in a cage that
1771 meets the minimum construction and strength requirements for primary holding facilities as
1772 required in this section.

1773
1774 Secs. 14-188 – 14-200. –Reserved.

1775
1776 DIVISION 7. – COMMERCIAL

1777
1778 Sec. 14-201. - Applicability to existing establishments.

1779
1780 This division is applicable to all existing animal establishments, acts, displays, and events,
1781 except that private homes which become kennels by this division or by annexation, may keep the
1782 present number of animals and not be subject to any requirements as may be incurred by this
1783 division, provided all animals are permitted with animal control, that nonconforming use be
1784 registered with zoning, that minimum standard of health and sanitation are met, and that no new
1785 animals will be permitted without the kennel meeting all zoning, fire, building, and health codes
1786 as currently adopted by the city.

1787
1788 Sec. 14-202 – Commercial animal establishments standards for operation and treatment of animals.

- 1789
1790 (a) Any person operating a commercial animal establishment shall keep and maintain the
1791 animals, and all structures, pens or yards, tanks, ponds, or other holding areas in which
1792 the animals are kept, in such a manner as to prevent a nuisance or health hazard to
1793 humans and to avoid injury and illness to these animals. All holding areas must be
1794 properly sanitized so as to keep the animals enclosed therein free of diseases.
1795
1796 (b) All such animals shall be provided with a constant supply of wholesome food and water,
1797 or, in lieu of this, the proprietor shall prominently and publicly post and shall follow a
1798 schedule for adequate feeding and watering. A schedule shall also be posted for cleaning
1799 and maintaining cages and other holding areas at the facility.
1800
1801 (c) Any animal that is infected or diseased with an infectious agent shall be immediately
1802 isolated in such a manner as to prevent the spread of disease to any other healthy animals,
1803 and it shall be treated immediately to prevent further condition deterioration or
1804 euthanized, and if the owner or keeper fails or refuses to provide for such treatment or
1805 euthanasia animal control may remove each such animal to an animal shelter for
1806 disposition as provided by this chapter.
1807
1808 (d) Any person operating a retail commercial animal establishment shall not sell or offer for
1809 sale any dangerous or prohibited animal as defined by section 14-182. Retail commercial
1810 animal establishments shall not sell any reptiles, offer any reptiles for sale, or offer any
1811 reptiles as a gift or promotional consideration unless a notice regarding the public health
1812 risks of salmonellosis from such animals and safe-reptile handling practices is
1813 prominently posted or displayed at each location in the establishment where the reptiles
1814 are displayed, housed or held.

1815
1816 Sec. 14-203 – Commercial animal establishments permits.

- 1817
1818 (a) Required; application.
1819

1820 (1) All commercial animal establishments operated and located within the city must
1821 obtain a permit from animal control. This permit is a prerequisite to the issuance
1822 of an occupational license for such an establishment. All permits issued under
1823 this section must be renewed annually. Application forms therefor shall be
1824 provided by animal control or finance.

1825
1826 (2) The permit period shall begin May 1 and shall run for one year. Renewal
1827 applications for permits shall be made thirty (30) days prior to and up to sixty
1828 (60) days after May 1. Application for a permit to establish a new commercial
1829 animal establishment under the provisions of this division may be made at any
1830 time. Temporary animal events shall require a temporary permit from animal
1831 control, which is valid for four days. At the discretion of the licensing authority,
1832 temporary animal adoption event permit fees may be waived for nonprofit and
1833 governmental agencies.

1834
1835 (3) No person shall be issued a permit for a temporary animal adoption event
1836 without making provisions for the sterilization of all animals sold, released for
1837 adoption, or purchased from any public or private shelter or animal control
1838 agency operated by a humane society, or by city or county, or other political
1839 subdivision.

1840
1841 (4) If there is a change in ownership of a commercial animal establishment, the new
1842 owner may have the current permit transferred to his name upon application.

1843
1844 (5) No commercial animal establishment shall train any dog to be used as a guard or
1845 sentry dog without possessing a valid license. This section shall not apply to the
1846 city/county government or any of its agencies. The application for a guard or
1847 sentry dog training license shall state the name and address of the owner and
1848 trainer, the location of the facility, and the maximum number of dogs to be
1849 housed at the training facility.

1850
1851 (6) Every facility regulated by this division shall be considered a separate enterprise
1852 requiring an individual permit.

1853
1854 (7) All facilities shall be in compliance with zoning, building, fire, health, and other
1855 current codes as adopted by the city.

1856
1857 (8) Failure to obtain a permit before opening any facility covered in this division
1858 shall be considered in violation.

1859
1860 (b) Prerequisites for issuance. A permit shall not be issued unless:

1861 (1) The applicant provides the complete information requested on the application
1862 form, including but not limited to the names of the owner and applicant, the
1863 type of business proposed, previous business of the applicant of the same or
1864 similar nature operated, background, qualifications, and experience of the
1865 applicant or operator, and any other information required for animal control to
1866 make an objective judgment as to whether the applicant is qualified to operate
1867 the business in a safe and humane manner.

1868

1869 (2) The applicant provides proof that the establishment meets zoning, building, and
1870 fire code requirements.

1871
1872 (3) The applicant provides proof that the establishment has complied with any and
1873 all federal government, state government, county government, and city
1874 government agencies that have regulating and licensing authority by
1875 promulgating any relative regulations, statutes, or guidelines.

1876
1877 (4) The applicant provides an adequate written program of veterinary care
1878 outlining inoculation, worming, and other necessary care, treatment, or
1879 euthanasia to prevent the exchange, barter, sale, rental or hire of such animals
1880 which are diseased or unfit.

1881
1882 (c) Inspections. Prior to authorizing a new permit or renewing an existing permit, animal
1883 control will inspect the proposed or existing business premises as to their suitability for
1884 their intended use. Such inspection will include but shall not be limited to holding areas,
1885 primary enclosures, waste disposal methods, food and bedding, vermin control, heating
1886 and ventilation, and isolation facilities. All such facilities where animals are kept are
1887 subject to comply with the needs of animals as outlined in sections 14-125 and 14-186.
1888 Such permit shall not be renewed unless animal control finds that the permit holder has
1889 operated his or her business in a safe and humane manner in the previous permit period.

1890
1891 Sec. 14-203. - Permit required for commercial animal establishments, animal shelters, temporary
1892 animal events, temporary animal adoption events, and pet shops; issuance.

1893
1894 (a) No person shall operate a commercial animal establishment or animal shelter, or have or
1895 hold a temporary animal event or animal adoption event from any outdoor location
1896 without first obtaining a permit in compliance with this division.

1897
1898 (b) The licensing authority shall promulgate regulations for the issuance of permits and shall
1899 include requirements for the humane care of all animals and for compliance with
1900 provisions of this division and other applicable laws. The licensing authority may amend
1901 such regulations from time to time as deemed desirable for public health and welfare and
1902 for the protection of animals.

1903
1904 (c) No person or entity shall operate a pet shop or any other facility or event where animals
1905 are bought, sold, exchanged, offered for retail sale or adoption to the general public
1906 without the required state department of agriculture pet shop license, and city business
1907 license.

1908
1909 (d) No person shall be issued a permit for a temporary animal adoption event without making
1910 provisions for the sterilization of all animals sold, released for adoption, or purchased
1911 from any public or private shelter or animal control agency operated by a humane
1912 society, or by city or county, or other political subdivision.

1913
1914 (e) Failure to obtain a permit before opening any facility covered in this division shall be
1915 considered in violation.

1916
1917 Sec. 14-204 - Denial or revocation of a permit.

1918
1919 It shall be grounds for permit revocation or denial for an owner, proprietor, manager, or

1920 employee to fail to meet the standards set forth in section 14-202 of this section, to falsify
1921 information requested in the application, or to refuse or deny access to animal control or designee
1922 for the purposes of inspection or complaint investigation with reference to granting, renewing,
1923 suspending or revoking a commercial animal establishment permit. Animal control shall make
1924 any denial, suspension, or revocation of a permit in writing to the applicant or permit holder,
1925 stating the reasons for such action. The applicant or permit holder shall have ten days after
1926 receipt of such denial, suspension, or revocation in which he may appeal from such denial,
1927 suspension or revocation to the administrative hearing officer in accordance with the procedures
1928 set for in chapter 30. Appeal by a permit holder shall stay suspension or revocation of the permit
1929 pending final disposition of the appeal.

- 1930
- 1931 (a) After an application is filed pursuant to section 14-202, animal control or their designee
1932 shall inspect the facility prior to issuing the permit. Animal control or their designee may
1933 revoke any permit or license if the person holding the permit or license refuses or fails to
1934 comply with this division, the regulations promulgated by the licensing authority, or any
1935 law governing the protection and keeping of animals.
- 1936
- 1937 (b) Any person whose permit or license is revoked shall, within ten days thereafter, humanely
1938 dispose of or make suitable arrangements for all animals owned, kept, or harbored.
- 1939
- 1940 (c) It shall be a condition of the issuance of any permit or license that animal control or their
1941 designee shall be permitted to inspect all animals and the premises where animals are
1942 kept at any time and shall if permission for such inspection is refused, revoke the permit
1943 or license of the refusing owner.
- 1944
- 1945 (d) If the applicant has withheld or falsified any information on the application, animal
1946 control or their designee shall refuse to issue a permit or license or may revoke after
1947 issuance.
- 1948
- 1949 (e) No person who has been convicted of cruelty to animals shall be issued a permit or license
1950 to operate a commercial animal establishment.
- 1951
- 1952 (f) Any person having been denied or revoked a license or permit may not reapply for a
1953 period of one-hundred and eighty (180) days.

1954

1955 Sec. 14-205 – Commercial Animal establishment operator responsibilities.

1956

1957 An operator shall ensure that:

- 1958
- 1959 (a) The buildings and grounds at all locations where animals are shall be kept clean and in
1960 good repair, shall not become accumulated with trash and the interior building surfaces
1961 shall be maintained so that they are substantially impervious to animal wastes and may be
1962 readily sanitized.
- 1963
- 1964 (b) All animal housing facilities shall be constructed and maintained in such a manner as to
1965 protect the animals inside from injury, prevent the animals inside from escaping and
1966 restrict the entrance of other animals. In addition, all animal housing facilities shall have
1967 adequate and reliable sources of electrical power and potable water available.

1968 Sec. 14-206 – Commercial Animal indoor enclosures.

1969

1970 (a) An operator shall provide all animals with enclosures located indoors, except animals that
1971 are acclimated to the outdoor environment, and ensure that the interior of a housing
1972 facility for indoor enclosures is constructed and maintained in such a manner as to be
1973 substantially impervious to moisture as required by species and to facilitate regular
1974 cleaning. In addition, an operator shall provide a suitable method to eliminate excessive
1975 water from the interior of a housing facility for indoor enclosures. All drains must be
1976 constructed and maintained in such a manner as to avoid foul odors. Any closed system
1977 for drainage must be equipped with traps that prevent the release of sewage into the
1978 housing facility.

1979
1980 (b) All indoor enclosures shall be constructed and maintained in such a manner as to protect
1981 the animals inside from excessive illumination while providing an ample amount of light,
1982 by natural or artificial means or both, of a sufficient distribution and intensity to allow
1983 for routine inspection and cleaning. The indoor enclosure shall also provide a sufficient
1984 amount of heat when necessary to protect the animals inside from cold and to maintain
1985 their health and comfort. The ambient temperature of an indoor enclosure in which one
1986 or more animals are kept must not be allowed to fall below fifty degrees (50) Fahrenheit
1987 unless each animal is acclimated to a lower temperature. In addition, all indoor enclosures
1988 shall be provided with adequate ventilation at all times to maintain the health and
1989 comfort of the animal(s) inside as required by species. The system of ventilation must
1990 provide fresh air by means of windows, doors, vents, or air conditioning and be designed
1991 to maintain drafts, odors, and the condensation of moisture at a minimum. If the ambient
1992 temperature reaches eighty-five (85) degrees Fahrenheit or greater, air conditioning,
1993 exhaust fans, and vents, or other auxiliary ventilation must be provided.

1994
1995 Sec. 14-207 – Commercial Animal outdoor enclosures.
1996

1997 If animals are kept outdoors, an operator shall provide a suitable method for the rapid
1998 drainage of surface water from the area where each animal is kept. An operator shall also
1999 provide a sufficient amount of shelter to ensure the animal remains dry from rain and snow and
2000 protected from wind when a high wind warning has been issued by the National Weather Service
2001 or which creates a wind chill of less than fifty degrees (50) Fahrenheit unless each animal is
2002 acclimated to a lower temperature. In addition, an animal shall have enough shade to protect
2003 itself from any direct sunlight that is likely to cause overheating or discomfort and remain warm
2004 when the atmospheric temperature falls below fifty degrees Fahrenheit. If the ambient
2005 temperature falls below the temperature to which an animal is acclimated, the operator shall
2006 provide such an additional amount of clean bedding material or other protection as necessary for
2007 the animal to remain warm. After considering the ambient temperature, the operator shall
2008 provide each animal with a sufficient amount of food and water necessary to sustain it in a
2009 healthy condition at that temperature.

2010
2011 Sec 14-208- Commercial Animal primary enclosure—Construction and maintenance requirements.
2012

2013 An operator shall ensure that a primary enclosure is constructed and maintained in such
2014 a manner as to protect the animals inside from injury, prevent the animals inside from escaping,
2015 keep other animals out and allow the animals inside convenient access to food and water. In
2016 addition, an operator shall enable animals inside to remain clean and dry as required by species
2017 and provide sufficient space for each animal inside to turn about freely and to stand, sit and lie in
2018 a comfortable, normal position as appropriate for the species.

2019
2020 Sec 14-209- Commercial animal primary enclosure—floor space.

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An operator shall ensure that a primary enclosure in which each animal that is at least six weeks old is kept has a minimum amount of floor space which is calculated by finding the mathematical square of the sum of six inches plus the length of the animal measured from the tip of its nose to the base of its tail and dividing that amount by one hundred forty-four, to arrive at the minimum amount of square footage required for the floor space per animal.

Sec 14-210- Commercial animal compatibility of animals in enclosures.

If animals are kept in enclosures together, an operator shall ensure that animals placed with other animals are compatible. Any animal that displays a vicious disposition shall not be placed together with any other animal. A female animal shall not be placed together with any intact male animal during periods of estrus, except for supervised breeding. Furthermore, an immature animal shall not be placed together with an adult animal, except with its mother or when permanently maintained in a breeding colony.

Sec 14-211- Commercial animal water and feeding requirements.

(a) An operator shall ensure that clean potable water is accessible to the animal at all times except as directed by a veterinarian to provide adequate care. Each animal shall be fed at least once each day, except as otherwise required to provide adequate care. The food provided to an animal must be wholesome, palatable, free from contamination, and of sufficient quality and nutritive value to meet the normal daily requirements for the animal, based upon its condition and size. Supplies of perishable food must be adequately refrigerated or properly stored to prevent spoilage.

(b) Containers of food shall be durable, except that disposable receptacles may be used if they are discarded after each feeding and located so as to be accessible to the animals. The containers shall also reduce to a minimum any contamination from excreta. Containers of food and water shall be kept clean and self-feeders must not be used for the feeding of dry food unless they are cleaned regularly to prevent molding, deterioration, and the caking of food.

Sec 14-212- Commercial animal pest control requirements.

(a) An operator shall ensure that insects, ectoparasites, and avian, mammalian, and reptilian pests are kept under control. An operator shall also ensure that supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin. All excreta must be removed regularly from enclosures during business hours to prevent contamination and to reduce minimum odors and the risk of disease.

(b) An enclosure must be disinfected at least once daily and before placing another animal in the enclosure. If a hosing or flushing method of cleaning is used, all animals must be removed from the enclosure and adequate measures must be taken to protect the animals in other enclosures from being contaminated with water and other wastes.

(1) Pens or runs with hard surfaces, and cages and rooms, shall be sanitized at least once every two weeks by:

a. Washing them with water of a temperature not less than one

- 2072 hundred twenty degrees Fahrenheit and with soap or detergent;
2073
2074 **b. Washing all soiled surfaces with a safe and effective disinfectant; or**
2075
2076 **c. Cleaning all soiled surfaces with live steam.**
2077

2078 **(2) Pens or runs with gravel, sand, or dirt surfaces shall be cleaned as often as**
2079 **necessary by removing and replacing the soiled gravel, sand, or dirt.**
2080

2081 **(c) Sewage, solid wastes, soiled bedding, dead animals, and debris must be removed from**
2082 **housing facilities regularly during the business day and disposed of properly. Enclosures**
2083 **not in use must be cleaned, washed, and disinfected at least once every two weeks to**
2084 **prevent any accumulation of debris or excreta and to reduce to a practical minimum**
2085 **substances and organisms injurious to the health of animals or humans. Facilities for**
2086 **disposal shall be maintained in such a manner as to reduce minimum odors and the risk**
2087 **of disease or infestation by vermin. Adequate facilities, such as washrooms, basins, or**
2088 **sinks, shall be provided for the cleanliness of persons handling animals.**
2089

2090 **Sec 14-212- Commercial animal disease control program.**
2091

2092 **An operator shall, with the approval of a veterinarian, establish and maintain a program**
2093 **to control disease and care for the health of animals. As part of this program, an operator shall**
2094 **ensure that:**
2095

2096 **(a) Each animal is observed daily by the person directly responsible for its care, or by**
2097 **someone else under that person's direct supervision.**
2098

2099 **(b) Blind, lame, injured, ill, or diseased animals are provided with the appropriate veterinary**
2100 **care that is consistent with the purposes for which an animal is being kept or humanely**
2101 **ethanized.**
2102

2103 **(c) Any animals under quarantine or being treated for a communicable disease are kept**
2104 **separate from other animals.**
2105

2106 **Sec 14-213- Commercial animal safety plan**
2107

2108 **An operator shall have on property a written response plan for the escape of any**
2109 **dangerous or exotic animals in their care. The plan shall include the methods and procedures**
2110 **that will be utilized in the event of an escaped dangerous animal from the facility. This plan shall**
2111 **be made available to animal control upon their request or annual inspection.**
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2113 **Secs. 14-214 – 14-300. –Reserved.**
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2115 **DIVISION 8. – REPTILES**
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2117 **Sec. 14-301. - Habitat**
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2119 **All reptiles held as pets or specimens must be contained within secure habitats designed**
2120 **to prevent escape.**
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2122 **Sec. 14-302. – Transport and Handling**

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- (a) Reptiles being transported shall be contained within escape-proof containers.**
- (b) Reptiles shall not be handled openly in a public place unless the handler is conducting an educational meeting or is demonstrating a reptile for sale within a commercial animal establishment.**

Sec. 14-303. – Release of Reptiles

- (a) Reptiles not indigenous to Missouri shall not be released or abandoned.**
- (b) Any species of reptile not indigenous to Missouri that are secured by or forfeited to animal control shall be released to a reptile rescue organization for proper disposition, or euthanized if deemed necessary by animal control.**
- (c) Any species of reptile indigenous to Missouri that is secured by or forfeited to animal control may be released to the wild within the discretion of animal control.**

Sec. 14-304. – Reptile species not prohibited

The families of reptiles listed in this paragraph may lawfully be possessed or housed, as these reptiles pose no life-threatening hazards to humans, provided that the reptiles are also owned in accordance with any and all state, federal, and Convention of International Trade of Endangered Species (CITES) regulations that may apply:

- (a) The following Families of the Order Squamata Suborder Sauria: Family Gekkonidae (geckos); Family Agamidae (Agamas); Family Iguanidae (anoles, swifts and iguanas); Family Cordylidae (sungazers and girdled lizards); Family Anguidae (alligator lizards, galli wasps, and glass lizards); Family Lacertidae (wall lizards); Family Anniellidae (legless lizards); Family Teiidae (tegus, racerunners); Family Chamaeleonidae (chameleons); Family Scincidae (skinks); Family Xenosauridae (crocodile lizard);**
- (b) The following Families of the Order Squamata, Suborder Ophidia: Family Leptotyphlopidae (blind and worm snakes); Family Colubridae, sub family Colubrinae, (garter, water, gopher, bull, hognose, ringneck green snakes, ratsnakes, kingsnakes, cornsnakes and racers);**
- (c) The following Families of the Order Testudines: Family Kinosternidae (musk turtle); Family Platysternidae (big-head turtle); Family Emydidae (painted, sliders, box turtle, pond turtle, etc.); Family Testudinidae (tortoise); Family Trionychidae (soft-shelled turtle); Family Pelomedusidae (flat-headed turtle); and Family Chelidae (side-necked turtle).**

Secs. 14-304 – 14-350. –Reserved.

DIVISION 9. – MISCELLANEOUS

Sec. 14-351. - Depositing carcass of a dead animal.

- (a) No person or owner shall place or leave the carcass of any dead animal in any street, alley or**

2174 lot, or allow the carcass to remain on his or anyone else's property.

2175
2176 **(b) The owner of any animal which has died from any cause shall dispose of the body within**
2177 **twenty-four (24) hours after knowledge of such death. The animal shall be buried no closer**
2178 **than four (4) feet to the natural surface of the ground or disposed of by the County, a private**
2179 **veterinarian, or a disposal plant licensed under Chapter 269, RSMo.**

2180
2181 **(c) Deer are an exception as long as they are hung to the side or back of the house and are**
2182 **removed within 48 hours.**

2183
2184 **Sec. 14-352. - Exposure of poisons liable to be eaten by animals**

2185
2186 **No person shall feed or place so as to constitute a direct or obvious hazard to man or animal**
2187 **or shall offer or tempt any dog or pet animal with any liquid, meat, or food product which shall:**

2188
2189 **(a) Cause prostration, convulsion, pain, or suffering as a prelude to death;**

2190
2191 **(b) Cause death; or**

2192
2193 **(c) Be proven to be toxic or lethal in the amount present to any man or domestic animal by**
2194 **competent medical or veterinary authority.**

2195
2196 **Sec. 14-353. – Traps.**

2197
2198 **(a) It shall be unlawful to use or set a leg-hold, snare, instant kill-body-gripping trap, or trap**
2199 **which can cause pain, injury, or suffering to any animal, except for any mouse or rat**
2200 **snap-type or glue board used for rodent control or any poison. A leg-hold, snare-type, or**
2201 **body-gripping trap is any trap which grasps the leg or any portion of such animal and**
2202 **which can injure, harm, or cause pain and suffering to the animal.**

2203
2204 **(b) Exceptions. The provisions of subsection (a) of this section shall not prohibit:**

2205
2206 **(1) The taking of wildlife by use of the devices or methods described in subsection (a)**
2207 **of this section by federal, state, county, or municipal departments of health for**
2208 **the purpose of protecting human health or safety;**

2209
2210 **(2) The use of the devices or methods described in subsection (a) of this section for**
2211 **controlling:**

2212
2213 **a. Wild or domestic rodents, except beaver or muskrat;**

2214 **b. Wild or domestic birds as otherwise authorized by law;**

2215
2216 **(3) The use of nonlethal snares, traps specifically designed not to kill, or nets to take**
2217 **wildlife for scientific research projects, for falconry, for relocation, or for medical**
2218 **treatment pursuant to regulations established by the Missouri Department of**
2219 **Conservation;**

2220
2221 **(c) It shall be unlawful to use any box-type humane trap that does not injure or cause any**

2222 suffering to any animal for the trapping of animals unless:

2223
2224 (1) A person may set up on his own property humane traps used to capture dogs, cats,
2225 and other small animals. Humane care shall be provided for any trapped animals,
2226 including the provision of food, water, and protection from extremes of the
2227 environment including heat, cold and precipitation.

2228
2229 (2) The trap is checked or examined for the presence of a live animal at least every
2230 twelve (12) hours and the animal is removed within two (2) hours of being
2231 notified that there is an animal in the trap; Trapped animals must be sheltered
2232 and shall be checked at least once every two hours or every eight hours if left
2233 overnight by the individual setting the trap.

2234
2235 (3) The trap contains the name and telephone number of the person setting the trap.

2236
2237 (4) Animal control will not retrieve any animals caught in traps set by any person on
2238 private property.

2239
2240 (d) The provisions of this section shall not apply to the taking of wildlife with firearms,
2241 fishing equipment, archery equipment, or other implements in hand as authorized by law.

2242
2243 (e) It shall be the duty of every police officer or animal control officer to confiscate and destroy
2244 any trap found set within the city other than a box-type humane trap, and to confiscate any
2245 humane box-type trap which does not have the name and telephone number of the person
2246 setting the trap.

2247
2248 (f) No person shall release or remove an animal from a trap set by animal control or his
2249 designee.

2250
2251 (g) It is a defense to prosecution under this section that the trap was designed to kill common
2252 rodents, including but not limited to rats, mice, and gophers. A person shall not place a
2253 rodent trap on his property in such a manner as is likely to trap animals other than
2254 common rodents.

2255
2256 Sec. 14-354. – Elimination of pests

2257
2258 It shall be unlawful to eliminate in any manner squirrels, starlings, pigeons, or any other
2259 known pests (non-domestic animals) not protected by the Missouri Department of Conservation.

2260
2261 Sec. 14-355. – Filing of false claims of ownership.

2262
2263 A person commits an offense if he knowingly initiates, communicates, or circulates a claim
2264 of ownership for an animal with animal control that he knows is false or baseless.

2265
2266 Sec. 14-356. – Defecation – Removal and Disposal Required;

2267
2268 (a) An owner or person who has care, custody, or control of an animal commits an offense if, he
2269 permits or by insufficient control allows an animal to defecate on private property not his
2270 own or on property located in a public place without immediately removing and disposing
2271 of the defecation material in a sanitary and lawful manner.

2272

2273 **(b) An owner or person who has care, custody, or control of an animal commits an offense if, he**
 2274 **permits or by insufficient control allows an animal to enter or remain on private property**
 2275 **not his own or on property located in a public place without having in his possession**
 2276 **materials or implements that, either alone or in combination with each other, can be used**
 2277 **immediately in a sanitary and lawful manner to remove and dispose of defecation the**
 2278 **animal may deposit on such property.**

2279
 2280 **(c) It is an affirmative defense to prosecution under this section that:**

2281
 2282 **(1) The animal is a law enforcement canine under the supervision of a police officer in the**
 2283 **performance of his official duties; or**

2284
 2285 **(2) The animal is a “service dog” performing duties of assisting the disabled.**

2286
 2287 **(3) The owner of the private property has given consent or permission for the animal to**
 2288 **defecate on his property.**

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 2290 **Secs. 14-357 – 14-400. –Reserved.**

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 2292
 2293 **Appendix A - Fee Schedule**
 2294

Code Section	Description	Fee
<u>Chapter 14 - Animals</u>		
<u>Commercial animal establishment permits:</u>		
	<u>New Construction / remodel</u>	<u>\$350.00</u>
	<u>Existing establishment / new owner</u>	<u>\$200.00</u>
<u>Permits:</u>		
	<u>Housing wild animals permit</u>	<u>\$300.00</u>
	<u>Housing all other animals permit</u>	<u>\$100.00</u>
	<u>Re-inspection (excluding temporary permits) for each re-inspection after routine inspection or complaint with action</u>	<u>\$100.00</u>
	<u>Temporary animal establishment permit (maximum of four days)</u>	<u>\$25.00</u>
	<u>Temporary animal establishment permit (maximum of four days) for verified 501c organizations</u>	<u>\$0.00</u>
	<u>Special Animal Permits</u>	<u>\$25.00</u>
<u>Animal Impound Fees:</u>		
	<u>Impound fees- covers the first seven days</u>	<u>\$80.00</u>
	<u>Impound fees - after seven days</u>	<u>\$10.00 a day</u>
	<u>Rabies Vaccination (if required)</u>	<u>\$30.00</u>

	<u>Euthanizing</u>	<u>\$55.00</u>
	<u>Microchipping</u>	<u>\$10.00</u>
	Animal License Fee:	
	<u>One-year annual license (Unaltered Pet)</u>	<u>\$20.00</u>
	<u>One-year annual license (Altered Pet)</u>	<u>\$10.00</u>
	<u>*Free for senior citizen (age 65 or over) [Altered Pet only]*</u>	<u>\$0.00</u>
	<u>Replacement Tag</u>	<u>\$5.00</u>
	<u>Late fee for each license</u>	<u>\$20.00</u>
	<u>Guard Dog</u>	<u>\$50.00</u>
	<u>Potentially dangerous dog (initial)</u>	<u>\$100.00</u>
	<u>*Annual renewal*</u>	<u>\$75.00</u>
	<u>Dangerous dog (initial)</u>	<u>\$250.00</u>
	<u>*Annual renewal*</u>	<u>\$100.00</u>
	<u>Special Animal Permit per animal</u>	<u>\$25.00</u>
	<u>Special Animal Permit for verified 501c organizations.</u>	<u>\$0.00</u>
	<u>Special Animal Permit per bee colony</u>	<u>\$25.00</u>

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NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

Section 3: Severability Clause. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or major sections, sentences, clauses or phrases be declared invalid.

Section 4: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor. The changes to Appendix A that apply to animal license fees will go into effect no earlier than January 1, 2022.

Read, this first time on this _____ day of _____, 2021.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this _____ day of _____, 2021.

E. Edd Akers
Larry D. Milton
Mayor

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ATTEST:

Lisa K Westfall
City Clerk

APPROVED AS TO FORM:



Chris Lebeck #51831
City Attorney