

1  
2 AN ORDINANCE AMENDING CHAPTER 14 OF THE BRANSON MUNICIPAL CODE  
3 PERTAINING TO ANIMALS, BY REPEALING SAID CHAPTER IN ITS ENTIRETY AND  
4 ENACTING A NEW CHAPTER IN LIEU THEREOF.  
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6  
7 WHEREAS, the Police Department reviewed Chapter 14 pertaining to animals; and  
8

9 WHEREAS, the Police Department is recommending significant changes to align with industry best  
10 practice models and municipal standards relative to animal ordinances; and  
11

12 WHEREAS, the Board of Aldermen desires to codify an updated animal code for the public good.  
13

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

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

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22 the Branson Municipal Code are hereby repealed in there entirety and a new Chapter 14  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

27 **ARTICLE 1. – IN GENERAL**  
28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Cat* shall mean *Felis catus*.

*Chicken* shall mean *gallus gallus domesticus*.

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

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

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

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

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

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

*Dog* means *Canis familiaris*.

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

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

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

Euthanize means to put to death in a humane manner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

212 Nuisance means any one of the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Breed the animal for any purpose.

350  
351 Secs. 14-2 – 14-8. –Reserved.  
352

353 ARTICLE II --- ANIMAL CONTROL  
354

355 DIVISION 1. --- DOMESTIC ANIMALS  
356

357 Sec. 14-09. – Purpose.  
358

359 The City has undertaken to establish this article to protect the public health and safety of its  
360 citizens and to promote the general welfare of the citizens and animals residing within the City.  
361 Animal ownership is encouraged and welcomed within this City; however, strong emphasis is  
362 placed on responsible and safe ownership of animals. Animal owners are encouraged to respect the  
363 rights of their fellow citizens and also those of their animals. Primary responsibility is placed upon  
364 animal owners to properly train and/or secure their animals so as to prevent them from causing  
365 injuries and/or creating nuisances.  
366

367 Sec. 14-10. – Contracted services.  
368

369 The City may contract with an agency or agencies for the enforcement of code, issuance of  
370 permits, collection of fees, the housing of animals, an inspection of facilities, veterinarian services,  
371 etc. as deemed necessary.  
372

373 Sec. 14-11. – Animals within residential zoning districts.  
374

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

- 376 (1) Dogs (excluding all canine/wild animal hybrids)  
377 (2) Cats (excluding all feline/wild animal hybrids, except savannah cats and  
378 serval)  
379 (3) Ferrets  
380 (4) Caged birds (i.e. psittacine birds, such as parrots, parakeets, cockatoos, as  
381 well as canaries, finches, pigeons, chickens, and doves)  
382 (5) Chickens  
383 (6) Pocket pets, including: ferrets, rats, guinea pigs, mice, gerbils, hamsters, and  
384 sugar gliders;  
385 (7) Non-Venomous amphibians (i.e. iguanas, bearded dragons, and frogs)  
386 (8) Non-Venomous fish  
387 (9) Non-Venomous arachnids (i.e. spiders and crabs)  
388 (10) Non-Venomous insects  
389 (11) Non-Venomous reptiles (except all species of anacondas)  
390 (12) Miniature pig or Potbellied pig  
391

392 (b) Exceptions. The current owners of prohibited animals will be allowed to remain in the  
393 residential districts upon applying for and being issued a one-time special animal permit.  
394 The special animal permit shall be issued within six months of this article becoming  
395 effective, each animal shall be specifically listed on the permit. No additional animals will be  
396 allowed in the residence after the six months and no new animals will be allowed to be  
397 brought into the residence.  
398

399 Sec. 14-12. – Limitation on the number of dogs, cats, and ferrets.  
400



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(a) Exceptions:**

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

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

**Sec. 14-17 – Nuisance animals.**

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

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

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

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

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

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

- (1) An agent of a business that is licensed by the Missouri Department of Agriculture to operate a pet store;**
- (2) A tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals; or**

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

506  
507 **Sec. 14-20 – Keeping of Miniature pig or Potbellied pigs.**  
508

509                   Any person who owns, keeps or maintains on his owned or leased premises a miniature  
510 pig or potbellied pigs, within the corporate limits of the city, shall conform with the following  
511 regulations.  
512

- 513                   (a) No person shall own, keep or harbor at any one time more than one (1) miniature pig  
514 on residential premises owned or controlled by him/her within the City.  
515  
516                   (b) No person shall cause or allow a miniature pig to become pregnant.  
517  
518                   (c) The owner shall of a miniature pig shall trim and maintain all tusks in such a manner  
519 that no tusk shall appear outside of the mouth of the miniature pig when the mouth is  
520 closed.  
521  
522                   (d) The owner of a miniature pig shall be required to have a current rabies vaccination  
523 even though a vaccine may not be specifically formulated for swine.  
524  
525                   (e) The owner of a miniature pig shall have their miniature pig microchipped and they  
526 shall submit proof of microchipping by a licensed veterinarian as well as  
527 documentation evidencing the content of the microchip, as part of the special animal  
528 permit application.  
529  
530                   (f) Every owner of a miniature pig shall apply for a special animal permit with Animal  
531 Control once the animal reaches four months of age. Such registration shall be  
532 renewed and updated annually. Registration shall not be transferable from one  
533 miniature pig to another.  
534

535 **Sec. 14-21 – Keeping of Chickens.**  
536

537                   Any person who owns, keeps, or maintains on his owned or leased premises chickens,  
538 within the corporate limits of the city, shall conform with the following regulations.  
539

- 540                   (a) No person shall keep or permit the keeping of more than eight (8) chicken hens on their  
541 residential premises.  
542  
543                   (b) The wings of the chicken's flight feathers shall be trimmed to ensure that they do not  
544 escape their yard or enclosure.  
545                   (c) The chickens shall have access to feed and clean water at all times. The feed and water  
546 shall be unavailable to rodents, wild birds, and predators.  
547                   (d) Chicken roosters are not permitted.  
548                   (e) It shall be unlawful to engage in chicken breeding, the sale of chicken meat or byproducts,  
549 or fertilizer production. Unless otherwise prohibited by state or federal law, the sale of  
550 eggs from these chickens shall be permitted under this section.  
551

- (f) Slaughter may occur provided that it is conducted in a sanitary manner, does not generate noise that creates a nuisance, and is not visible from adjacent properties or any public area or right-of-way.
- (g) Chickens shall be kept in a secured enclosure or fenced area at all times. Chickens shall be secured within a henhouse, coop/roosts during non-daylight hours.
- (h) Chickens must be maintained in pens, houses, or coops/roosts must be kept in a neat and sanitary condition at all times. At a minimum, four square feet per chicken enclosure space and ten square feet per chicken of outside run space shall be provided.
- (i) The pens, houses, coop/roost shall be well ventilated and provide protection from the weather and predators. The coop/roost must be cleaned on a regular basis so as to prevent offensive odors, the attraction of flies or vermin or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life and property by members of the neighborhood or other persons.
- (j) All pens, houses, and coops shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhoods. Shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to shut and locked at night. Openings, windows, and vents shall be covered with predator and bird proof wire of less than one-inch openings
- (k) All pens, houses, and coops shall be located.  
(1) On the rear of the parcel or premises;  
(2) At least forty (40) feet from any front property line;  
(3) At least ten (10) feet from any side property line; and  
(4) At least twenty (20) feet from any side street property line.
- (l) The person owning or controlling the residential premises shall provide for the storage or removal of droppings. Stored droppings to be used for composting shall be fully covered or placed in an enclosure. No more than three cubic feet of manure shall be stored. All droppings not used for composting or fertilizing shall be removed and properly disposed of.
- (m) Odors from chickens, chicken manure, or other chicken-related substances shall not be detectable at the property boundaries.
- (n) 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 animal control.

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

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

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

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

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

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

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

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

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

- 623 (a) No person shall keep or permit the keeping of bees except as permitted herein. It is unlawful for  
624 any person to own, harbor, or possess a beehive or bee colony unless the provisions of this section  
625 are complied with, and a special animal permit is obtained from animal control.
- 626 (b) It shall be unlawful for any person or entity to keep, harbor, or allow any colony or colonies of  
627 any species of bee other than a "honey bee" on land that is not zoned for agricultural uses by  
628 the city.
- 629 (c) Each person or entity owning, allowing, or harboring a colony or hive on his, hers, or its property  
630 over which it has control, possession or title, shall make available on the same property as where  
631 the hive or colony is located at all times and during all seasons a useable water source within 20  
632 feet of the colony or hive such that bees will be discouraged from congregating at swimming  
633 pools, fountains, pet watering bowls, birdbaths or other water sources where the bees may come  
634 in contact with humans, birds or domestic pets.
- 635 (d) Each person or entity owning, allowing, or harboring a colony or hive shall provide satisfactory  
636 proof to the city, upon request, that they have completed a beekeeping training course offered  
637 by a beekeeping association, vocational school, college, university, or university extension  
638 program, or other equivalent training.
- 639  
640 (e) Notwithstanding compliance with various requirements of this article or other codes of the city,  
641 it shall be unlawful for any person or entity to keep, harbor, or allow any colony or colonies in  
642 such a manner or of such disposition as to cause any unhealthy condition, interfere with the

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

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

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

**Sec. 14-27. – Animal at Large.**

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

**Sec. 14-28. – Prizes**

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

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

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

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

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

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

**Sec. 14-31. –Right of entry.**

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

694 Secs. 14-32 – 14-60. –Reserved.

695  
696 DIVISION 2. – LICENSES, VACCINATIONS, FEES, PERMITS, AND REPORTS

697  
698 Sec. 14-61. - Rabies vaccination.

699  
700 (a) It shall be unlawful for any dog, cat, ferret, or miniature pig owner to knowingly keep,  
701 harbor, or own any dog, cat, ferret, or miniature pig six months of age or more within  
702 the city unless the owner maintains a current vaccination against rabies for their dog,  
703 cat, ferret or miniature pig by a licensed veterinarian. The veterinarian giving such  
704 vaccination shall issue to the animal owner a rabies certificate with the veterinarian's  
705 name and contact information along with a rabies tag number.

706  
707 (b) The animal owner shall cause any dog, cat, ferret, or miniature pig to wear a current  
708 rabies tag if outside the confines of the residence, and the animal owner shall be able to  
709 produce the current rabies certificate upon request by any animal control officer or  
710 police officer.

711  
712 Sec. 14-62. – Animal license for dogs and cats; fees.

713  
714 (a) It shall be the duty of every person owning, keeping, or harboring in the city any dog or  
715 cat to procure an animal license from the city. No animal license shall be issued without  
716 a current rabies certificate from a state-licensed veterinarian.

717  
718 (b) Animal licenses are based on a calendar year and the fees are listed in the city fee  
719 schedule. Fees may be established for a period of one year. Late fees may be assessed for  
720 licenses not purchased within 60 days.

721  
722 (c) Service dogs are exempt from the fee but still need to be licensed.

723  
724 (d) Animals owned by a nonprofit organization or governmental organization that are  
725 placed in foster care within the city are exempt from the fee but still need to be licensed.

726  
727 (e) No refund will be made for the license of animals deceased or otherwise removed from  
728 the city during the period of a license.

729  
730 (f) Licensing requirements under this section shall only apply to residents of the city.

731  
732 (g) No license shall be required for cats maintained within a feral cat colony.

733  
734 Sec. 14-63. – Records of dog and cat registration.

735  
736 The city shall keep a record giving the name, address, and phone number of the animal  
737 owner or keeper of such licensed dog or cat, the tag number, rabies vaccine certificate along with a  
738 general description of the dog or cat.

739  
740 Sec. 14-64. – Animal license tags; replacement tags.

741  
742 At the time of issuance of the dog or cat license, a license tag showing the registration  
743 number and expiration date of the license shall be issued. A fee may be established for replacement  
744 tags.

745  
746 **Sec. 14-65. – Counterfeiting, destruction of licenses or tags.**  
747

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

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

750  
751 **(b) The willful and malicious destruction of dog or cat license tags.**  
752

753  
754 **Sec. 14-66. – Wearing tag required for dogs.**  
755

756 **(a) No animal owner or keeper of a dog shall allow or permit such a dog to be outside the**  
757 **boundaries of the property of the animal owner or keeper, at any time other than when**  
758 **enclosed on all sides in a cage or covered run with a roof and bottom, without having**  
759 **attached to a collar about the neck of such animal (or to a secure body harness) the city-**  
760 **issued license tag, except when such a dog is being handled in the course of an organized**  
761 **dog training or exhibition program.**  
762

763 **(b) No person shall remove or cause to be removed the collar, body harness, or the license**  
764 **tag from any licensed dog without the consent of the animal owner or keeper.**  
765

766 **Sec. 14-67.—Special animal permits.**  
767

768 **A special animal permit, as allowed by code, may be issued by animal control. The permit**  
769 **shall be issued for the residential address of the animal owner. Prior to issuance of the permit, the**  
770 **following shall take place a visual inspection of all cages and pens shall be made to ensure the**  
771 **animal can't escape; the animal can be safely kept and maintained, and the cages and pens are**  
772 **species-specific. The special animal permit shall contain the following information:**  
773

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

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

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

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

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

779 **(f) Primary veterinarian for the animal.**  
780

781 **If the animal is no longer being kept per the special animal permit, the animal owner shall**  
782 **inform animal control. Fees may be established for the permit.**  
783

784 **Secs. 14-68 – 14-100. –Reserved.**  
785

786 **DIVISION 3. – IMPOUNDMENT**  
787

788 **Sec. 14-101. - Impoundment of animals in violation.**  
789

790 **It shall be the duty of animal control finding any animal in the city contrary to the**  
791 **provisions of this article on view, to take such animal, and confine the animal in an animal shelter**  
792 **or city pound if in the opinion of the animal control officer the safety of the animal, the safety of the**  
793 **public or the preservation of the peace requires such a seizure.**  
794

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



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

**Sec. 14-103. – Care of impounded animals.**

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

**Sec. 14-104. -- Adoption and impounding facilities.**

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

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

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

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

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

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

- 846
- 847 (1) If a domestic dog or cat, have the animal neutered, spayed, vaccinated for
- 848 rabies, and placed up for adoption;
- 849
- 850 (2) If a healthy unadoptable feral cat, it shall be neutered, spayed, vaccinated, and
- 851 released to a managed cat colony designated by the city or released to an area
- 852 for collection;
- 853
- 854 (3) If a domestic dog is unadoptable for safety reasons, the animal may be
- 855 humanely euthanized by any method approved by the Humane Society of
- 856 Missouri;
- 857
- 858 (4) If an animal is unique due to its species, nature, or size, the animal may be sold;
- 859
- 860 (5) If another species, it may be disposed of humanely by the animal control officer
- 861 under the supervision of a licensed veterinarian.
- 862
- 863

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

865

- 866 (a) If any individual is exposed to the possibility of rabies or other zoonotic diseases, the
- 867 incident shall be immediately reported to animal control or the police department by
- 868 the victim, hospital, health department, health care provider, animal owner, keeper, or
- 869 harborer of the animal.
- 870
- 871 (b) Any animal which bites, injuries, or attacks any person shall be placed immediately
- 872 under observation for a ten-day period. The animal owner shall be immediately
- 873 notified.
- 874
- 875 (1) A vaccinated animal where the owner can be identified shall be impounded with
- 876 a licensed veterinarian of the owner's choice or securely confined by the owner
- 877 for a period of ten days.
- 878
- 879 (2) A non-vaccinated animal or an animal that the owner of cannot be indentified
- 880 shall be impounded by the police department or animal control officer and
- 881 placed in a contracted licensed kennel or with a licensed veterinarian for a
- 882 period of ten days.
- 883
- 884 a. If within such period of ten days, such animal does not develop or manifest
- 885 signs of rabies, it may be redeemed by the animal owner upon payment of all
- 886 fees and expenses including veterinarian expenses. If the animal is not
- 887 redeemed at the end of the ten-day period, appropriate actions shall be taken
- 888 as directed by the veterinarian including being adopted.
- 889
- 890 b. If such animal does develop symptoms suggestive of rabies, it shall be the
- 891 duty of the police department or the animal control officer to cause such
- 892 animal to be examined by a licensed veterinarian and take appropriate action
- 893 as provided by this chapter.
- 894
- 895 (c) If a ten-day observation period is not appropriate for the species of the animal involved
- 896 in the bite injury, or attack, animal control shall determine the necessary observation

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

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

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

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

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

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

Secs. 14-108 – 14-125. –Reserved.

DIVISION 4. – CARE OF ANIMALS AND ANIMAL ABUSE

Sec. 14-125. – Animal neglect.

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

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

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

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

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

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

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

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

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

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

Sec. 14-126. - Animal abuse.

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

(1) Cruelly overwork an animal;

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

(3) Abandon an animal to die;

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

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

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

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

(8) Improper tethering.

- 999 (b) Nothing in this section shall be construed so as to prevent a person from taking whatever  
1000 action is necessary to defend themselves, another individual, or an animal when endangered  
1001 by an unprovoked animal attack.
- 1002
- 1003 (c) Removal and impoundment of animals. Any animal control officer or police officer shall  
1004 have the right to remove and impound animals from the animal owner or guardian, and  
1005 place said animal into the custody of animal control in cases where the health and safety of  
1006 the animal is in immediate danger under the provisions of this section. If such removal is  
1007 necessary the animal control officer or police shall cite the offending animal owner or  
1008 guardian with a violation of this section and shall prepare a report, including photographic  
1009 evidence, detailing the issues causing the seizure.
- 1010
- 1011 (d) Hearing. If such a removal occurs and the conditions requiring such a seizure cannot be  
1012 immediately remedied the animal control officer or police officer shall request through the  
1013 city attorney a hearing before the municipal court for a court order to determine probable  
1014 cause to maintain the seizure through the pendency of said case. Said hearing shall take  
1015 place as soon as practicable after the seizure of said animal before the municipal court but  
1016 in no circumstances longer than thirty days. Notice of the hearing shall be provided to the  
1017 owner of said animal at their last known address by the first class mail. Providing the court  
1018 finds probably case to retain the animal through the pendency of the case, said order can be  
1019 recalled for review and further determinations if the animal owner or responsible party  
1020 fails to appear at any subsequent court date or fails to comply with any related court  
1021 directive.
- 1022
- 1023 (e) Reports. Before any final determination of the status of a seized animal is made by the court,  
1024 the animal control officer shall update their report with recommendations concerning if the  
1025 conditions creating the need for a seizure can be remedied, the requirements for remedy,  
1026 along with any follow-up requirements. The final report shall include recommendations by  
1027 the animal control officer if the animal can be returned to the owner, placed for adoption,  
1028 euthanized, or other alternative options. This report along with the procedure to appeal the  
1029 determination shall be sent to the owner of the animal by certified mail or hand delivered to  
1030 the animal owner, and a hearing on said final determination shall be held immediately  
1031 following a ruling in the accompanying charge for violation of this section.
- 1032
- 1033 (f) Appeal of determination. All appeals of the determination shall be within ten days and  
1034 according to the provisions of Chapter 536, RSMo. relating to a contested case.
- 1035
- 1036 (g) Expenses. Any expense incurred in such removal and impoundment is the responsibility of  
1037 the animal's owner. All expenses must be paid before the animal is released from custody to  
1038 the animal owner.
- 1039
- 1040 (h) Abandoned or no apparent owner. The animal control officer or police officer shall make  
1041 every reasonable effort to determine the ownership of the animal if seized under the  
1042 provisions of this article. If no determination can be made as to ownership, no hearing as  
1043 provided for under this section shall be required. After seven consecutive days of the animal  
1044 being impounded and no responsible party is found the animal shall be considered  
1045 abandoned and handled as provided for in the article.
- 1046

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

1048

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

1051  
1052 Sec. 14-128. – Transporting an animal in a vehicle; Safety of animals in enclosed places;  
1053 Incapacitated or detained owner  
1054

1055 (a) A person shall not transport an animal in a vehicle on public roadways unless  
1056

1057 (1) The animal is safely enclosed within the vehicle.  
1058

1059 (2) If the animal is transported in an unenclosed vehicle, including a convertible, pick-up  
1060 truck, flatbed truck, or motorcycle, the animal shall be confined in a manner that  
1061 prevents the animal from falling or jumping from the vehicle or otherwise being  
1062 injured. If tethering is used to secure the animals, then a non-choke type collar or  
1063 body harness must be used, such that the dog cannot reach past the edge of any of the  
1064 sides of the vehicle.  
1065

1066 (b) If the animal owner or person in control of the animal is arrested, deceased, detained or is  
1067 otherwise incapacitated, the animal may be impounded if no responsible party can be found  
1068 to take control of the animal.  
1069

1070 (c) Claiming an impounded animal under this section shall be done in the same manner as  
1071 claiming any impounded animal.  
1072

1073 (d) Disposal of unclaimed animals shall be in accordance with the current code.  
1074

1075 Sec. 14-129. – Rescue of animals left in a vehicle under dangerous weather conditions.  
1076

1077 Whenever any animal is found confined in a motor vehicle in a public place under  
1078 weather conditions that endanger its life by outside high temperatures or low temperatures, or  
1079 inadequate ventilation as determined by animal control or a police officer, animal control or a  
1080 police officer are hereby authorized to enter such vehicle and rescue such animal and thereafter  
1081 impound the animal in accordance with 14-101. A prominent written notice shall be left on or in  
1082 the vehicle advising that the animal has been removed and impounded at the animal shelter  
1083 under the authority of this section and impounded in accordance with 14-101. If animal control  
1084 or police are required to forcibly enter a vehicle to rescue the animal, and the vehicle can no  
1085 longer be secured, the police shall cause the vehicle to be towed. In no event shall animal control  
1086 or police be liable to the animal's owner for damage to the animal, nor liable to the vehicle's  
1087 owner for tow fees, storage fees, or damage to the vehicle when animal control or police act  
1088 pursuant to this provision to protect the health and safety of the animal.  
1089

1090 Sec. 14-130. - Abandonment of animals.  
1091

1092 It shall be unlawful for any person to willfully abandon any animal within the city.  
1093

1094 Sec. 14-131. - Tethering dogs.  
1095

1096 (a) Any dog permitted to be kept within the city shall not be chained, tied, fastened, or  
1097 otherwise tethered to any stationary or inanimate object or trolley system as a means of  
1098 confinement and restraint.  
1099

1100 (b) Exceptions

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

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

1128

1129 The animal owner keeper or person harboring any non-spayed female dog shall, during the

1130 period that such animal is in season (estrus), keep it securely confined and enclosed within a building

1131 or securely fenced yard except when out upon such person's premises briefly for urination and

1132 defecation while on a leash or otherwise effectively physically restrained.

1133

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

1135

1136 It shall be unlawful for any person to frighten, shoot at, wound, kill, take, capture, ensnare,

1137 net, trap, or in any other manner molest or injure any robin, lark, whippoorwill, finch, sparrow,

1138 thrush, wren, martin, swallow, snowbird, bobolink, red-winged blackbird, crow, raven, oriole,

1139 kingbird, mockingbird, song-sparrow, or other songbird or insectivorous bird; or any bird listed

1140 on the migratory bird treaty act; or in any manner molest or injure the nest, eggs, or young of any

1141 such birds; or have in possession the nest, eggs, young, or body of any such bird.

1142

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

1144

1145

1146 DIVISION 5. – DANGEROUS DOGS; VICIOUS DOGS

1147

1148 Sec. 14-161 – Determination of Status

1149

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

1153 upon:

- 1154
- 1155 (1) The written complaint of a person who is willing to testify that the animal has
- 1156 acted in a manner which causes it to fall within the definition of “vicious dog”,
- 1157 “dangerous dog” or “potentially dangerous dog”; or
- 1158
- 1159 (2) Dog bite reports filed with the animal control officer, hospital, or health
- 1160 department as required by city ordinance or state law; or
- 1161
- 1162 (3) Actions of the dog witnessed by any animal control officer or law enforcement
- 1163 officer; or
- 1164
- 1165 (4) Any other substantial evidence that is admissible in court to support the finding.
- 1166

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

1168

- 1169 (1) On the owner, if known, using one of the following methods:
- 1170
- 1171 a. Regular mail to the owner’s last known address, or by certified mail directed
- 1172 to the owner at the owner’s last known address; or
- 1173
- 1174 b. Personally; or
- 1175
- 1176 c. If the owner cannot be located by one of the first two methods, by publication
- 1177 in a newspaper of general circulation and posting a notice on the property of
- 1178 the owner;
- 1179
- 1180 (2) Where the owner is not known a publication in a newspaper of general
- 1181 circulation.
- 1182

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

1184

- 1185 (1) The name and address of the owner of the dog if known and if not know the
- 1186 fact;
- 1187
- 1188 (2) A description of the dog;
- 1189
- 1190 (3) The whereabouts of the dog;
- 1191
- 1192 (4) The facts upon which the declaration is based;
- 1193
- 1194 (5) The restrictions placed upon the dog and when the owners is not know the
- 1195 intended disposition of the dog;
- 1196
- 1197 (6) The penalties for violation of the restrictions, including the possibility of
- 1198 destruction of the animal and fine and imprisonment of the owner; and
- 1199
- 1200 (7) The availability of a hearing to contest the declaration by submitting a written
- 1201 request to the city attorney within fifteen days of receipt of the declaration or if
- 1202 notice is given by publication or posting within 15 days of the earlier date the
- 1203 notice first appears in the newspaper of the property is posted.
- 1204



- 1205 (d) A dog may be declared dangerous under this section if the dog has within a twelve-month  
1206 period attacked and killed a domestic animal on more than one occasion. For purposes of this  
1207 subsection only, a domestic animal does not include any feral animal or does not apply where  
1208 the attack was upon a domestic animal that was at large or upon a domestic animal that was  
1209 tormenting or attacking the dog.
- 1210
- 1211 (e) Dogs shall not be declared dangerous, potentially dangerous, or vicious if the threat, injury, or  
1212 damage was sustained by a person who, at the time, was committing a willful trespass or other  
1213 unlawful tort upon the premises occupied by the owner of the dog where the dog was present,  
1214 or was tormenting, abusing, provoking or assaulting the dog or has, in the past, been observed  
1215 or reported to have tormented, abused, provoked or assaulted the dog, or was committing or  
1216 attempting to commit a crime.
- 1217
- 1218 (f) Notice. When notice is given by regular mail to the owner's last known address, notice is  
1219 effective on the third day after the notice was placed in the mail, postage prepaid, to the  
1220 owner's last known address. When notice is given by certified mail, notice is effective when  
1221 received; provided however, if certified mail delivery has been refused, notice is effective by  
1222 publication or posting and whenever notice is accomplished by publication or posting the  
1223 notice is effective and deemed received on the earlier of the day the property is posted of the  
1224 newspaper is published.
- 1225

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

1227

- 1228 (a) No person shall maintain a potentially dangerous dog without a license or otherwise in  
1229 violation of this section.
- 1230
- 1231 (b) No person owning, harboring, or having the care or custody of a potentially dangerous  
1232 dog shall permit the dog to go at large or leave the owner's property unless the dog is  
1233 securely leashed and muzzled.
- 1234
- 1235 (c) Spaying/Neutering. All owners of potentially dangerous dogs must spay or neuter the  
1236 dog and provide proof of sterilization to animal control within 14 days of the animal  
1237 control officer declaring the dog potentially dangerous.
- 1238
- 1239 (d) In addition to any other penalty for a violation of this section, a court may revoke the  
1240 authority of a person to keep a potentially dangerous dog within the city.
- 1241
- 1242 (e) The owner of a potentially dangerous dog may apply to animal control to have the  
1243 declaration waived after two (2) years upon meeting the following conditions:
- 1244
- 1245 (1) The owner and offending dog has no subsequent violations of this chapter of the  
1246 code; and
- 1247
- 1248 (2) The owner of the dog has complied with all the provisions of this act for a period  
1249 of two (2) years; and
- 1250
- 1251 (3) The owner provides proof to animal control of successful completion of a  
1252 behavior modification program administered by a Certified Pet Dog Trainer  
1253 (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist,  
1254 certified through the American College of Veterinary Behaviorist (ACVB) or  
1255 equivalent training.
- 1256

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

**Sec. 14-163 –Dangerous Dogs.**

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

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

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

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

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

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

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

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

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

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

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

prominent place on their premises a sign easily readable by the public using the words "Beware of Dog".

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

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

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

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

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

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

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

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

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

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

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

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

#### Sec. 14-164 –Vicious Dogs.

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

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

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

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

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

#### Sec. 14-165 –Immediate Impoundment.

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

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

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

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

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

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

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

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

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

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

(1) Name and address of the person subject to the declaration, and;

(2) The description, violation, and conviction that led to the declaration, and;

(3) The name, description, and license number of all dogs subject to the effects of the declaration, and;

(4) Instructions on appealing the declaration of animal control.

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

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

(1) The person has no subsequent violation of Chapter 14; and

(2) The person has complied with all the provisions of this article for a period of two (2) years; and

(3) The person provides proof to animal control of successful completion of a program designed to improve the person's understanding of dog ownership responsibilities and based upon an interview with the supervisor of animal control establishes that understanding.

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

#### Sec. 14-168 –Guard Dogs.

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

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

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

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

#### Sec. 14-169 – Appeals.

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

#### Secs. 14-170 – 14-180. –Reserved.

### DIVISION 6. – EXOTIC ANIMALS.

#### Sec. 14-181. - Intent.

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

#### Sec. 14-182. – Definitions of Prohibited Exotic Animals.

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

##### (a) Class Mammalia:

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

##### (2) Order Carnivora:

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

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

domestic dogs;

c. Family Ursidae (all bears).

d. Family Mustelidae (such as weasels, skunks, otters, badgers, martins, and minks) except ferrets;

e. Family Procyonidae (such as raccoons and coatis);

f. Family Hyaenidae (hyenas);

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

h. Family Chiroptera (bats).

(3) Order Edentata (anteaters, armadillos, sloths).

(4) Order Lagomorphs (rabbits) except domestic breeds.

(5) Order Marsupialia (opossums, kangaroos, wallabies) except sugar glider.

(6) Order Perissodactyla (rhinoceroses, tapirs) except horses, donkeys or mules.

(7) Order Primates:

a. Family Cercopithecidae (such as baboons); and

b. Family Hominidae (such as chimpanzees, gorillas, orangutans);

c. Family Strepsirrhini (such as lemurs).

(8) Order Proboscidea (elephants).

(9) Order Rodentia (squirrels, beavers, porcupines) except guinea pigs, rats, mice, gerbils, or hamsters.

**(b) Class Reptilia:**

(1) Family Helodermatidae (venomous lizards);

(2) Family Hydrophiidae (venomous marine snakes);

(3) Family Crotalidae (rattlesnakes, fer-de-lance, water moccasins, copperheads);

(4) Family Viperidae (such as old world vipers);

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

(6) Family Natricinae (only keelback snakes);

(7) Family Varanidae (only water monitors and crocodile monitors);



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

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

(10) Family Colubridae:

a. Dispholidus typus (boomslangs);

b. Hydrodynastes gigas (false water cobra);

c. Boiga dendrophila (mangrove snake); and

d. Thelotornis kirtlandii (bird snake); and

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

(12) Family Chelydridae:

a. Macrolemys temmincki (alligator snapping turtle); and

b. Chelydra serpentina (common snapping turtle).

(c) Class Amphibia:

(1) Family Dendrobatidae: Phyllobates terribilis; and

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

#### Sec. 14- 183 -- Prohibited exotic animals.

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

#### Sec. 14-184 - Exemptions.

The provisions of this section shall not apply to:

(a) Animal control or law enforcement agencies or officers acting under the authority of this article;

(b) Licensed veterinary hospitals or clinics;

(c) Any wildlife sanctuary as defined under this chapter;

(d) Any licensed or accredited research or medical institution;

(e) Any licensed or accredited educational institution;

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

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

1687

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

1719  
1720 Sec. 14-186 – Exotic Primary Enclosures.  
1721

1722 A person commits an offense if he harbors or maintains an exotic animal unless the animal  
1723 is confined to a primary enclosure that meets the following minimum construction specifications:  
1724

- 1725 (a) Orders Rheiformes, Struthioniformes, and Casuariiformes: A fence of not less than six feet  
1726 (6') in height, constructed of not less than eleven and one-half (11 ½) gauge chain link fence  
1727 or its strength equivalent.  
1728
- 1729 (b) Family Ailuridae: a cage of not less than nine (9) gauge chain link or its strength equivalent.  
1730
- 1731 (c) Families Protelidae and Viverridae: A cage of not less than eleven and one-half (11 ½)  
1732 gauge chain link or its strength equivalent.  
1733
- 1734 (d) Gibbons, monkeys, and other primates: a cage consisting of not less than nine (9) gauge  
1735 chain link or its strength equivalent.  
1736
- 1737 (e) Elephants, rhinoceros, and hippopotamus: a cage of steel bars, masonry block, or its  
1738 strength equivalent.  
1739
- 1740 (f) Order Marsupialia: a cage consisting of not less than eleven and one-half (11½) gauge chain  
1741 link or its strength equivalent.  
1742
- 1743 (g) Order Perissodactyla (except rhinoceros) and Order Artiodactyla (except hippopotamus): a  
1744 fence of not less than eight feet (8') in height, constructed of not less than nine (9) gauge  
1745 chain link or its strength equivalent.  
1746
- 1747 (h) Order Chiroptera (bats): a cage with no openings that will allow passage of a sphere larger  
1748 than three-eighths inch (3/8"), excluding the door. Any door to such a cage shall have no  
1749 openings which will allow passage of a sphere greater than three-eighths inch (3/8") and  
1750 shall be kept secured when not in use.  
1751
- 1752 (i) All cages and fences constructed of chain link shall be well braced and securely anchored at  
1753 ground level and shall utilize metal corners, clamps, ties, and braces of equivalent strength  
1754 to other materials prescribed for cage construction for that order, family, or species.  
1755
- 1756 (j) Frames for cages and fences, including corners, braces, top, and bottom rails, shall be  
1757 securely bolted or welded to provide maximum strength.  
1758
- 1759 (k) Cages and fences shall be sufficiently strong to prevent escape.  
1760
- 1761 (l) Cages and fences shall be equipped with locks and locking mechanisms to prevent opening  
1762 by unauthorized persons.  
1763
- 1764 (m) All cages shall be covered at the top to prevent escape. In lieu of this requirement, facilities  
1765 provided for rhinoceros, elephants, and hippopotami may be constructed at sufficient  
1766 height and in such a manner to prevent escape.  
1767

1768 Sec. 14-187 – Transportation of Exotic Animals.  
1769

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

Secs. 14-188 – 14-200. –Reserved.

## DIVISION 7. – COMMERCIAL

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

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

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

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

Sec. 14-203 – Commercial animal establishments permits.

- (a) Required; application.

- 1820 (1) All commercial animal establishments operated and located within the city must  
1821 obtain a permit from animal control. This permit is a prerequisite to the issuance  
1822 of an occupational license for such an establishment. All permits issued under  
1823 this section must be renewed annually. Application forms therefor shall be  
1824 provided by animal control or finance.
- 1825
- 1826 (2) The permit period shall begin May 1 and shall run for one year. Renewal  
1827 applications for permits shall be made thirty (30) days prior to and up to sixty  
1828 (60) days after May 1. Application for a permit to establish a new commercial  
1829 animal establishment under the provisions of this division may be made at any  
1830 time. Temporary animal events shall require a temporary permit from animal  
1831 control, which is valid for four days. At the discretion of the licensing authority,  
1832 temporary animal adoption event permit fees may be waived for nonprofit and  
1833 governmental agencies.
- 1834
- 1835 (3) No person shall be issued a permit for a temporary animal adoption event  
1836 without making provisions for the sterilization of all animals sold, released for  
1837 adoption, or purchased from any public or private shelter or animal control  
1838 agency operated by a humane society, or by city or county, or other political  
1839 subdivision.
- 1840
- 1841 (4) If there is a change in ownership of a commercial animal establishment, the new  
1842 owner may have the current permit transferred to his name upon application.
- 1843
- 1844 (5) No commercial animal establishment shall train any dog to be used as a guard or  
1845 sentry dog without possessing a valid license. This section shall not apply to the  
1846 city/county government or any of its agencies. The application for a guard or  
1847 sentry dog training license shall state the name and address of the owner and  
1848 trainer, the location of the facility, and the maximum number of dogs to be  
1849 housed at the training facility.
- 1850
- 1851 (6) Every facility regulated by this division shall be considered a separate enterprise  
1852 requiring an individual permit.
- 1853
- 1854 (7) All facilities shall be in compliance with zoning, building, fire, health, and other  
1855 current codes as adopted by the city.
- 1856
- 1857 (8) Failure to obtain a permit before opening any facility covered in this division  
1858 shall be considered in violation.
- 1859
- 1860 (b) Prerequisites for issuance. A permit shall not be issued unless:
- 1861 (1) The applicant provides the complete information requested on the application  
1862 form, including but not limited to the names of the owner and applicant, the  
1863 type of business proposed, previous business of the applicant of the same or  
1864 similar nature operated, background, qualifications, and experience of the  
1865 applicant or operator, and any other information required for animal control to  
1866 make an objective judgment as to whether the applicant is qualified to operate  
1867 the business in a safe and humane manner.
- 1868

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

An operator shall ensure that:

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

Sec. 14-206 – Commercial Animal indoor enclosures.

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

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

#### Sec. 14-207 – Commercial Animal outdoor enclosures.

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

#### Sec 14-208- Commercial Animal primary enclosure—Construction and maintenance requirements.

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

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



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

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

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

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

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

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

**Sec 14-212- Commercial animal pest control requirements.**

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

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

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

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

2072 hundred twenty degrees Fahrenheit and with soap or detergent;

2073  
2074 b. Washing all soiled surfaces with a safe and effective disinfectant; or

2075  
2076 c. Cleaning all soiled surfaces with live steam.

2077  
2078 (2) Pens or runs with gravel, sand, or dirt surfaces shall be cleaned as often as  
2079 necessary by removing and replacing the soiled gravel, sand, or dirt.

2080  
2081 (c) Sewage, solid wastes, soiled bedding, dead animals, and debris must be removed from  
2082 housing facilities regularly during the business day and disposed of properly. Enclosures  
2083 not in use must be cleaned, washed, and disinfected at least once every two weeks to  
2084 prevent any accumulation of debris or excreta and to reduce to a practical minimum  
2085 substances and organisms injurious to the health of animals or humans. Facilities for  
2086 disposal shall be maintained in such a manner as to reduce minimum odors and the risk  
2087 of disease or infestation by vermin. Adequate facilities, such as washrooms, basins, or  
2088 sinks, shall be provided for the cleanliness of persons handling animals.

2089  
2090 Sec 14-212- Commercial animal disease control program.

2091  
2092 An operator shall, with the approval of a veterinarian, establish and maintain a program  
2093 to control disease and care for the health of animals. As part of this program, an operator shall  
2094 ensure that:

2095  
2096 (a) Each animal is observed daily by the person directly responsible for its care, or by  
2097 someone else under that person's direct supervision.

2098  
2099 (b) Blind, lame, injured, ill, or diseased animals are provided with the appropriate veterinary  
2100 care that is consistent with the purposes for which an animal is being kept or humanely  
2101 euthanized.

2102  
2103 (c) Any animals under quarantine or being treated for a communicable disease are kept  
2104 separate from other animals.

2105  
2106 Sec 14-213- Commercial animal safety plan

2107  
2108 An operator shall have on property a written response plan for the escape of any  
2109 dangerous or exotic animals in their care. The plan shall include the methods and procedures  
2110 that will be utilized in the event of an escaped dangerous animal from the facility. This plan shall  
2111 be made available to animal control upon their request or annual inspection.

2112  
2113 Secs. 14-214 – 14-300. –Reserved.

2114  
2115 DIVISION 8. – REPTILES

2116  
2117 Sec. 14-301. - Habitat

2118  
2119 All reptiles held as pets or specimens must be contained within secure habitats designed  
2120 to prevent escape.

2121  
2122 Sec. 14-302. – Transport and Handling

(a) Reptiles being transported shall be contained within escape-proof containers.

(b) Reptiles shall not be handled openly in a public place unless the handler is conducting an educational meeting or is demonstrating a reptile for sale within a commercial animal establishment.

**Sec. 14-303. – Release of Reptiles**

(a) Reptiles not indigenous to Missouri shall not be released or abandoned.

(b) Any species of reptile not indigenous to Missouri that are secured by or forfeited to animal control shall be released to a reptile rescue organization for proper disposition, or euthanized if deemed necessary by animal control.

(c) Any species of reptile indigenous to Missouri that is secured by or forfeited to animal control may be released to the wild within the discretion of animal control.

**Sec. 14-304. – Reptile species not prohibited**

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

(a) The following Families of the Order Squamata Suborder Sauria: Family Gekkonidae (geckos); Family Agamidae (Agamas); Family Iguanidae (anoles, swifts and iguanas); Family Cordylidae (sungazers and girdled lizards); Family Anguidae (alligator lizards, galli wasps, and glass lizards); Family Lacertidae (wall lizards); Family Anniellidae (legless lizards); Family Teiidae (tegus, racerunners); Family Chamaeleonidae (chameleons); Family Scincidae (skinks); Family Xenosauridae (crocodile lizard);

(b) The following Families of the Order Squamata, Suborder Ophidia: Family Leptotyphlopidae (blind and worm snakes); Family Colubridae, sub family Colubrinae, (garter, water, gopher, bull, hognose, ringneck green snakes, ratsnakes, kingsnakes, cornsnakes and racers);

(c) The following Families of the Order Testudines: Family Kinosternidae (musk turtle); Family Platysternidae (big-head turtle); Family Emydidae (painted, sliders, box turtle, pond turtle, etc.); Family Testudinidae (tortoise); Family Trionychidae (soft-shelled turtle); Family Pelomedusidae (flat-headed turtle); and Family Chelidae (side-necked turtle).

**Secs. 14-304 – 14-350. –Reserved.**

**DIVISION 9. – MISCELLANEOUS**

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

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

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

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

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

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

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

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

(b) Cause death; or

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

**Sec. 14-353. – Traps.**

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

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

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

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

a. Wild or domestic rodents, except beaver or muskrat;

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

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

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

suffering to any animal for the trapping of animals unless:

- (1) A person may set up on his own property humane traps used to capture dogs, cats, and other small animals. Humane care shall be provided for any trapped animals, including the provision of food, water, and protection from extremes of the environment including heat, cold and precipitation.
- (2) The trap is checked or examined for the presence of a live animal at least every twelve (12) hours and the animal is removed within two (2) hours of being notified that there is an animal in the trap; Trapped animals must be sheltered and shall be checked at least once every two hours or every eight hours if left overnight by the individual setting the trap.
- (3) The trap contains the name and telephone number of the person setting the trap.
- (4) Animal control will not retrieve any animals caught in traps set by any person on private property.
- (d) The provisions of this section shall not apply to the taking of wildlife with firearms, fishing equipment, archery equipment, or other implements in hand as authorized by law.
- (e) It shall be the duty of every police officer or animal control officer to confiscate and destroy any trap found set within the city other than a box-type humane trap, and to confiscate any humane box-type trap which does not have the name and telephone number of the person setting the trap.
- (f) No person shall release or remove an animal from a trap set by animal control or his designee.
- (g) It is a defense to prosecution under this section that the trap was designed to kill common rodents, including but not limited to rats, mice, and gophers. A person shall not place a rodent trap on his property in such a manner as is likely to trap animals other than common rodents.

#### Sec. 14-354. – Elimination of pests

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

#### Sec. 14-355. – Filing of false claims of ownership.

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

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

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

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

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

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

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

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

**Secs. 14-357 – 14-400. –Reserved.**

#### **Appendix A - Fee Schedule**

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

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

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

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

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

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

\_\_\_\_\_  
E. Edd Akers  
Mayor


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ATTEST:

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Lisa K Westfall  
City Clerk

APPROVED AS TO FORM:

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Chris Lebeck #51831  
City Attorney