

ARTICLE I. - IN GENERAL

Sec. 5-1. - Scope.

Hospitals, clinics and other facilities operated by licensed veterinarians for the care and treatment of animals are exempt from all provisions of this chapter, except Section 5-31.

(Code 1988, § 5-1)

Sec. 5-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shall mean any live, vertebrate creature, domestic or wild, other than humans.

Animal boarding/pet-sitting establishment shall mean a business holding a valid business license that provides temporary shelter or boarding to animals owned by other people and returns those animals to the owners after a temporary period. This definition shall also include licensed veterinarians who provide similar shelter or boarding services.

Animal shelter shall mean the facility operated by the City or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or State law and in charge of an Animal Control Supervisor employed by or duly authorized to act as such by the City.

Assistance dog shall mean a dog that has been or is being trained as a guide dog, hearing dog, or service dog. The Department may require that owners, keepers, or maintainers of assistance dogs produce appropriate proof that the dog was formally trained for work as an assistance dog and is being used for such purposes. The above terms are further defined as follows:

- A. *Guide dog* shall mean a dog that has been or is being specially trained to aid a particular blind or visually impaired person.
- B. *Hearing dog* shall mean a dog that has been or is being specially trained to aid a particular deaf or hard of hearing person.
- C. *Service dog* shall mean a dog that has been or is being specially trained to aid a particular person with a disability other than sight or hearing.

Attractant shall mean any substance which could reasonably be expected to attract wild animal or does attract a wild animal, including but not limited to garbage, food products, pet food, feed, grain, or salt.

Cat shall mean all domestic animals of the feline species, both male and female.

Chicken shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated chicken.

Chicken pen shall mean a wire enclosure connected to a henhouse or chicken tractor for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Commercial animal establishment shall mean any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer, or business keeping animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of such establishments.

Competition dog shall mean a dog which is used to show, to compete or to breed, which is of a breed recognized by and registered with a valid registry approved by the department and meets one of the following requirements:

- A. The dog has competed in at least one dog show or sporting competition sanctioned by a valid registry approved by the department, within the last three hundred sixty-five (365) days;

- B. The dog has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred dog registry referenced above or other registry or dog sport association approved by the department; or
- C. The owner or custodian of the dog is a member of a purebred dog breed club, approved by the department, which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.

Department shall mean the Animal Control Unit of the City of Lee's Summit, Missouri Police Department.

Dog shall mean all domestic animals of the canine species, both male and female.

Domestic animal shall mean any animal that is domesticated as opposed to wild, free-roaming, except dogs, cats and chickens.

Electronic fence or *electronic collar* shall mean a fence or collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's, harbinger's or maintainer's property. The collar may be controlled manually by a person or automatically in a predetermined manner.

Harboring shall mean offering asylum, refuge or sanctuary to any animal on a basis so temporary as to not be deemed to be owning, keeping or maintaining such animal.

Henhouse or *chicken tractor* shall mean a structure for the sheltering of chickens.

Hobby-kennel or *hobby-cattery avocation* shall mean the care, breeding, showing or sale of dogs or cats by an adult natural person who maintains a hobby-kennel or hobby-cattery containing more than three (3), but less than six (6) dogs or cats or a combination thereof over the age of six (6) months on the premises on which such person is resident or on a contiguous tract, which tracts are not zoned for business.

Humane officer shall mean the Supervisor of Animal Control, any police officer or any other person employed by the City to enforce this chapter.

Kennel or *cattery* shall mean the keeping, harboring or maintaining of six (6) or more dogs or cats or a combination thereof over the age of six (6) months upon a single tract.

Large animal shall mean any swine, bovine, goat, sheep, beast of burden or any other domestic or wild animal of similar or larger size, except dogs or cats of any kind.

License tag shall mean any system of animal identification approved by the Supervisor of Animal Control or Finance Director.

Owner shall mean any person owning, keeping, maintaining or otherwise having the care or control of an animal.

Owning, keeping or maintaining shall mean feeding or sheltering any animal for three (3) or more consecutive days or professing ownership of such animal.

Public nuisance shall mean any animal or group of animals that contains any animal that:

- A. Molests any passerby or chases passing vehicles including bicycles;
- B. Attacks any other animal;
- C. Is in heat and not properly confined in such a manner that the dog will not be accessible to other dogs except for planned breeding, as provided in this chapter;
- D. Is not under restraint in violation of this chapter;
- E. Damages public or private property;
- F. Barks, whines or howls in an excessive fashion, which is hereby defined as continuous or untimely so as to disturb the sleep of an individual who is a neighbor (a "neighbor" for this

purpose is hereby defined as an individual residing in a residence structure that is within one hundred (100) yards of the property on which the animal is kept or harbored) and who does in writing state that he will so testify, if called upon to testify about such matter under oath;

- G. Is ridden on public property without permission of the City or which obstructs or interferes with vehicular or pedestrian traffic;
- H. Causes injury to people;
- I. Threatens or causes a condition that endangers public health; or
- J. Impedes refuse collection by ripping any bag or tipping any container of such or interferes with the collector thereof.

Small animal shall mean any animal not within the definition of large animal.

Supervisor of Animal Control shall mean the person employed by the City as its Supervisor of Animal Control and shall also include the staff assigned to work under the direct control of the Supervisor of Animal Control, who may act through staff to perform any duty under this chapter unless otherwise specifically stated.

Unaltered shall mean not surgically spayed or neutered by a licensed veterinarian.

Under restraint shall mean an animal is within a fully enclosed or fenced area or under the hand-held leash of the owner, keeper, harbinger or maintainer, or a leash attached to a fixed object or structure, or confined to the premises of the residential property of their owner by an electronic fence or an electronic collar.

Under supervision shall mean that an owner, keeper, harbinger, or maintainer of an animal is in a position which allows him to maintain visual contact with the animal and allow him to readily respond in the event that a threat is posed to the animal or the animal poses a threat to another human being or animal.

Wild animal shall mean any animal that is predominantly free-roaming, as opposed to domesticated. This definition of wild animal shall include but is not limited to the following: bats, beavers, species of birds which are classified by the Missouri Department of Conservation as raptors or game birds (including waterfowl and turkeys), black bears, bobcats, cottontail rabbits, coyotes, deer, foxes, insects, lizards, minks, mountain lions, moles, muskrats, opossum, otter, raccoons, rodents in general, skunks, snakes, spiders, squirrels, and woodchucks.

(Code 1988, § 5-2; Ord. No. 6497, § 1, 9-20-2007; Ord. No. 6926, § 1, 5-6-2010; Ord. No. 7343, §§ 1, 2, 7-11-13)

Sec. 5-3. - Permitting animal to become nuisance; keeping a nuisance animal; running at large.

- A. It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to allow or permit any such animal to become a public nuisance, or to keep any animal that is or has become a public nuisance.
- B. It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to allow or permit any such animal to run at large. An animal shall be considered to be running at large if such animal is not under restraint as defined in Section 5-2.

(Code 1988, § 5-3; Ord. No. 6497, § 2, 9-20-2007)

Cross reference— Nuisances generally, ch. 16.

Sec. 5-4. - Places where animals kept to be kept clean.

No person shall cause or allow any place where an animal is or may be kept to become unclean and unwholesome.

(Code 1988, § 5-4)

Sec. 5-5. - Dangerous and prohibited animals.

- A. The following animals are hereby declared to be dangerous and the keeping or harboring of such animals within the City is prohibited, except as provided in Subsection B. of this section:
 1. Lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, jaguarundi, hyenas, wolves, and coyotes;
 2. Nonhuman primates, raccoons, skunks, and foxes;
 3. Any deadly, dangerous, or poisonous reptile;
 4. Any other animal which is inherently dangerous because of past behavior, violations of this chapter, or the nature of the animal in relation to persons or domestic animals.
- B. The animals listed in Subsection A. of this section may be kept in a properly maintained and licensed zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge, only after such animals have been registered with the Supervisor of Animal Control.
- C. The Supervisor of Animal Control may determine the keeping or harboring of the animals listed in Subsection A. of this section in the locations listed in Subsection B. of this section has become a threat to humans or domestic animals by virtue of:
 1. Having inflicted a severe or fatal injury on a human being on public or private property. "Severe injury" means any physical injury, resulting directly from an animal's bite or strike which results in death, broken bones, lacerations requiring stitches, or hospitalization. The victim receiving severe injuries must provide the Supervisor of Animal Control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement;
 2. Having killed a domestic animal, livestock, or poultry without provocation, while off the owner's property;
 3. Owning or harboring primarily or in part for the purpose of fighting or any animal trained for fighting;
 4. Having bitten a human being, without provocation, on public or private property other than the property of the owner;
 5. Having bitten while on the owner's property without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept;
 6. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by the animal;
 7. Possessing a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- D. If the circumstances described in Subsection C. of this section are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the Chief of Police for a hearing on the matter as follows:
 1. A hearing board, consisting of the Chair of the Public Safety Advisory Board or his designee, the Chief of Police and the Administration Division Commander of the City's Police Department, or

their delegates, shall be convened within ten (10) working days after receipt of a written request from the owner.

2. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person. The confinement may be on the homeowner's premises or with a licensed veterinarian.
 3. The hearing board shall determine whether the determination by the Supervisor of Animal Control is correct based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, Animal Control Personnel, police or any other person possessing information pertinent to such determination.
 4. The hearing board shall issue written findings within five (5) days after the hearing. If the hearing board sustains the determination, the owner or possessor of the animal shall be required to maintain the animal as provided in this section.
- E. Actions to be taken for an animal on which a determination has been made under Subsection C. or D. of this section is as follows: The animal shall be humanely destroyed or removed from the City limits within forty-eight (48) hours after notification.
- F. The use of plastic in the construction of cages or other structures used to harbor deadly, dangerous or poisonous reptiles is prohibited.

(Code 1988, § 5-5)

Sec. 5-6. - Diseased animals.

- A. No animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of human or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Chief of Police or the Supervisor of Animal Control.
- B. It is hereby made the duty of the Supervisor of Animal Control to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act.

(Code 1988, § 5-6)

Sec. 5-7. - Beekeeping.

It shall be unlawful to keep or harbor any bees in the City except in agricultural areas and four hundred (400) feet from inhabitants other than the owners thereof. Any beehive used or occupied by bees in violation of this section is hereby declared to be a nuisance. It shall be unlawful to keep or maintain any hive in the City except in areas four hundred (400) feet from inhabitants other than the owners thereof.

(Code 1988, § 5-7)

State Law reference— Apiaries, RSMo ch. 264.

Sec. 5-8. - Impoundment; notice of impoundment.

- A. If any animal, other than a dog or cat, is found in a state or situation in violation of the provisions of this chapter, the animal shall be impounded and a notice of violation of this Code may be delivered in person or sent by first class mail to the owner, keeper, harborer or maintainer of such animal, if known. Failure of the owner of an impounded animal to redeem such animal within the time

designated in Subsection B. or to sign a release of ownership of such animal to the City shall constitute a case of animal neglect under Section 5-163.

- B. If such a violation is a first, second, or third violation with respect to the animal, the owner, keeper, harborer, or maintainer may appear at any time within two (2) weeks after receipt of such notice and after payment of any impoundment fee and board fee set forth in Section 5-9 then due and owing, have a right to sign a waiver of prosecution which shall amount to a plea of guilty and pay a fine as determined from time to time by the Municipal Judge. In fourth and subsequent violations of this chapter, the animal may be reclaimed within such period after payment of any impoundment fee and board fee set forth in Section 5-9 then owing, but a complaint shall be issued and the owner, harbinger, keeper, or maintainer shall appear in Municipal Court in response to the complaint and any penalty imposed by the Court shall be satisfied.

(Code 1988, § 5-8)

Sec. 5-9. - Fees for impounding and keeping of animals; disposition of unclaimed animals.

- A. Any owner redeeming an animal other than a dog or cat from impoundment at the Animal Shelter shall pay, before release, a boarding charge for each twenty-four (24) hours or fraction thereof that such animal has been impounded and an impoundment fee. Additional fees shall be assessed against the owner for any unusual expenses incurred either in the impoundment or the care of any such animal.
- B. The fees for the total period of any impoundment of an animal other than a dog or cat shall be as set forth in the City's Schedule of Fees and Charges.
- C. The fees for the feeding of animals other than dogs or cats during each day of impoundment shall be as set forth in the City's Schedule of Fees and Charges.
- D. All impounded animals, except dogs and cats, shall be kept for a period of five (5) days. If the owner has not been identified and has not claimed such animal within that period of time, the City may accept sealed bids for the sale of such animal or put it through adoption procedures. The City reserves the right to reject any and all bids and to waive technicalities. If no bids are received for the sale of such domestic animal or it is not adopted, it may be destroyed and disposed of in a humane manner.

(Code 1988, § 5-9)

Sec. 5-10. - Prohibition of waste on private or public property.

It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to permit it to defecate or deposit fecal matter on or upon private property (other than the property on which the animal is legally being kept), or on public property unless such waste is immediately removed and properly disposed.

(Ord. No. 4859, § 1, 9-16-1999)

Sec. 5-11. - Feeding of certain wild animals prohibited.

- A. *Prohibitions.*
 - 1. No person shall feed or in any manner provide any attractant to any wild animal within the corporate limits of the City.
 - 2. No person shall leave, store, or maintain any attractant in a manner, area, or location accessible to any wild animals within the corporate limits of the City.
- B. *Exceptions.*

1. Any person who is the legal owner of a wild animal and the wild animal is kept in compliance with all applicable state and local laws.
2. Any person who feeds or provides food to a trapped, injured or unweaned wild animal between the time that the City of Lee's Summit Animal Control Department is notified of the wild animal and the wild animal is picked up by the City of Lee's Summit Animal Control Department or its designated agent.
3. Any person with a bird feeder intended to feed song birds, provided the feeder is suspended on a cable or other device to make it inaccessible to wild animals, and the area below the feeder is kept free from the accumulation of seed debris.
4. Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided all reasonable efforts are made to reduce attractants to wild animals in the course of feeding livestock/farm animals and in the storage of animal feed.
5. Nothing in this section shall restrict citizens' ability to maintain ornamental plants or vegetable gardens on their property, provided all reasonable efforts are made to reduce wild animals feeding off of such ornamental plants or vegetable gardens.
6. Nothing in this section shall prohibit the actions of agents of the City of Lee's Summit Animal Control Department, Missouri Department of Conservation, their authorized agents or other individual(s) acting lawfully pursuant to wildlife or waterfowl management programs duly authorized by the City of Lee's Summit, the State of Missouri, or the Federal Government of the United States of America.

(Ord. No. 6926, § 2, 5-6-2010)

Sec. 5-12. - Sale of animals in public places prohibited.

- A. *Prohibitions.* No person shall sell, exchange, barter, trade, lease, rent, give away, display or transfer any animal on any roadside, public right-of-way, parkway, median, park, playground, flea market, commercial or retail parking lot, or property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not.
- B. *Exceptions.*
 1. This section shall not apply to the Lee's Summit Animal Control Department or any animal shelter licensed by the State of Missouri; or any breeding permit holder, or individual breeder, possessing a valid litter permit, to sell at an exempt commercial special event as defined in Article 11 of the Unified Development Ordinance; or other transfers from a personal residence.
 2. Nothing in this section shall prohibit a commercial animal establishment, which possesses any and all required federal, state, and/or local licenses for such business, from displaying, selling, or transferring animals, pursuant to its normal business activities, in public areas abutting or adjacent to its place of business.
- C. The term "animal shelter," as used in this section, means a facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption.

(Ord. No. 7034, § 1, 5-5-2011)

Secs. 5-13—5-29. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 5-30. - Enforcement.

The Supervisor of Animal Control or anyone having the authority of Animal Control Officer, Humane Officer or City police officer shall have the duty of enforcing all the terms and provisions of this chapter and shall be empowered to issue a citation and summons to Municipal Court for violations thereof.

(Code 1988, § 5-30)

Sec. 5-31. - Right to enter, inspect, require exhibition of license.

Any Supervisor of Animal Control, police officer, or humane officer is authorized to enter any premises where any animal is kept or harbored to inspect conditions under which such animal is kept and may require the owner of any dog or cat to exhibit a license therefor.

(Code 1988, § 5-31)

Sec. 5-32. - Records.

- A. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into their custody.
- B. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them, and its investigation of same.
- C. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the City and shall be audited annually by the auditors selected by the City.

(Code 1988, § 5-32)

Sec. 5-33. - Violation.

Except as provided elsewhere, any person who fails to adhere to or otherwise violates the provisions of this chapter is guilty of a municipal ordinance violation punishable according to Section 1-13. Each day that such person shall continue violation of the provisions of this chapter shall constitute a separate and distinct offense and shall be punishable as such.

(Code 1988, § 5-33)

Secs. 5-34—5-50. - Reserved.

ARTICLE III. - RABIES CONTROL ^[2]

Footnotes:

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State Law reference— Protection against rabies, RSMo ch. 322.

Sec. 5-51. - Dogs and cats to be vaccinated; tags required.

- A. It shall be unlawful for a person to own, harbor, keep, or maintain any dog or cat over six (6) months of age within the City limits unless such dog or cat has been immunized against rabies by a licensed veterinarian within the previous three hundred sixty-five (365) day period or proof of currently effective rabies vaccination has been provided to the department within the previous three hundred sixty-five (365) day period and such dog or cat is wearing a valid rabies tag on its collar as proof of such immunization.
- B. Proof of currently effective rabies vaccination may be made by providing to the department a signed document from a licensed veterinarian stating that the last rabies vaccination provided by the veterinarian to the animal will remain effective throughout the next three hundred sixty-five (365) day period.
- C. Nothing in this section shall be construed to allow any owner, keeper, or maintainer to allow his animal to go without a rabies vaccination for a period of time longer than one thousand ninety-five (1,095) days.
- D. It shall be unlawful for an owner, keeper, harborer, or maintainer to refuse to exhibit a certificate of rabies vaccination or proof of currently effective rabies vaccination upon request of any humane officer.

(Code 1988, § 5-51; Ord. No. 6497, § 3, 9-20-2007)

Sec. 5-52. - Authority to order dog vaccinations.

During a rabies quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the Health Officer may require all dogs three (3) months of age and older to be vaccinated against rabies with a canine rabies vaccine approved by the biologics control section of the Federal Department of Agriculture. The types of approved canine antirabies vaccine to be used and the recognized duration of immunity for each shall be established by the Health Officer. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days observation. During the quarantine period, the Health Officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the City.

(Code 1988, § 5-52)

Sec. 5-53. - Reporting required; quarantine; surrender, redemption of suspected animals.

- A. Every animal that bites or scratches a person or shows evidence of having rabies shall be promptly reported to the Supervisor of Animal Control or other humane officer, and shall thereupon be securely quarantined at the direction of the Supervisor of Animal Control for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the Supervisor of Animal Control. At the discretion of the Supervisor of Animal Control, such quarantine shall be within the City limits and may be on the premises of the owner, at the Animal Shelter or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals or in the case of animals whose ownership is not known such quarantine shall be at the Animal Shelter.
- B. The owner, upon demand by the Supervisor of Animal Control or other humane officer, shall forthwith surrender any animal that has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Such animal may be reclaimed by the owner, if it is adjudged free of rabies, upon payment of the impounding and boarding fees as set forth in the City's Schedule of Fees and Charges and upon

compliance of the licensing provisions as so set forth. No dog that has been impounded by reason of its being a stray or unclaimed by its owner may be allowed to be adopted from the Animal Shelter during the period of a rabies emergency quarantine, except by special permission of the City Health Officer and the Supervisor of Animal Control.

- C. When rabies has been diagnosed in an animal under quarantine or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the Supervisor of Animal Control shall immediately send the head of such animal to the State Department of Health for pathological examination and shall notify the Health Officer of reports of human contacts and the diagnosis.
- D. When one (1) or both reports indicate a positive diagnosis of rabies, the Supervisor of Animal Control shall recommend an area-wide quarantine for a period of sixty (60) days, and upon the invoking of such emergency quarantine by the Health Officer, no pet or animal shall be taken into the streets or permitted to be in the streets during such a period of quarantine. During such quarantine, no animal may be taken or shipped from the City without written permission of the Supervisor of Animal Control.
- E. If there are additional positive cases of rabies occurring during the period of a quarantine, such period of quarantine may be extended for an additional six (6) months.

(Code 1988, § 5-53)

Sec. 5-54. - Responsibilities of veterinarians.

It shall be the duty of every licensed veterinarian to report to the Supervisor of Animal Control any animal considered by him to be a rabies suspect.

(Code 1988, § 5-54)

Sec. 5-55. - Disposition of rabid animals.

- A. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human, except as provided in this article, nor remove such animal from the City limits without written permission from the Supervisor of Animal Control.
- B. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Supervisor of Animal Control.
- C. The Supervisor of Animal Control shall direct the disposition of any animal found to be infected with rabies.

(Code 1988, § 5-55)

Sec. 5-56. - Destruction of infected dogs.

Dogs bitten by a known rabid animal shall be immediately destroyed or if the owner is unwilling to destroy the exposed dog, strict isolation of the dog in a kennel for six (6) months shall be enforced. If the dog has been previously vaccinated, within the time limits established by the Center for Disease Control (CDC) based on the kind of vaccine used, revaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.

(Code 1988, § 5-56)

ARTICLE IV. - DOMESTIC ANIMALS

Sec. 5-57. - Running at large, grazing prohibited.

It shall be unlawful to permit any domestic animal to run at large in the City. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

(Code 1988, § 5-57)

Sec. 5-58. - Distance from residences.

It shall be unlawful to keep or have any domestic animal anywhere in the City kept nearer than four hundred (400) feet from the residence of any other inhabitant.

(Code 1988, § 5-58)

Cross reference— Current zoning regulations.

Sec. 5-59. - Offensive, noisy stock trucks.

It shall be unlawful for any person to park over one (1) hour within the City limits any truck loaded with domestic animals that would cause an offensive smell or noise, or which would unnecessarily annoy the rest of others.

(Code 1988, § 5-59)

Secs. 5-60—5-80. - Reserved.

ARTICLE V. - DOGS AND CATS^[3]

Footnotes:

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State Law reference— Dogs, cats, RSMo ch. 273.

DIVISION 1. - GENERALLY

Sec. 5-81. - Intent.

The intent of this article is to require dog and cat owners, keepers, harborer's or maintainers to comply with the ordinances of this City and not merely to operate an impoundment program. The enforcement of this article shall therefore place primary emphasis upon apprehending and initiating prosecution of violators of this article.

(Code 1988, § 5-81)

Sec. 5-82. - Collars and tags required.

The owner, keeper, harborer, or maintainer of a dog or cat shall keep on the dog or cat, at all times when the dog or cat is not inside a private building, a collar or harness, and a license tag issued by the

City, together with the rabies tag for such dog or cat, shall be affixed to the collar or harness in such a manner that the tags can be easily seen and failure to do so shall be unlawful.

(Code 1988, § 5-82)

Sec. 5-83. - Dangerous dogs—Classification.

- A. Any dog with the following characteristics may be classified as dangerous:
1. Any dog that has inflicted a severe or fatal injury on a human being on public or private property. Severe injury means any physical injury, resulting directly from a dog's bite, that results in broken bones, lacerations requiring stitches, or in-patient hospitalization. A victim who receives severe injuries must provide the Supervisor of Animal Control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement.
 2. Any dog that has killed a domestic animal, dog, or cat without provocation, while off the owner's property.
 3. Any dog owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting.
 4. Any dog that has bitten a human being without provocation on public or private property other than the property of the owner.
 5. Any dog that, while on the owner's property, has bitten without provocation a human being other than the owner or a member of the owner's family who normally resides at the place where the dog is kept.
 6. Any dog that, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds or private property other than the property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by such dog.
 7. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings, domestic animals, dogs or cats.
- B. If the circumstances surrounding the classification as a dangerous dog under any of the definitions listed in Subsection A. of this section are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the Chief of Police for a hearing and possible appeal as follows:
1. A hearing board, consisting of the Chair of the Public Safety Advisory Board or his designee, the Chief of Police and the Administration Division Commander of the City's Police Department, or their delegates shall be convened within ten (10) working days after receipt of a bona fide written request.
 2. Pending the outcome of such a hearing, the dog must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
 3. The hearing board shall determine whether to declare the animal to be a dangerous dog based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, Animal Control personnel, police or any other person possessing information pertinent to such determination.
 4. The hearing board shall issue written findings within five (5) days after the hearing. The owner or possessor of the animal found to be dangerous shall be required to maintain the animal as provided in this section.
- C. Exemptions to dangerous dog classification:

1. With the exception of Subsection A.1. of this section, no dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog; was teasing, tormenting, abusing, or assaulting the dog; has in the past been observed or reported to have teased, tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.
 2. With the exception of Subsection A. of this section, an Animal Control Officer may, because of extenuating circumstances, determine from the investigation of an incident, that an animal is not dangerous. However, the owner, being responsible for the dog, may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidents. This, however, does not exempt the owner from being cited for other animal control ordinance violations.
 3. Dogs owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt from being classified as dangerous.
- D. Actions to be taken for dangerous dogs causing severe or fatal injuries:
1. Any dog, whether previously declared to be a dangerous dog or not, responsible for an unprovoked severe or fatal attack on a human being or another animal, may be humanely destroyed.
 2. A dog responsible for a provoked severe or fatal attack shall be maintained as a dangerous dog.

(Code 1988, § 5-83; Ord. No. 6497, § 4, 9-20-2007)

Sec. 5-84. - Same—Owners' responsibilities.

The following actions shall be required of owners of dogs that have been declared dangerous dogs:

- A. Any dangerous dog that bites or scratches a human being and any dog whose behavior immediately prior to or during an incident resulting in the biting or scratching of a human being that is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine at the municipal Animal Shelter or a veterinarian clinic within the City limits of the City. Any dog impounded shall not be released to its owner or keeper until the license and spay/neuter requirements of this article are complied with and the owner/keeper has paid all fines and/or costs associated therewith.
- B. Any dangerous dog shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the dog can readily be identified as a dangerous dog.
- C. The owner or keeper shall notify the animal control unit immediately if a dangerous dog is loose, unconfined, or missing, has attacked another animal or has attacked a human being.
- D. The owner or keeper shall notify the Animal Control unit within twenty-four (24) hours if a dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the Animal Control Unit with the name, address and telephone number of the new owner. The new owner, if the dog is kept within the City limits of the City, must comply with the requirements of this section.
- E. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable for preventing the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal. If the dangerous dog is a female with a litter of puppies under three (3) months of age, the puppies may occupy the same enclosure as the mother.

- F. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- G. The owner or keeper shall display a sign on his premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.
- H. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
- I. The owner or keeper of a dangerous dog shall present to the Animal Control Unit proof that the owner or keeper has procured liability insurance in the amount of at least three hundred thousand dollars (\$300,000.00), covering the twelve (12) month period during which licensing is sought. This policy shall contain a provision requiring the Supervisor of Animal Control to be notified by the insurance company of any cancellation, termination, or expiration of the policy.
- J. All owners or keepers of dangerous dogs must within ten (10) days of such declaration provide the Supervisor of Animal Control two (2) color photographs, one showing the left profile and the other showing the right profile, of the animal clearly showing the color and approximate size of the animal.
- K. All owners or keepers of dangerous dogs must have such dogs implanted with an identifying microchip in a manner approved by the Supervisor of Animal Control. Owners or keepers shall then provide the Supervisor of Animal Control the microchip number, and shall notify the Supervisor and the national registry applicable to the implanted chip of any change of ownership of the dog, or any change of address or telephone number. Any costs associated with the microchip shall be born by the owner or keeper.
- L. It shall be unlawful for the owner or keeper of a dangerous dog within the City to fail to comply with requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section may be, in addition to other penalties provided by ordinance, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this section, whichever is shorter.

(Code 1988, § 5-84; Ord. No. 6497, § 5, 9-20-2007)

Sec. 5-85. - Guard dogs.

- A. For the purpose of this section, guard dog is defined as a dog not owned by a governmental unit that is used to guard public or private property.
- B. No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by such person or under his charge or control any guard dog without such dog being confined behind a fence from which it cannot escape; or a dog can be within any part of a house or structure except when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure and must not be used or maintained in a manner which, as determined by the Supervisor of Animal Control, endangers individuals on or off the premises guarded.
- C. Any guard dog, including law enforcement dogs, used in the City by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this chapter.
- D. All guard dogs residing in or used as such in the City must be registered annually with the Supervisor of Animal Control.

(Code 1988, § 5-85)

Sec. 5-86. - Hobby-kennel, hobby-cattery avocation permit.

- A. Any adult natural person residing in a one-family dwelling may, for each calendar year or part thereof, purchase from the Supervisor of Animal Control a hobby-kennel or hobby-cattery avocation permit to establish and maintain a hobby-kennel or a hobby-cattery on the lot on which such person is a resident or on a contiguous lot, which lot is not zoned for business, if the site is to be located at least one hundred (100) yards from the boundary of the lot it is on in the case of a hobby-kennel, or at least one hundred (100) feet from such boundary in the case of a hobby-cattery. The fee for such permit shall be the amount set forth in the City's Schedule of Fees and Charges. Before any such permit shall be sold by the Supervisor of Animal Control, he must have inspected and approved the hobby-kennel or hobby-cattery or have inspected and approved detailed plans and specifications for compliance with the requirements of this chapter; and, he must further certify, with the assistance of all City employees and officers whose assistance is necessary, as hereby authorized, that such proposed hobby-kennel or hobby-cattery will be in compliance with all of the ordinances of the City.
- B. Applicants for hobby-kennel or hobby-cattery avocation permits shall, as a condition to the granting of such permit, in writing authorize the Supervisor of Animal Control and all City inspectors to make inspections during daylight hours of such hobby-kennel or hobby-cattery sought to be established.
- C. All holders of hobby-kennel avocation permits must acquire the appropriate license for each animal that the permit holder owns, keeps, or maintains, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Code 1988, § 5-86; Ord. No. 6497, § 6, 9-20-2007)

Cross reference— Occupational license tax generally, § 28-21 et seq.

Sec. 5-87. - Kennels and catteries.

- A. Any person who is deemed to be the operator of a kennel or cattery shall register such kennel on a form provided by the Finance Department. At the time of initial registration of each kennel or cattery and annually thereafter the operator of the kennel or cattery shall pay an inspection fee of the amount as set forth in the City's Schedule of Fees and Charges and shall have a valid business license issued by the City.
- B. It shall be unlawful to operate a kennel within the City limits which violates the standards of operation established in this section and which violates any zoning laws or regulations of the City.
- C. Kennel premises where permitted shall be maintained in a clean and sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors.
- D. The Supervisor of Animal Control shall have the right to inspect such kennels at all reasonable hours. The Supervisor shall inspect each registered kennel operating within the City limits at least once each calendar year to ensure compliance with the standards of operation.
- E. The operator of a kennel must acquire the appropriate license for each animal that the permit holder owns, keeps, or maintains, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Code 1988, § 5-87; Ord. No. 6497, § 7, 9-20-2007)

Sec. 5-88. - Individual breeders.

Individual breeders are persons who own, keep, or maintain no more than two (2) dogs or cats and wish to breed those animals. All individual breeders must acquire an unaltered pet license for each animal that the permit holder owns, keeps, or maintains, and intends to use for breeding purposes, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-89. - Breeding permits.

- A. All hobby-kennel or hobby-cattery avocation permit holders and kennel or cattery operators are required to apply for and be granted a breeding permit from the Animal Control Department in order to breed any dog. Each individual breeder who has applied for and received a litter permit for a nominal fee as set forth in Section 5-92, and whose animal has already produced one litter of puppies, is required to apply for and be granted a breeding permit from the Animal Control Department in order to further breed his dog. Each person who breeds his animal must individually apply for and be granted a breeding permit, except in the cases of hobby-kennel or hobby-cattery avocation permit holders and individual breeders. For hobby-kennel or hobby-cattery avocation permit holders and individual breeders, a person's breeding permit shall extend to members of the permit holder's immediate family.
- B. Each application for a breeding permit shall be accompanied by a fee set forth in the City's Schedule of Fees and Charges and no breeding permit shall be issued until the application fee is paid.
- C. Each breeding permit is issued to the person, not the dog, and therefore a breeding permit cannot be sold, purchased, traded, or otherwise conveyed from the person to whom the breeding permit was initially granted.
- D. No breeding permit shall be granted to a person until the following conditions are met:
 1. The applicant has submitted the appropriate forms and fees required by the Supervisor of Animal Control for a breeding permit.
 2. The applicant has a space in which to breed the dogs and raise the offspring that will contain the dogs as well as provide them with safe, sanitary, and humane conditions, appropriate for breeding a specific breed, and which satisfies all applicable provisions of the Code of Ordinances and all applicable State animal welfare laws.
 3. The department has evaluated the physical and behavioral characteristics regarding the suitability of the particular dogs to be bred.
- E. The department may deny any application for a breeding permit if it finds that one or more of the following has occurred:
 1. The applicant has failed to appropriately license the pet to be bred.
 2. The applicant has failed to pay the appropriate application fee.
 3. The applicant has a history of allowing dogs to run loose or escape, or has otherwise been found to be neglectful; has had his dog identified as a nuisance; or, has previously been determined to have violated the provisions of this chapter.
 4. The applicant has applied for a breeding permit within the last ten (10) months.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-90. - Animal boarding/pet-sitting establishments.

Owners and operators of animal boarding/pet-sitting establishments shall not be required to acquire breeding permits, unless the establishment also breeds dogs.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-91. - Inspection of premises to be used for breeding purposes.

- A. The department may inspect the premises to be used for breeding purposes and conduct the evaluation set forth in Section 5-89.D. The department shall give the applicant 24-hour notice of the inspection and shall conduct such inspection at a reasonable time when the applicant or his representative is present.
- B. If the applicant refuses to allow the department to conduct such inspection, or cannot be contacted by the department to give notice of the inspection within two (2) weeks of its initial attempt, the application shall be denied.
- C. Up to one year after issuing the breeding permit, the department shall have the option, on one or more occasions, to inspect the premises being used for breeding purposes to ensure that the conditions required to receive a permit are continuing to be met. The department shall give the permit holder 24-hour notice of the inspection and shall conduct such inspection at a reasonable time when the permit holder or his representative is present.
- D. If the permit holder refuses to allow the department to conduct such inspection, or cannot be contacted by the department to give notice of the inspection within two (2) weeks of its initial attempt, the department will determine that the permit holder is conducting breeding activities in violation of this chapter, and the breeding permit shall be revoked.
- E. This section shall not affect the department's ability to conduct inspections pursuant to Sections 5-86 and 5-87.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-92. - Litter permits.

- A. Breeding permit holders and individual breeders must apply for and obtain a litter permit for every litter produced by the breeding permit holder's or individual breeder's dogs. Breeding permit holders and individual breeders should apply to the department for a litter permit before the dogs are bred. A litter permit application should be accompanied by a litter permit fee, the amount set forth in the City's Schedule of Fees and Charges. A litter permit should be applied for and granted for every litter to be produced by any animal owned, held, or maintained by the permit holder.
- B. In the event that a permit holder or an individual breeder fails to apply for a permit before the female dog enters its gestation period, the department may issue the litter permit without penalty if it determines that the failure to acquire a permit was not in bad faith.
- C. The department shall have the option of inspecting the premises in the manner set forth in Section 5-91 for an evaluation of the factors set forth in Section 5-89.D.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-93. - Litter permits for individual breeders.

Individual breeders shall be required to submit an application fee of a nominal amount, as set forth in the City's Schedule of Fees and Charges, in order to receive their first litter permit. Any litter permit applications beyond the first litter permit must be accompanied by the application fee set forth in the City's Schedule of Fees and Charges.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-94. - Enforcement of breeding and litter permit requirements.

Any person found breeding dogs without the required breeding and/or litter permits shall be in violation of this chapter and shall be subject to the following penalties:

- A. Each dog involved in illegal breeding activities shall be impounded and held until any applicable licenses are issued and the dogs may be surgically altered.
- B. A fine of no more than twenty dollars (\$20.00) shall be imposed for each puppy that the illegal breeding activities produced.
- C. The fines imposed under this section are in addition to any other fines that may be levied against the person under this chapter, and the person shall be responsible for costs related to impoundment, surgical alteration, or any other costs imposed by this chapter.

(Ord. No. 6497, § 8, 9-20-2007)

Secs. 5-95—5-105. - Reserved.

DIVISION 2. - LICENSING

Sec. 5-106. - Required; exception.

- A. It shall be unlawful for a person to own, keep, harbor or maintain any dog or cat within the City limits unless such dog or cat is licensed as provided in this division. Dogs and cats that are intended to be sold, given away or turned over to an animal control or humane agency before they reach the age of six (6) months are exempt from the provisions hereof.
- B. The licensing provisions of this division shall not apply to nonresidents of the City unless they keep a dog or cat within the City for more than thirty (30) days.
- C. Any person who is found to be in violation of the provisions of this division shall be subject to a fine of not less than one hundred dollars(\$100.00), which shall be levied in addition to any fees required by the provisions of this chapter, and the animal shall be subject to impoundment.
- D. Nothing in this article shall be construed to prevent animal boarding/pet-sitting establishments from lawfully providing temporary boarding/pet-sitting services to owners of unlicensed animals.

(Code 1988, § 5-106; Ord. No. 6497, § 9, 9-20-2007)

Sec. 5-107. - Application.

- A. Written application for a dog or cat license shall be made to the Finance Department or the Animal Shelter. The applications shall state the name, address, telephone number (if any), and a driver's license number (or in lieu of a driver's license number, a social security number) of the owner, proof of current rabies vaccination for any dog or cat over six (6) months of age and the name, breed, color, sex and distinguishing marks of the dog or cat. For dog licenses, the applicant shall also provide verification from a licensed veterinarian that the dog has been surgically altered (spayed or neutered), unless that dog qualifies for an unaltered pet license under Section 5-142. No individual under seventeen (17) years of age shall make application for a dog or cat license.
- B. The Supervisor of Animal Control is authorized to promulgate appropriate rules and regulations in order to establish and administer a program in which veterinarian clinics and animal boarding/pet-sitting establishments serve as a place where citizens can apply for and obtain licenses provided under this chapter. Participating veterinarian clinics and animal boarding/pet-sitting establishments may collect the application fees described in Sections 5-108 and 5-114 and charge a nominal fee not

to exceed \$3.00 for administrative costs incurred for providing such services in relation to this program.

(Code 1988, § 5-107; Ord. No. 6497, § 10, 9-20-2007; Ord. NO. 7294, § 1, 2-7-2013)

Sec. 5-108. - Fee.

- A. The annual license fee for neutered/spayed dogs and cats and for unaltered dogs and cats, respectively, shall be as set forth in the City's Schedule of Fees and Charges; provided, however, that upon application for such license accompanied with adequate proof that the dog to be licensed is trained as an aid to a handicapped person and is regularly used in the service of and by a handicapped person, then such license shall be issued without fee. This fee shall not apply to any dog used for service by a government law enforcement agency.
- B. The annual licensing fee for a license issued for any unaltered dog or cat within the first year of the animal's life shall be the same amount as the annual licensing fee for neutered/spayed dogs and cats. All subsequent annual licensing fees for unaltered dogs and cats shall be equal to the fee listed in the City's Schedule of Fees and Charges.

(Code 1988, § 5-108; Ord. No. 6497, § 11, 9-20-2007)

Sec. 5-109. - Receipt, tag and record required.

The Finance Department or Animal Shelter shall issue a receipt and a numbered metallic or plastic tag for each dog or cat licensed, and shall maintain records of such receipts and tags for five (5) years (after expiration), per State Records Retention Manual. Such record shall be open to public inspection during regular business hours.

(Code 1988, § 5-109)

Sec. 5-110. - Term; delinquency.

All licenses required by the provisions of this division shall be issued for one (1) year and shall be obtained by May 1 each year. Licenses shall be delinquent after May 1. A delinquency fee in the amount set forth in the City's Schedule of Fees and Charges shall be added to the regularly established fee. Any valid dog or cat license issued by another municipality shall be accorded full recognition as a legal substitute under this section for the remainder of the City license year.

(Code 1988, § 5-110)

Sec. 5-111. - Misusing tags prohibited.

It shall be unlawful for a person to use a dog or cat license tag or rabies tag for a dog or cat other than that for which it was issued.

(Code 1988, § 5-111)

Sec. 5-112. - Transfer.

If ownership of a dog or cat is transferred, the new owner may have the current license transferred to his name upon payment of a transfer fee in the amount set forth in the City's Schedule of Fees and Charges.

(Code 1988, § 5-112)

Sec. 5-113. - Lost or destroyed licenses.

If a dog or cat license is destroyed or lost, a duplicate may be obtained from the City for a fee in the amount set forth in the City's Schedule of Fees and Charges.

(Code 1988, § 5-113)

Sec. 5-114. - Lifetime licensing.

- A. Any person may apply for a lifetime license for a dog or cat in the same manner provided in Section 5-107. Any person who receives a lifetime license shall not be subject to the provisions of Section 5-110. Instead, the lifetime license shall be effective for the remaining life of the dog or cat for which the lifetime license was received. Fees for a lifetime license shall be set forth in the City's Schedule of Fees and Charges.
- B. Any person who receives a lifetime license must provide the Supervisor of Animal Control an annual certificate of rabies vaccination, according to the provisions of Article III of this chapter, or the lifetime license may be revoked.
- C. For any dog that receives a lifetime license and subsequently is declared a dangerous dog under Division 1 of this article, the lifetime license shall be revoked and the owner of such dog shall be required to license the dog annually according to the provisions of Division 1 and Section 5-110 of this article.
- D. Any person who receives a lifetime license must have such dog or cat implanted with an identifying microchip in a manner approved by the Supervisor of Animal Control. The owner or keeper shall then provide the Supervisor of Animal Control the microchip number, and shall notify the supervisor and the registry applicable to the implanted chip of any change of ownership of the dog or cat, or any change of address or telephone number. Any costs associated with the microchip shall be born by the owner or keeper.

(Ord. No. 6497, § 12, 9-20-2007)

Secs. 5-115—5-135. - Reserved.

DIVISION 3. - IMPOUNDMENT, REDEMPTION AND ADOPTION

Sec. 5-136. - Intent.

The intent of this division is to require dog or cat owners to comply with the law, not merely to operate an impoundment program. Humane officers shall, therefore, place primary emphasis upon apprehending and initiating prosecution of violators of this division.

(Code 1988, § 5-136)

Sec. 5-137. - Impoundment; notice of impoundment.

- A. Dogs or cats not licensed pursuant to this article, or found not under restraint or abandoned, or improperly tethered, or without proper license and rabies tags, may be picked up and impounded by any humane officer. Impoundment may be in any animal shelter designated by the City Council. Such shelter shall be built and equipped to care for the animals in a humane manner.

- B. If the dog or cat's owner can, by any reasonable means, be identified and located, the owner shall be notified as soon as possible that the dog or cat has been impounded. Owners must reclaim impounded dogs or cats within the time specified by Subsection D. or sign a written release relinquishing ownership of such dog or cat. Failure to reclaim or sign a release constitutes animal neglect under Section 5-163.
- C. If the licensed dog or cat wears proper license and rabies tags and the owner can be immediately contacted, the humane officer who picked up such animal, or any other humane officer, will provide transportation of the animal back to the owner's place of residence. There shall be no charge to the owner for such transportation.
- D. Impounded animals shall be kept for not less than five (5) days except when:
 - 1. Given to be disposed of by an owner, in which case the dog or cat shall be held until the next calendar day before making a disposition;
 - 2. A dog or cat arrives at the shelter in so sick or injured a condition that in the judgment of the Supervisor of Animal Control or a licensed veterinarian, human compassion requires that the suffering be promptly ended, in such instance the time period shall not apply and the animal will be humanely euthanized to prevent needless suffering;
 - 3. A dog or cat arrives at the shelter brought from outside the City limits, in which case the dog or cat shall be held until the next calendar day before making a disposition.
- E. If an impounded dog or cat is not redeemed by the owner within five (5) days after impoundment, the dog or cat may be disposed of in one of the following ways:
 - 1. Euthanasia, using a method approved by the State Veterinary Medicine Association; or
 - 2. Release for adoption by a new owner who shows evidence of ability and intention to provide the dog or cat with an appropriate home and humane care.

(Code 1988, § 5-137; Ord. No. 6497, § 13, 9-20-2007)

Sec. 5-138. - Fees for impounding, boarding and adoption.

- A. Any owner redeeming a dog or cat from impoundment at the animal shelter shall pay to the Finance Director or his designee, before release, a boarding charge for each twenty-four (24) hours or fraction thereof that the dog or cat has been impounded, plus an impoundment fee. Additional fees shall be assessed against the owner for any unusual expenses incurred either in the impoundment or the care of the dog or cat.
- B. If such a violation is a first, second, or third violation with respect to the dog or cat, the owner, keeper, harbinger, or maintainer may appear at any time within five (5) days after receipt of the notice provided in Section 5-137 and after payment of any impoundment fee and board fee set forth in this section then due and owing, and shall have the right to sign a waiver of prosecution which shall amount to a plea of guilty and pay a fine as determined from time to time by the Municipal Judge. In fourth and subsequent violations of this chapter, the dog or cat may be reclaimed within such period after payment of any impoundment fee and board fee set forth in this section then owing, but a complaint shall be issued and the owner, harbinger, keeper, or maintainer shall appear in Municipal Court in response to the complaint and any penalty imposed by the Court shall be satisfied.
- C. The fees for the total period of any impoundment of a dog or cat shall be as set forth in the City's Schedule of Fees and Charges.
- D. In addition to the impoundment fees set out in Subsection C., there shall also be assessed a feeding and caring fee as set forth in the City's Schedule of Fees and Charges for each day that a dog or cat is impounded.
- E. Any new owner adopting an impounded dog or cat shall first obtain a license for the dog or cat, and shall, in addition, pay the adoption fee as set forth in the City's Schedule of Fees and Charges.

- F. The adoption fee includes deposit of funds for sterilization, rabies vaccination, City license, microchip and adoption administration.

(Code 1988, § 5-138)

Sec. 5-139. - Fraudulent acts prohibited.

It shall be unlawful for any person to adopt a dog or cat for the purpose of circumventing the provisions of Section 5-138. It shall be unlawful to engage in any fraudulent scheme, device, or trick to obtain any animal from the animal shelter. It shall be unlawful for any person to aid or assist any such tricks, devices, or schemes.

(Code 1988, § 5-139)

Sec. 5-140. - Penalty.

Violators of this division shall be punished in accordance with the provisions of Section 1-13.C. of the Code.

(Code 1988, § 5-140)

DIVISION 4. - MANDATORY SPAY AND NEUTER PROGRAM FOR DOGS

Sec. 5-141. - Mandatory spaying, neutering of dogs.

- A. No person may own, keep, or maintain a dog over the age of six (6) months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered or obtain an unaltered dog license in accordance with Section 5-142.
- B. The owner or custodian of a dog which is unable to be spayed or neutered without a reasonable likelihood of suffering bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from a licensed veterinarian. The writing must also state the date by which the dog may be safely spayed or neutered. If the dog is unable to be spayed or neutered within thirty (30) days, the owner or custodian must apply for an unaltered dog license.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-142. - Unaltered dog license—Requirements.

- A. An owner or custodian of an unaltered dog over the age of six (6) months must obtain an annual unaltered dog license for the dog.
- B. The license shall be issued if the department has determined that all of the following conditions are met:
1. The dog is one of the following: a competition dog as defined in Section 5-2; a dog used by a law enforcement agency for law enforcement purposes; a qualified assistance dog as defined in Section 5-2; a dog which is unable to be spayed or neutered as set forth in Section 5-141.B; a dog owned, kept, or maintained for breeding purposes by a person with a valid breeding permit issued pursuant to Section 5-89; or a dog owned, kept, or maintained for breeding purposes by an individual breeder, as defined in Section 5-88;
 2. Any dog owned, kept, or maintained for breeding purposes by an individual breeder that has produced at least one litter of puppies is ineligible to receive an unaltered dog license unless the

individual breeder who owns, keeps, or maintains such dog obtains a valid breeding permit pursuant to Section 5-89;

3. The owner or custodian has submitted the required application and has paid the fee set forth in Sections 5-107 and 5-108; and
4. The unaltered dog will be maintained in accordance with the provisions of this chapter, and with applicable State animal care and control laws.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-143. - Denial or revocation of unaltered dog license—Grounds and re-application.

- A. The department may deny or revoke an unaltered dog license for one or more of the following reasons:
 1. The applicant or licensee is not in compliance with all of the requirements of Section 5-142;
 2. The applicant or licensee has been previously found guilty of violating a State law, County code or other municipal provision relating to the care and control of animals;
 3. The unaltered dog has been declared to be a dangerous dog;
 4. Any unaltered dog license held by the applicant has been revoked;
 5. A female unaltered dog has had more than one litter per year, or five (5) or more litters in her lifetime; or
 6. The license application is discovered to contain a material misrepresentation of fact.
- B. *Re-application for unaltered dog license.* When an unaltered dog license is denied, the applicant may re-apply for a license upon a showing that the requirements of Section 5-142 have been met. The department shall refund one-half of the license fee when an application is denied. The applicant shall pay the full fee upon re-application.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-144. - Appeal of denial or revocation of unaltered dog license.

- A. *Request for hearing.*
 1. *Notice of intent to deny or revoke.* The department shall mail to the owner or custodian a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner or custodian may request a hearing to appeal the denial or revocation. The request must be made in writing within ten (10) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.
 2. *Hearing officer.* The hearing shall be conducted by the Chief of Police or a designee.
 3. *Notice and conduct of hearing.* The department shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than thirty (30) days after the department's receipt of the request for a hearing. Failure of the owner or custodian or his agent to appear at the hearing will result in forfeiture of the right to a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The department shall mail a written decision to the owner or custodian within ten (10) days after the hearing. The decision of the hearing officer shall be the final administrative decision.

- B. *Change in location of dog.* If the dog is moved after the department has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner or custodian must provide the department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-145. - Transfer, sale and breeding of unaltered dog.

- A. *Offer for sale or transfer of unaltered dog:* An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with Section 5-141. The license number must appear on a document transferring the dog to the new owner.
- B. *Transfer of unaltered dog:* The owner or custodian of an unaltered dog over the age of six (6) months, which is not a competition dog as defined in Section 5-2, must demonstrate compliance with Section 5-141 prior to the transfer, and must notify the department of the name and address of the transferee within ten (10) days after the transfer.
- C. *Notification of litter and sale or transfer of puppies:* Within thirty (30) days after a litter is born to a female dog, the owner or custodian of the female dog shall advise the department in writing of the number of live born puppies. When a puppy under the age of six (6) months is sold or otherwise transferred to another person, the owner or custodian shall advise the department of the name and address of the new owner or custodian, and the microchip number of the puppy, if applicable, within ten (10) days after the transfer.
- D. *Personal responsibilities:* Nothing in this section shall be construed to impair the responsibilities of a person required to comply with the breeding and litter permit requirements of Division 1 of Article V of this chapter.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-146. - Penalties.

The penalties for violations of any provision of this part are as follows:

- A. *First violation.* A first violation shall be an infraction punishable by a fine not less than fifty dollars (\$50.00). If the owner or custodian fails to correct the underlying cause of the violation within thirty (30) days after being notified of the violation, it shall be deemed a second violation.
- B. *Second violation.* A violation within a year of a first violation shall be deemed a second violation. A second violation is punishable by imprisonment for a period not to exceed six (6) months or by a fine not less than one hundred dollars (\$100.00), or by both such fine and imprisonment. Each subsequent violation within one year shall be considered an additional violation.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-147. - Impoundment of unaltered dog.

- A. *Reclaiming impounded dog.* When an unaltered dog is impounded, the owner or custodian may reclaim the unaltered dog when one of the following occurs:
1. The dog is spayed or neutered by a licensed veterinarian at the expense of the owner or custodian.
 2. The owner or custodian demonstrates compliance with Section 5-141.

- B. *Costs of impoundment.* The owner or custodian of the unaltered dog shall pay the costs of impoundment, which shall include daily board costs.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-148. - Allocation of fees and fines collected.

All costs and fines collected under this division and the fees collected under this chapter shall be paid to the City for the purpose of defraying the cost of the implementation and enforcement of this chapter.

(Ord. No. 6497, § 14, 9-20-2007)

Secs. 5-149, 5-150. - Reserved.

DIVISION 5. - TETHERING AND FENCING OF DOGS

Sec. 5-151. - Tethering.

- A. No owner, keeper, harborer, or maintainer of a dog may tether, fasten, chain, or tie a dog, or allow his dog to be tethered, fastened, chained, or tied to any permanent or temporary structure, any post attached to the ground or any permanent or temporary structure, or to any weight designed to restrict the dog's freedom of movement to a limited area of space, except where:
1. The tethering, fastening, chaining, or tying of the dog to any structure, post, or weight, is temporary; and
 2. The tethering, fastening, chaining, or tying of the dog to any structure, post, or weight is under supervision of the owner, keeper, harborer, or maintainer or a responsible person to whom the task of supervision is delegated.
- B. The tethering, fastening, chaining, or tying of a dog to any structure or post shall be considered temporary only if the time the dog is tethered, fastened, chained, or tied to any structure, post, or weight is:
1. No more than one half ($\frac{1}{2}$) an hour at any one time; and
 2. No more than a total of three (3) hours within a twenty-four (24) hour period.
- C. No owner, keeper, harborer, or maintainer of a dog may tether, fasten, chain, or tie a dog, or allow his dog to be tethered, fastened, chained, or tied to any structure, post, or weight under any circumstances, whether temporary and under supervision or not, in any area of property that is considered frontage, as defined by Section 2.1280 and other applicable sections of the Unified Development Ordinance, except:
1. A dog may be tethered temporarily and while under supervision in an area of property that is considered frontage when the only area of the property available to the owner, keeper, harborer, or maintainer for such purposes is frontage.
- D. Any violation of this section shall be considered an act of animal abuse under Section 5-164 of this chapter.

(Ord. No. 6497, § 15, 9-20-2007)

Sec. 5-152. - Fencing.

- A. No owner, keeper, harborer, or maintainer of a dog shall allow that dog to remain in the yard of any property unless the dog is under supervision, as defined in Section 5-2, or confined as provided in this section.
- B. If the dog is not under supervision while remaining in the yard of any property, the dog must be securely confined by enclosed fencing or in a securely enclosed and locked pen, structure, or run. Such fencing or pen, structure, or run must be suitable for preventing the animal from escaping. A locked pen, structure, or run must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog.
- C. If the dog is confined to the residential property of the owner, keeper, harborer or maintainer by an electronic fence or an electronic collar, the dog shall not be permitted to be nearer than five (5) feet away from any public street or sidewalk or property line that is contiguous to neighboring property.
- D. No dog having been found as a dangerous dog, as defined by Section 5-83, shall be confined by an electronic fence or an electronic collar. Electronic collars may not be used to control a dog when it is off the owner's, keeper's, harborer's or maintainer's property.

(Ord. No. 6497, § 15, 9-20-2007)

Secs. 5-153—5-160. - Reserved.

ARTICLE VI. - NEGLIGENCE AND ABUSE

Sec. 5-161. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care shall mean normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

Adequate control shall mean to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

Harbor shall mean to feed or shelter an animal at the same location for three (3) or more consecutive days.

Pests shall mean birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the State Wildlife Code.

(Code 1988, § 5-161)

Cross reference— Definitions and rules of construction generally, § 1-2.

State Law reference— Similar definitions, RSMo 578.005.

Sec. 5-162. - Scope of article.

The provisions of this article shall not apply to:

- A. Care or treatment performed by a licensed veterinarian within the provisions of RSMo ch. 340;

- B. Bona fide scientific experiments;
- C. Hunting, fishing or trapping as allowed by RSMo ch. 252, including all practices and privileges as allowed under the State Wildlife Code;
- D. Facilities and publicly-funded zoological parks currently in compliance with the Federal "Animal Welfare Act," as amended;
- E. Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
- F. The euthanizing of an animal by the owner thereof, the agent of such owner or by a veterinarian at the request of the owner thereof;
- G. The lawful euthanizing of an animal by the animal control officer, the operator of the animal shelter, a veterinarian or any police officer or health official;
- H. With respect to domestic animals and chickens, normal or accepted practices of animal husbandry;
- I. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or livestock animal, but not including police or guard dogs while working;
- J. The killing of house or garden pests;
- K. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri;
- L. Slaughtering or butchering as allowed by Section 5-167 of this chapter.

(Code 1988, § 5-162; Ord. No. 7343, § 3, 7-11-13)

State Law reference— Similar provisions, RSMo 578.007.

Sec. 5-163. - Animal neglect.

- A. A person commits the offense of animal neglect when he has custody or ownership, or both, of an animal and fails to provide adequate care and adequate control.
- B. All fines and penalties for a first conviction of animal neglect may be waived by the Municipal Court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

(Code 1988, § 5-163)

State Law reference— Similar provisions, RSMo 578.009.

Sec. 5-164. - Animal abuse.

A person commits the offense of animal abuse when he:

- A. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this article;
- B. Purposely, intentionally or recklessly causes injury, suffering or pain to an animal;
- C. Abandons an animal in any place without making provisions for its adequate care;
- D. Overworks or overloads an animal or drives or works an animal unfit for work;

- E. Having ownership or custody of an animal, willfully fails to provide adequate care or adequate control.
- F. Improperly tethers a dog in violation of Section 5-151.

(Code 1988, § 5-164; Ord. No. 6497, § 16, 9-20-2007)

State Law reference— Similar provisions, RSMo 578.012.

Sec. 5-165. - Responsibility for adequate care.

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of or harbored by such minor child.

(Code 1988, § 5-165)

State Law reference— Similar provisions, RSMo 578.014.

Sec. 5-166. - Neglected or abused animal not to be returned to owner.

If a person is adjudicated guilty of animal neglect or animal abuse and the Municipal Court is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the Court.

(Code 1988, § 5-166)

State Law reference— Similar provisions, RSMo 578.021.

Sec. 5-167. - Slaughtering—Butchering restricted.

- A. No person or business, except a licensed commercial slaughterhouse in compliance with City ordinances, shall slaughter or dress any animal, fowl, or fish within the City at any time; provided however, that wild game, fowl and fish legally taken for sport and not to be sold, and chickens kept in accordance with Article VII of this chapter, may be slaughtered and dressed in an enclosed area and in such a manner so as to eliminate any and all potential for public viewing.
- B. Except for licensed commercial butcher shops, lockers, or food stores operating in compliance with City ordinances, the butchering of animals or animal parts shall be conducted in an enclosed area and in such a manner so as to eliminate any and all potential for public viewing.
- C. No person shall slaughter, dress or butcher as permitted by this section without disposing of all animal waste in a sanitary manner, as provided in Chapter 25 of this Code.

(Ord. No. 7343, § 5, 7-11-13)

Sec. 5-168. - Entry warrants for enforcement; impoundment; costs.

- A. Any duly authorized public health official, law enforcement official or other person having authority to enforce the provisions of this chapter may seek a warrant from the appropriate court to enable him to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to

believe a violation of this article has occurred. A person acting under the authority of a warrant shall not be liable for any necessary damage to property while acting under such warrant.

- B. All animals impounded pursuant to a warrant issued under this section shall be:
 - 1. Placed in the care or custody of a veterinarian, the Supervisor of Animal Control, or the animal shelter. If none of these resources are available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose; or
 - 2. If it is determined by a veterinarian that an animal impounded under a warrant is diseased or disabled beyond recovery for any useful purpose, that animal may be humanely killed.
- C. The owner or custodian of any animal who has been convicted of animal neglect or animal abuse shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid, and may put up for adoption or humanely kill such animal if such costs are not paid within ten (10) days after demand. Any monies received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal.
- D. The owner or custodian of any animal killed pursuant to this section shall be entitled to recover the actual value of the animal if the owner or custodian shows that such killing was unwarranted.

(Code 1988, § 5-167; Ord. No. 7343, § 4, 7-11-13)

Editor's note— Ord. No. 7343, § 4, adopted July 11, 2013, renumbered § 5-167 as § 5-168.

State Law reference— Similar provisions, RSMo 578.018.

Secs. 5-169—5-199. - Reserved.

ARTICLE VII. - CHICKENS

Sec. 5-200. - Number and type of chickens allowed.

- A. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the track.
- B. Only female chickens are allowed. There is no restriction on the chicken species, as defined in Section 5-2.
- C. Subparts A. and B. of this subsection shall not apply when the chicken(s) kept are four hundred (400) feet or more from the residence of any other inhabitant.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 1, 1-6-2014)

Sec. 5-201. - Non-commercial use only.

It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-202. - Enclosures.

- A. Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if under supervision as

defined in Section 5-2. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

- B. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- C. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- D. Henhouses and chicken tractors.
 - 1. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - a. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one inch openings.
 - b. Materials.
 - (1) The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited.
 - (2) Materials used shall be impervious to moisture so that the surface does not permit the absorption of fluids. This may be accomplished by sealing with paint, or using a material that is impervious to moisture by nature, i.e., plastic, metal, concrete, glazed faced tile, etc. The surface shall be routinely maintained. If paint is peeling, it must be repainted to seal the surface.
 - (3) Henhouses and chicken tractors shall be well maintained.
 - 2. No henhouse, chicken tractor or chicken pen shall be placed in any area of property that is considered frontage, as defined by Section 2.1280 and other applicable sections of the Unified Development Ordinance.
 - 3. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least forty (40) feet from any adjacent residential dwelling, church, school, or place of business.
 - 4. Henhouse and chicken tractor size.
 - a. The minimum size of any henhouse or chicken tractor shall be two (2) square feet per chicken.
 - b. The maximum size of any structure henhouse or chicken tractor shall be four (4) square feet per chicken.
 - c. The interior roosting area of any henhouse or chicken tractor shall be not less than two (2) feet in height.
 - d. The exterior height of any henhouse or chicken tractor, including any risers or pedestals, shall not to exceed ten (10) feet.
- E. A chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
- F. Subparts A. through E. of this section shall not apply when chicken(s) are kept four hundred (400) feet or more from the residence of any other inhabitant.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 2, 1-6-2014)

Sec. 5-203. - Chickens at large.

- A. Chickens shall not be allowed to run at large. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.
- B. No dog, cat or other domesticated animal, which kills a chicken running at large will, for that reason alone, be considered a dangerous or prohibited animal.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 3, 1-6-2014)

Sec. 5-204. - Odor and noise impacts.

- A. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries.
- B. Perceptible noise from the chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- C. It shall be unlawful for any person to park over one (1) hour within the City limits any truck loaded with chickens that would cause an offensive smell or noise, or which would unnecessarily annoy the rest of others.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 4, 1-6-2014)

Sec. 5-205. - Predators, rodents, insects, and parasites.

The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-206. - Feed and water.

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-207. - Waste storage and removal.

The chicken owner must provide for the storage and removal of chicken manure. All stored manure shall be covered in a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-208. - Unlawful acts.

- A. It shall be unlawful for any person to keep chickens in violation of any provision of this article.
- B. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-209. - Violation.

As provided in Section 5-33, any person who fails to adhere to or otherwise violates this article is guilty of a municipal ordinance violation punishable according to Section 1-13. Each day that such person shall continue violation of the provisions of this article shall constitute a separate and distinct offense and shall be punishable as such.

(Ord. No. 7343, § 7, 7-11-2013)