

Chapter 5 ANIMALS AND FOWL¹

¹ Cross reference(s)—Dead animals as constituting public nuisance, § 11-225; noise regulations regarding animals and birds, § 16-260.

State law reference(s)—Disposal of dead animals, RSMo. § 269.010 et seq.; animals restrained from running at large, RSMo. § 270.010 et seq.; strays, RSMo. § 271.010 et seq.

PART II - CODE OF ORDINANCES
Chapter 5 - ANIMALS AND FOWL
ARTICLE I. IN GENERAL

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

The following words and terms, as used in this chapter, shall be deemed to have the following meanings:

Dangerous exotic animal includes the following exotic animals:

- (1) Lions, tigers, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, jaguarundis, bears, hyenas, wolves and coyotes.
- (2) Deadly, dangerous or venomous reptiles and venomous arthropods.
- (3) All nonhuman primates.
- (4) Any other exotic animal declared by the director to be dangerous.

Department means the department of public health and human services except where the context clearly indicates otherwise.

Director means the director of public health and human services.

Domesticated animals are those animals which have reproduced while in captivity in the U.S. for at least two hundred (200) generations (with the burden of such proof resting entirely on the owner). A particular animal shall not be regarded as domesticated unless both parents are domesticated animals.

Exotic animal includes the following:

- (1) Any mammal not generally accustomed to live in or near human populations.
- (2) Any mammal not considered to be a member of the class generally referred to as domesticated animals.
- (3) Venomous reptiles and venomous arthropods.
- (4) All nonhuman primates.
- (5) All animals listed on the endangered species list as designated by the U.S. Department of Interior in the Endangered Species Act of 1969.
- (6) All animals protected from hunting and capture by federal and state law.
- (7) All predatory birds.

Feral cat means any cat of any breed that is or becomes undomesticated, untamed, wild or is not a pet.

Feral cat colony means any number of five or more feral cats (belonging to a group) being cared for at a single location.

Livestock shall include cattle, horses, mules, goats, sheep, hogs, ducks, geese, turkeys, lamas, emu, ostriches, camels or any other domestic beast or fowl but shall not include chickens.

Person shall include natural persons and business entities, their agents, officers, and anyone having an ownership interest therein.

Rabies Compendium shall mean the most current edition of a document by that name published by the National Association of State Public Health Veterinarians, which serves as the standard for rabies vaccine, treatment and policy.

Tethering means the use of a line, rope, or chain by which an animal is fastened so as to restrict its range of movement.

(Code 1964, § 5.031; Ord. No. 10427, § 1, 1-21-85; Ord. No. 11055, § 1, 5-19-86; Ord. No. 11910, § 1, 6-6-88; Ord. No. 15069, § 1, 12-2-96; Ord. No. 17381, § 1, 7-15-02; Ord. No. 20549, § 1, 2-1-10; Ord. No. 21015, § 1, 7-5-11; Ord. No. 23568, § 1, 6-4-18)

Cross reference(s)—Rules of construction and definitions generally, § 1-2.

Sec. 5-2. Animal habitats to be clean, sanitary; inspections authorized.

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

(Code 1964, § 5.090; Ord. No. 21015, § 1, 7-5-11)

Sec. 5-3. Disposition of animals biting or attacking persons.

- (a) Except as provided in subsections (b), (c) and (d), any dog or cat which bites, injures or attacks any person shall be immediately impounded for a period of ten (10) days. The animal shall be impounded in Boone County, Missouri by the animal's owner with a veterinarian of the owner's choice or with a veterinarian in another location approved by the director or the director's designee. It shall be unlawful for the animal's owner to refuse to so impound the animal. If the animal's owner does not impound the animal, the animal control officer is authorized to impound the animal in the city pound. If, within the period of ten (10) days, the animal does not develop or manifest rabies, it may be redeemed by the owner upon the payment of the boarding fee and impoundment fee provided for in section 5-5 if the animal is in the custody of the city, or the payment of usual and customary fees if the animal has been in the custody of a veterinarian of the owner's choice. If the animal is not redeemed at the end of the ten-day period, it shall be humanely disposed of, as provided for in this chapter. If the animal develops signs of rabies, the animal control officer shall have the animal examined by a licensed veterinarian. Any other warm-blooded animal that is suspected of having rabies or that bites, injures or attacks any person may, upon the order of the director, be impounded and humanely euthanized, and the brain or other structures may be submitted for rabies diagnosis subject to the provisions of article VII.

- (b) Any trained dog maintained and utilized Law Enforcement as a police dog which has been vaccinated against rabies as required by this Code and which while under the control or direction of Law Enforcement bites or attacks any person shall be examined, impounded or tested as the director deems appropriate.
- (c) If any dog or cat that has been vaccinated against rabies as required by this chapter bites a veterinarian while the veterinarian is examining or treating the animal, the animal shall be examined, impounded and tested only to the extent the veterinarian deems appropriate.
- (d) In lieu of the impoundment requirements of subsection (a), a dog or cat that bites, injures, or attacks any person may, at the discretion of an animal control officer, be impounded at its owner's place of residence, if all of the following requirements are met:
 - (1) The animal has been vaccinated against rabies, as required by this chapter;
 - (2) The animal was properly licensed by the city, the animal is current on its rabies vaccine and a license is obtained within three business days;
 - (3) Neither the animal nor any other animal kept at the owner's residence has a history of running at large;
 - (4) The animal does not have a history of causing injury to any person or animal;
 - (5) The animal's owner authorizes animal control officers to monitor the animal's condition for ten (10) days;
 - (6) The animal's owner agrees to have the animal examined by a veterinarian or Animal Control Officer on the tenth day of impoundment; and
 - (7) No one is being charged with a violation of section 5-57 involving the animal to be impounded.

(Code 1964, § 5.140; Ord. No. 11910, § 1, 6-6-88; Ord. No. 13168, § 1, 11-18-91; Ord. No. 14512, § 1, 6-5-95; Ord. No. 18576, § 1, 7-5-05; Ord. No. 21015, § 1, 7-5-11)

Cross reference(s)—Dangerous or aggressive animals generally, § 5-57.

Sec. 5-4. Animals running at large—Unlawful for owner to allow; impoundment authorized.

It shall be unlawful for the owner or any person responsible for any animal, fowl or reptile, except as otherwise herein provided, to allow such animal, fowl or reptile to run at large or loose upon any of the streets or public places of the city, and any such animal, fowl or reptile running at large or loose upon the streets or public places of the city shall be taken up by the animal control officer and impounded in the city pound, and shall be released to the owner thereof only upon payment to the animal control officer of the prescribed fee.

(Code 1964, § 5.040; Ord. No. 11910, § 1, 6-6-88)

Sec. 5-5. Redemption; microchipping; neutering; payment of fees; disposition of unredeemed animals.

- (a) The owner of any animal impounded that is not a dangerous exotic animal or a dangerous or aggressive animal may redeem the animal upon proof of ownership satisfactory to the animal control officer and upon paying a boarding fee of twenty dollars (\$20.00) for each day or part of day the animal has been impounded and an impoundment fee of thirty-five dollars (\$35.00) for each impoundment. If the animal is a domestic dog or cat that has not been implanted with a readable identifying microchip, the animal shall be implanted with an identifying microchip before being released. The owner shall pay a microchip implantation fee of fifteen dollars (\$15.00) plus the cost of the microchip before the dog or cat is

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released. If the animal has previously been implanted with a microchip, the owner shall notify the department and any applicable national registry of any change in address or telephone number. Intact dogs and cats impounded for the third time shall be spayed or neutered before being released, with the following exceptions:

- (1) Dogs being used by law enforcement agencies for law enforcement activities or such dogs designated as breeding stock by an appropriate agency or organization approved by the director;
- (2) Dogs that have been appropriately trained and are being used as service dogs such as a guide dog, hearing dog, assistance dog, seizure alert dog or social/therapy dog or such dogs designated as breeding stock by an appropriate agency or organization approved by the director;
- (3) Dogs that have been appropriately trained and are being used by search and rescue agencies for search and rescue activities or such dogs designated as breeding stock by an appropriate agency or organization approved by the director;
- (4) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed or neutered;
- (5) Dogs that have been appropriately trained and are being used for herding of other animals or as livestock guardian dogs, or such dogs designated as breeding stock by an appropriate agency or organization approved by the director;
- (6) Dogs or cats boarded in a licensed kennel or licensed business which boards such animals for professional training or resale.

The owner shall pay a spay or neuter fee of one hundred (\$100) before the dog or cat is released.

- (b) In addition to paying the fees prescribed in subsection (a), if the animal is a domestic dog or cat, the owner may redeem the animal only upon proof satisfactory to the animal control officer that the animal has been vaccinated for rabies by a licensed veterinarian with a vaccine that will be effective during the full term for which the animal license is issued. If the owner cannot present satisfactory proof that the animal was vaccinated, the animal control officer shall not release the animal unless the officer is satisfied that the animal will be properly vaccinated.
- (c) Subject to the provisions of article VII, at the end of five (5) days, except as otherwise herein provided, if an animal impounded that is not a dangerous exotic animal or a dangerous or aggressive animal has not been redeemed, the animal control officer may dispose of the animal in any one (1) of the following ways:
 - (1) Release of the animal to the local humane society or a local animal shelter at no charge.
 - (2) Humane destruction of the animal in a manner approved by the director.
 - (3) Release of the animal to any responsible person eighteen (18) or older who expresses a desire for any given animal after payment of the prescribed impoundment fees and completion of the release procedures.
 - (4) Release of the animal to an accredited school, college or university within the state which has a recognized research program and whose methods of animal care and use are approved by the director, upon payment of outstanding fees.
- (d) All fees collected by the animal control officer shall be paid over to the director of finance.
- (e) The director may waive all or a portion of the boarding fee and impoundment fee if the director determines that the animal is not vicious and that the owner of the animal is unable to pay the fees.

(Code 1964, § 5.060; Ord. No. 11910, § 1, 6-6-88; Ord. No. 16591, § 1, 9-18-00; Ord. No. 18576, § 1, 7-5-05; Ord. No. 20044, § 1, 9-15-08; Ord. No. 21015, § 1, 7-5-11; Ord. No. 23568, § 1, 6-4-18; Ord. No. 24008, § 1, 9-16-19)

Sec. 5-6. Animal abuse; unlawful impoundment; unlawful confinement; tethering.

- (a) *Animal abuse.* It shall be unlawful for any person to:
 - (1) Cruelly overwork any domestic animal;
 - (2) Cruelly work any domestic animal that is unfit for labor;
 - (3) Abandon any domestic animal to die;
 - (4) Beat, ill-treat, torment or cause injury or unnecessary pain to any animal; or
 - (5) Carry or cause to be carried any animal in or on any vehicle in a cruel or inhumane manner.
 - (6) Fail to provide adequate provisions to maintain the good health of any animal.
- (b) *Unlawful impoundment.* It shall be unlawful for any person to impound or confine any animal or cause any animal to be impounded or confined without supplying the following:
 - (1) A structurally sound, properly ventilated, sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal. The shelter must be free of litter and hazardous substances and objects and must have access to shade from direct sunlight and must allow regress from exposure to inclement weather conditions;
 - (2) Wholesome food suitable for the species which is provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in the animal considering its age and condition;
 - (3) Constant access or access at suitable intervals to a supply of clean, potable, unfrozen water, provided in a sanitary manner and in sufficient amounts for the animal to maintain good health; and
 - (4) Normal and prudent attention to the needs of the animal, including all necessary immunizations, 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.
- (c) *Unlawful confinement in vehicle.* It shall be unlawful for any person to confine any animal or cause any animal to be confined in a vehicle under weather conditions that endanger the health of the animal.
- (d) *Tethering.* It shall be unlawful to tether any animal except under the following restrictions:
 - (1) No animal may be tethered as the primary method of restraining an animal to any property. No animal may be tethered for a period longer than thirty (30) minutes unless it has also been provided with adequate food, water and shelter suitable for the species, age and condition of the animal;
 - (2) No animal may be tethered unless supervised by a competent person physically present on the property;
 - (3) The tether must be of a type and weight that allows for the free movement of the animal and shall be no less than three (3) times the animal's length or ten (10) feet, whichever is greater, free from any entanglements, and contain a swivel at both ends. At no time may any logging chain, tow chain or similar device be utilized as a tether;

- (4) Animals must be tethered by a non-choke type collar or body harness constructed of either nylon or leather and no less than one (1) inch in width, unless the collar is a rolled leather collar; (5) No dog under six (6) months in age may be tethered; 4
- (6) Multiple animals must be tethered separately and in such a way that they may not become entangled with one another; and
- (7) When tethered, an animal's maximum reach must be no closer than ten (10) feet from any sidewalk or property line.
- (8) No animals may be tethered out during any inclement weather warning or advisory issued by the National Weather Service without providing adequate provisions as listed in Sec. 5-6 (b) of this article.
- (e) *Defenses.* Nothing in this section shall be construed to prevent persons from taking whatever action is necessary to defend themselves, other individuals or animals when endangered by an animal attack. Nothing in this section shall be construed to prevent any person from performing any act permitted by section 578.007 RSMo or by any other Missouri or federal law.
- (f) *Removal of animals; impoundment.* Each animal control officer may remove an animal from a private owner and place it in the custody of the department when the health or safety of the animal is in immediate danger or when the animal shows evidence of neglect or abuse. The department may retain custody of such animal until the threat to the health or safety of the animal has been removed. Except for exigent circumstances, if the owner of an animal that is neglected, abused or in danger does not consent to removal of the animal or if the owner of the property on which the animal is located does not consent to entry onto the property, the animal control officer shall enter the property and remove the animal only pursuant to a warrant issued by a judge. Any expense incurred in the impoundment of an animal under this section becomes a lien on the animal impounded and must be discharged before the animal is released from the custody of the director. Fees for dogs, cats and other small animals shall be consistent with section 5-5 of this article. In the case of large animals, private livestock haulers, stables, and other services may be used. The actual cost of the city for these services shall be charged in lieu of the costs set forth in section 5-5. An impounded animal may be humanely euthanized if a licensed veterinarian determines that the animal is diseased or disabled beyond recovery.
- (g) *Disposal of unredeemed animals.* Subject to the provisions of article VII, when the impounded animal is not claimed by its owner and all impoundment costs satisfied within five (5) days from the date of impoundment, the animal may be sold or transferred to a person capable of providing care consistent with this section. The proceeds of the sale shall be applied to discharge the lien. If no purchaser is found, the animal may be disposed of in a manner consistent with section 5-5 of this article.
- (h) *Interfering with enforcing authority.* It shall be unlawful for any person to interfere with the director or the director's authorized representative in the performance of the duties set forth in this section.

(Code 1964, § 5.095; Ord. No. 11910, § 1, 6-6-88; Ord. No. 14512, § 1, 6-5-95; Ord. No. 18576, § 1, 7-5-05; Ord. No. 21015, § 1, 7-5-11; Ord. No. 23568, § 1, 6-4-18)

State law reference(s)—Similar provisions, RSMo. § 578.060.

Sec. 5-7. Refusal to deliver animal to animal control officer.

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

(Code 1964, § 5.160; Ord. No. 11910, § 1, 6-6-88)

Sec. 5-8. Removing animals from custody of animal control officer.

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It shall be unlawful for any person to remove from the custody of the animal control officer by force, deceit or otherwise, any animal which has been legally impounded by such officer, prior to obtaining the permission of the animal control officer to remove such animal.

(Code 1964, § 5.161)

Sec. 5-9. Dangerous exotic animals.

- (a) No person shall keep, harbor, own or knowingly allow to be in or upon the person's premises any dangerous exotic animal. The provisions of this section shall not apply to a properly maintained and licensed zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital.
- (b) Any animal that is determined by an animal control officer to be a dangerous exotic animal shall be immediately impounded. Except for exigent circumstances, if the owner of the dangerous exotic animal does not consent to removal of the animal or if the owner of the property on which the animal is located does not consent to entry onto the property, the animal control officer shall enter the property and remove the animal only pursuant to a warrant issued by a judge. The dangerous exotic animal shall remain impounded until:
 - (1) The director determines that the animal is not an exotic dangerous animal; or
 - (2) The owner satisfies an animal control officer that the animal will be kept in a lawful manner; or
 - (3) The owner relinquishes ownership of the animal and the animal is either humanely destroyed or placed with a person who shall keep the animal in a lawful manner; or
 - (4) A person charged with a violation of this section has been found not guilty and the judge orders the animal released; or
 - (5) A court determines that the animal is not a dangerous exotic animal.
- (c) The owner of the dangerous exotic animal shall pay the boarding fee and impoundment fee provided for in section 5-5 plus any additional cost incurred by the city in feeding and caring for the animal. The owner shall be billed periodically by the city for such fees and expenses. If the owner fails to pay such a bill within ten (10) days after it was mailed, ownership of the animal shall be deemed relinquished and, after the procedures of this section have been followed, the animal may either be humanely destroyed or placed with a person who shall keep the animal in a lawful manner. Bills for fees and costs under this section shall notify the animal owner that if the bill is not paid within ten (10) days, the animal will be destroyed or placed with some person who shall keep the animal in a lawful manner. The bill shall also state that the animal owner may meet with the director or the director's designee to dispute whether the animal is a dangerous exotic animal or the amount of the bill before the animal is destroyed or placed with another person. If the animal

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owner wishes to meet, the owner must request a meeting in writing. The request must be delivered to the director at the address given for this purpose on the bill. The request must be delivered before the deadline for disposition of the animal indicated on the bill.

(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-10. Exotic animal restrictions.

- (a) No person shall sell, or offer for sale, within the limits of the city, any exotic animal, as defined in section 5-1 of this chapter.
- (b) No person shall allow an exotic animal to be in any public place. This subsection shall not apply to:
 - (1) Animals owned by and properly confined in a properly maintained and licensed zoological park.

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- (2) Animals owned by a circus that are properly confined or under the control of an animal trainer or handler.
- (3) Animals confined in a scientific or educational institution, research laboratory or veterinary hospital.
- (c) No person shall keep, harbor, own or allow on the person's premises any exotic animal unless the animal is not a dangerous exotic animal and is registered with and permitted by the director. The registration shall contain the name and contact information of the person registering the exotic animal. The director may place reasonable conditions on approval of an exotic animal permit. The permit shall be in effect for one (1) year from the date it is issued. The director may deny or revoke a permit if the permit applicant or holder has violated any provision of this chapter or any condition of an exotic animal permit. The applicant or permit holder is entitled to a hearing under article VII to contest the denial or revocation.

(Code 1964, §§ 5.051, 5.052; Ord. No. 18576, § 1, 7-5-05; Ord. No. 21015, § 1, 7-5-11)

Sec. 5-11. Sale of reptiles.

- (a) It shall be unlawful for any person to sell a reptile to any person under the age of eighteen (18) unless the purchaser is accompanied by a parent or legal guardian of the purchaser.

Sec. 5-12. Reserved.

Editor's note(s)—Ord. No. 11055, § 1, enacted May 19, 1986, repealed §§ 5-11—5-13, pertaining to migratory waterfowl, which derived from Code 1964, §§ 5.053—5.055 and Ord. No. 10427, § 1, enacted Jan. 21, 1985. Subsequently, Ord. No. 15069 added a new § 5-11.

Sec. 5-13. Responsibility of parent or guardian of minor.

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

(Ord. No. 23568, § 1, 6-4-18)

Sec. 5-14. Avian nuisances—Abatement by director or designee.

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Whenever the director becomes aware that birds, not otherwise protected, regulated or controlled by federal or state law, rule or regulation, are congregating or flocking together in such numbers as to cause a health hazard or are interfering with the peace, quiet, comfort or repose of the inhabitants of the city, the director may take whatever steps are necessary to remove or disperse the congregation or flock.

(Code 1964, § 5.056; Ord. No. 10427, § 1, 1-21-85; Ord. No. 21015, § 1, 7-5-11)

Sec. 5-15. Same—Director may delegate certain powers.

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- (a) In order to remove or disperse congregations or flocks of birds constituting a nuisance as defined by ordinance, the director may delegate the implementation of a dispersal plan to any responsible person or persons in the affected neighborhood by permit specifying the name of the permittee, date of issuance, date of expiration and details of the plan so delegated.
- (b) This section shall not be construed to empower the director to authorize any person to discharge any firearm or to use any device which launches a projectile of any type. (Code 1964, § 5.057; Ord. No. 10427, § 1, 1-21-85; Ord. No. 21015, § 1, 7-5-11)

Sec. 5-16. Penalties for chapter violations.

Any person violating any of the provisions of this chapter, where no penalty is otherwise provided, shall, upon conviction, be punished by a fine not to exceed one thousand dollars (\$1,000.00); or by confinement not to exceed thirty (30) days; or by both such fine and confinement.

(Code 1964, § 5.190; Ord. No. 21015, § 1, 7-5-11; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-17. Expedited hearings.

The municipal court, upon request of either party, shall expedite the trial or any hearing involving an impounded animal.

(Ord. No. 18576, § 1, 7-5-05)

Secs. 5-18—5-25. Reserved.

ARTICLE II. ADMINISTRATION²

² Cross reference(s)—Administration generally, Ch. 2.

PART II - CODE OF ORDINANCES
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ARTICLE II. - ADMINISTRATION
DIVISION 1. GENERALLY

DIVISION 1. GENERALLY

Sec. 5-26. City pound.

The health officer shall, with the advice of the board of health, establish a city pound, under the supervision and direction of the animal control officer, for the reception and humane care of sick, injured, diseased or impounded animals, and establish rules and regulations therefor. The city may use the animal shelter operated by the Central Missouri Humane Society or other local animal shelter under terms of a contract or agreement to be approved by both parties.

(Code 1964, § 5.030; Ord. No. 11910, § 1, 6-6-88; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-27. Animal control officer.

It shall be the duty of all duly appointed animal control officers to enforce the provisions and carry out the duties prescribed by this chapter. Animal control officers shall have the powers of police officers insofar as may be reasonably necessary in carrying out the duties and functions of this chapter.

(Code 1964, § 5.020; Ord. No. 11910, § 1, 6-6-88)

Sec. 5-28. Appointment of deputy license administrators for collection of animal license tax.

Each licensed veterinarian engaged in such practice within the city shall, upon application to the business license administrator, be appointed by the business license administrator as a deputy business license administrator for the sole purpose of collecting the animal license tax and issuing a receipt of purchase and metallic tag, to be supplied by the business license administrator, evidencing payment of such tax. The deputies may charge a fee for providing this service. Such deputies shall be accountable to the business license administrator for such metallic tags, and all license taxes collected. It shall be a misdemeanor for any deputy business license administrator to fail to pay over to the business license administrator the license tax herein provided to be paid to such business license administrator. In addition to penalties provided by law for misdemeanor, the business license administrator may revoke such deputy's appointment and remove the deputy business license administrator from office.

(Code 1964, § 5.070; Ord. No. 21015, § 1, 7-5-11; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-29. Reserved.

Editor's note(s)—Ord. No. 21015, § 1, adopted July 5, 2011, repealed § 5-29, which pertained to dangerous exotic animals and derived from Ord. No. 11910, § 1, 6-6-88; Ord. No. 18576, § 1, 7-5-05.

Sec. 5-30. Ferrets.

- (a) It shall be unlawful for any person to own, or allow to remain on the person's premises, any ferret over four (4) months of age unless the ferret has received a rabies vaccination by a licensed veterinarian within the

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past twelve (12) months and the person exhibits proof of such vaccination upon the demand of an animal control officer.

(b) The provisions of section 5-3 pertaining to dogs shall apply to any ferret that bites, injures or attacks any person.

(c) The licensing provisions of article III shall apply to ferrets.

(Ord. No. 18576, § 1, 7-5-05; Ord. No. 21015, § 1, 7-5-11)

Secs. 5-31—5-40. Reserved.

DIVISION 2. RESERVED³

³ Editor's note(s)—Ord. No. 11203, § 1, enacted Sept. 15, 1986, repealed Div. 2, §§ 5-41, 5-42, pertaining to the board of animal control, which derived from Code 1964, §§ 5.010, 5.011.

Secs. 5-41—5-55. Reserved.

ARTICLE III. DOGS, CATS AND OTHER ANIMALS

Sec. 5-56. Barking, annoying dogs.

No person shall own, keep or harbor any dog which, by loud, continual or frequent barking, howling or yelping, shall annoy or disturb any neighborhood or any person, or which habitually barks at or chases pedestrians, or vehicles, whatsoever, to the annoyance of such pedestrian or drivers of such vehicles; provided, however, that this section shall not apply to the city dog pound, veterinary offices and hospitals, or licensed kennels or pet shops.

(Code 1964, § 5.120; Ord. No. 11910, § 1, 6-6-88)

Cross reference(s)—Noise regulations generally, § 16-256 et seq.

Sec. 5-57. Dangerous or aggressive animals.

- (a) No person shall own, keep, harbor or allow to be in or upon the person's premises any dangerous or aggressive animal unless it is confined in accordance with the provisions of this section. An animal is dangerous or aggressive:
- (1) If it bites or otherwise injures any person or domestic animal or pet, or
 - (2) If it habitually snaps at, growls or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet, or
 - (3) If it causes any person to have a reasonable fear of immediate serious physical injury.

Any trained dog maintained and utilized by Law Enforcement as a police dog shall not be considered a dangerous or aggressive animal so long as it is maintained and utilized by Law Enforcement as a police dog.

- (b) A complaint may be presented to any law enforcement officer or law enforcement department having jurisdiction, or to an animal control officer or to a health official. A complaint shall be investigated by a health official or animal control officer or other person designated by the Health Director to determine if there is probable cause to believe that an animal is dangerous or aggressive as defined in paragraph (a) above. Complaints shall be investigated only when submitted by a person who is willing to testify that the animal has acted in a manner which may reasonably cause it to be classified as a dangerous or aggressive animal as defined in paragraph (a) above, or the complaint is based upon an animal bite report filed with a law enforcement officer, animal control officer, or a health official, or an animal control officer, health official, or law enforcement officer observes the animal to act in a manner which may reasonably cause it to be classified as a dangerous or aggressive animal as defined in paragraph (a) above. The results of all investigations shall be submitted to the Health Director for review and determination of whether an animal should be classified as a dangerous or aggressive under these regulations.
- (c) When the Health Director determines after review of investigation reports submitted that there is probable cause to believe that an animal is dangerous or aggressive, then the Health Director may issue a declaration that a specific animal is classified as a dangerous or aggressive animal. The declaration shall be in writing and shall contain a description of the animal, the name and address of the owner or possessor of the animal (if known), the whereabouts of the animal (if it is not in the custody of the owner), the facts upon which the dangerous or aggressive declaration is based, the availability of an appeal and hearing in case the owner or possessor objects to the declaration and that a request for a hearing must be made within five (5) business

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days of service of the declaration upon the owner or possessor, the restrictions placed on the animal as a result of the dangerous or aggressive animal declaration, and the penalties for violation of the restrictions, including the possibility of destruction of the animal and imposition of fine or imprisonment. The dangerous or aggressive animal declaration shall be in writing and shall be personally served on the owner or possessor of the animal, or if the owner or possessor cannot be served personally, then served by regular mail to the last known address of the owner or possessor.

- (d) Any owner or possessor of an animal declared as dangerous or aggressive may appeal that determination by filing a written request with the Health Director to review and set aside that declaration within five (5) business days of being served with notice of the declaration. The Health Director shall schedule an informal hearing with the owner or possessor of an animal subject to such declaration within twenty (20) business days of receipt of such request for review. The hearing shall be conducted before the Health Director or their appointed representative, available members of an Advisory Board, and shall include upon request the voluntary attendance of the animal owner or possessor and/or their representative, an animal control officer having personal knowledge of the animal, the complainants and/or their representative, and any other interested parties or witnesses. At such hearing the Health Director or their appointed representative shall receive all relevant evidence presented by the complainant, the animal's owner/possessor, as well as the health official or animal control officer or law enforcement officer involved, and the recommendation of the Advisory Board members. The Health Director or their appointed representative shall decide at the conclusion of the hearing whether to affirm or set aside the declaration. Any final determination by the Health Director that an animal is dangerous or aggressive as defined in paragraph (a) above or any such declaration to which no timely request for review is made shall create a conclusive presumption that the animal determined to be dangerous or aggressive is in fact and in law a dangerous or aggressive animal as defined in paragraph (a) above for purposes of any legal proceedings after such final determination applicable to such animal, or owner or possessor thereof. However, a finding that an animal is dangerous or aggressive pursuant to the provisions of these regulations shall not be a condition precedent to institution of any civil, quasi-criminal or criminal proceeding under these regulations, or any other provision of law. In any legal proceeding where a final determination has not been made pursuant to these regulations, the question of whether or not an animal is dangerous or aggressive shall be a factual issue to be determined as a part of such proceeding. Any final decision of the Health Director shall be in writing stating the facts upon which it is based, and whether under these regulations such animal is in fact a dangerous or aggressive animal. Any further appeals thereafter shall be as provided by law.
- (e) Dangerous or aggressive animals shall be securely confined indoors or in a securely enclosed and locked kennel or cage. The kennel or cage shall be of a size appropriate to the size of the animal kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply. The kennel or cage must have secure sides and a secure top attached to the sides. Such kennel or cage must have a secure bottom or floor attached to the sides or the sides must be embedded in the ground. The kennel or cage must be locked with a key or combination lock when such animals are within the structure. Any such kennel or cage must be located at least ten (10) feet from any property line and must comply with all zoning and building regulations of the city. Kennels for dangerous or aggressive dogs must be at least six (6) feet in height and, unless a secure bottom or floor is attached to the sides, the sides must be embedded in the ground no less than two (2) feet.
- (f) When confined indoors, no dangerous or aggressive animal may be kept on a porch, patio or in any part of a house, building or structure that would allow the animal to exit such building on its own volition. No such animal may be kept in a house, building or structure when the windows are open. No dangerous or

aggressive dog may be kept in a house, building or structure when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

- (g) No person shall permit a dangerous or aggressive animal to go outside its kennel, cage or secure structure unless that person has the animal securely leashed on a leash no longer than four (4) feet in length and that person has physical control of the leash. Such animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Additionally, all such animals on a leash outside the animal's kennel, cage or secure structure must be muzzled using a basket muzzle made from rigid material and sufficient to prevent the animal from biting persons or other animals.
- (h) A sign or signs shall be conspicuously posted upon the premises and kennel or cage of any dangerous or aggressive animal with letters at least two (2) inches high containing a warning to beware of the dangerous or aggressive animal.
- (i) Any dangerous or aggressive animal that is not confined in accordance with this section may be impounded by an animal control officer. Except for exigent circumstances, if the owner of a dangerous or aggressive animal does not consent to removal of the animal or if the owner of the property on which the animal is located does not consent to entry onto the property, the animal control officer shall enter the property and remove the animal only pursuant to a warrant issued by a judge. The dangerous or aggressive animal shall remain impounded until:
 - (1) The owner satisfies an animal control officer that the animal will be confined in accordance with this section; or
 - (2) The owner relinquishes ownership of the animal and the animal is either destroyed or placed with a person who will keep the animal in a lawful manner; or
 - (3) A person charged with a violation of this section has been found not guilty and the judge orders the animal released; or
 - (4) A court determines that the animal is not a dangerous or aggressive animal or that the animal has been confined in accordance with the requirements of this chapter.
- (j) The owner of the dangerous or aggressive animal shall pay the boarding fee and impoundment fee provided for in section 5-5 plus any additional cost incurred by the city in feeding and caring for the animal. The owner shall be billed periodically by the city for such fees and expenses. If the owner fails to pay such a bill within ten (10) days after it was mailed, ownership of the animal shall be deemed relinquished and, after the procedures of this section have been followed, the animal may either be humanely destroyed or placed with a person who shall keep the animal in a lawful manner. Bills for fees and costs under this section shall notify the animal owner that if the bill is not paid within ten (10) days, the animal will be destroyed or placed with some person who shall keep the animal in a lawful manner. The bill shall also state that the animal owner may meet with the director or the director's designee to dispute the amount of the bill before the animal is destroyed or placed with another person. If the animal owner wishes to meet, the owner must request a meeting in writing. The request must be delivered to the director at the address given for this purpose on the bill. The request must be delivered before the deadline for disposition of the animal indicated on the bill.
- (k) All dangerous or aggressive animals shall be photographed and implanted with an identifying microchip at the owner's expense in accordance with rules established by the director. All dangerous or aggressive animals shall be spayed or neutered at the owner's expense.
- (l) No person shall own, keep or harbor any dangerous or aggressive animal without a current annual dangerous or aggressive animal registration issued by the department of health. The annual fee for a dangerous or

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aggressive animal registration shall be three hundred dollars (\$300.00). A prorated portion of the fee shall be refunded if the dangerous or aggressive animal dies or has been permanently moved outside the city limits.

- (m) Upon conviction of any person of a violation of this section, the municipal judge may, in addition to the usual judgment upon conviction, order the animal control officer to forthwith take up and humanely destroy such dangerous or aggressive animal. .

(Code 1964, § 5.130; Ord. No. 11910, § 1, 6-6-88; Ord. No. 13168, § 2, 11-18-91; Ord. No. 15071, § 1, 12-2-96; Ord. No. 18576, § 1, 7-5-05; Ord. No. 21015, § 1, 7-5-11; Ord. No. 23568, § 1, 6-4-18; Ord. No. 24008, § 1, 9-16-19)

Cross reference(s)—Disposition of animals biting or attacking persons, § 5-3.

Sec. 5-58. Confinement of dogs.

- (a) It shall be unlawful for any person keeping, harboring, owning or responsible for a dog to permit the dog to be off of the premises of the person keeping, harboring, owning or responsible for the dog unless the dog is held on a leash by a competent person. The provisions of this section shall not apply to a dog in a vehicle being driven or parked upon a street if the dog is secured in a manner that prevents escape. For purposes of this section, the common areas, both indoors and outdoors, of an apartment building or other multiple unit residential structure shall not be considered part of the premises of the person keeping, harboring, owning or responsible for a dog.
- (b) It is a defense to a charge of violating this section that the dog involved is a working dog trained to assist individuals with disabilities and that the dog is under the control of a competent person and obedient to the command of such person.
- (c) It is a defense to a charge of violating this section that the dog involved was participating in an organized competition or that the dog involved was engaged in an organized training exercise under the supervision of a person competent to provide such training.
- (d) It is a defense to a charge of violating this section that the dog involved is a trained police dog and that the dog is under the control of a competent person and obedient to the command of such person.
- (e) The provisions of this section shall not apply to any dog in a dog running area established by this section; provided, that the dog is under the control of a competent person and obedient to the command of such person. The following areas are designated as dog running areas, except that the parks department may designate leash areas within the areas:
 - (1) Grindstone Nature Area, except parking area and trails.
 - (2) Bear Creek Nature Area.
 - (3) Garth Nature Area Dog Park.
 - (4) Twin Lakes Recreation Area Dog Park.
 - (5) Indian Hills Dog Park.

(Ord. No. 15070, § 1, 12-2-96; Ord. No. 15228, § 1, 5-19-97; Ord. No. 18576, § 1, 7-5-05; Ord. No. 22344, § 1, 1-2015; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-59. Tags, collar or harness required on dogs.

- (a) No owner or keeper of any dog over the age of four (4) months shall allow or permit such dog to be in any place in the city at any time without a collar or harness having attached thereto the license tag required by sections 5-62 and 5-64; nor shall any resident or owner or keeper of any dog permit or allow such animal to wear any tag other than the identical tag issued by the business license administrator or the business license administrator's deputy for such animal. It shall be the duty of the police to report to the business license

administrator, the business license administrator's deputy, or the animal control officer, the owner or keeper of any dog permitting such dog to be in any place in the city at any time without a collar or harness having attached thereto the tag as herein provided. Dogs not displaying the aforesaid tag shall be taken up and impounded by the animal control officer.

- (b) No person shall remove or cause to be removed, the collar, harness or tag mentioned in paragraph (a) above, from any dog without the consent of the owner or keeper thereof.

(Code 1964, §§ 5.170, 5.180; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-60. Limitation upon number of dogs and cats kept.

- (a) No person shall, at any time, keep, harbor or own, at one location within the city, more than a total of four (4) dogs or cats over the age of six (6) months. This provision shall not apply to a lawfully operated commercial kennel, a kennel maintained in connection with a small animal hospital, the city pound or persons in their role as registered caretakers of feral cats—

Upon proper application, the director, in the director's discretion, may approve a variance from or a waiver to compliance with this section. The director may impose terms or conditions in association with the grant of a variance or waiver. Any act or conduct that is not in compliance with the terms and conditions of the variance or waiver shall be deemed a violation of this section.(Code 1964, § 5.090; Ord. No. 11910, § 1, 6-6-88; Ord. No. 21015, § 1, 7-5-11)

Sec. 5-61. Vaccination of domestic dogs and cats—Required.

No person shall own, keep, harbor or permit to be or remain on or about such person's premises any domesticated dog or cat which, if over four (4) months of age, has not been vaccinated by a licensed veterinarian with a vaccine approved and listed in the current rabies compendium which will, in the opinion of the director, be effective during the full term of such license as described in section 5-63..

(Code 1964, § 5.050; Ord. No. 11910, § 1, 6-6-88; Ord. No. 18576, § 1, 7-5-05; Ord. No. 21015, § 1, 7-5-11; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-62. Same—Evidence prior to license issuance.

Prior to issuing a license tax receipt and license tag, the deputy business license administrator shall require the owner to present satisfactory evidence that the animal has been vaccinated for rabies and that such vaccination, if any, will be effective during the full term for which such animal license is issued. If the owner cannot present such satisfactory evidence of such vaccination, the deputy shall, before issuing a license receipt, cause the animal to be vaccinated for rabies at the expense of the owner with a type of vaccine approved by the director. In evidence of such vaccination, the deputy shall issue to the owner an appropriate certificate of such vaccination bearing the date of vaccination, vaccination certificate number, and the name and address of the veterinarian.

(Code 1964, § 5.072; Ord. No. 18576, § 1, 7-5-05; Ord. No. 21015, § 1, 7-5-11)

Sec. 5-63. Licensing of domestic dogs and cats—Required.

No person shall own, keep, harbor or permit to be or remain on or about such person's premises any dog or cat over four (4) months of age which has not been licensed.

(Code 1964, § 5.050; Ord. No. 13502, § 1, 11-2-92; Ord. No. 23568, § 1, 6-4-18) Cross

reference(s)—Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 5-64. Same—Tags and receipts.

The business license administrator shall provide each deputy with a sufficient number of metallic tags of convenient size and shape, having cast thereon in sunken letters the number of the license and the year of issue, and take receipt therefor. The deputy shall furnish to all animal owners who pay the animal license fee or who show proof of working dog certification one of such tags and a receipt as proof of purchase., The receipt shall contain the number of license, date of issuance, the name and address of the owner, and a description of the licensed animal.

(Code 1964, § 5.071; Ord. No. 13502, § 1, 11-2-92; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-65. Same—License fee levied.

- (a) There is hereby levied for each domestic cat or dog between the ages of three (3) months and twelve (12) months, and for each neutered domestic cat or dog of any age kept, harbored or owned within the city a license fee of five dollars (\$5.00) for any period of time not to exceed one (1) year; and ten dollars (\$10.00) for any period greater than one (1) year, but not exceeding two (2) years; and fifteen dollars (\$15.00) for any period greater than two (2) years but not exceeding three (3) years. "Neutered" shall include both male and female animals irreversibly rendered incapable of reproduction by surgical or chemical procedure when such is verified in writing by the animal owner.
- (b) There is hereby levied for each intact domestic cat or dog over the age of twelve (12) months kept, harbored or owned within the city a license fee of fifteen dollars (\$15.00) for any period of time not to exceed one (1) year; and thirty dollars (\$30.00) for any period greater than one (1) year, but not exceeding two (2) years; and forty-five dollars (\$45.00) for any period greater than two (2) years but not exceeding three (3) years. "Intact" shall include all dogs or cats not certified in writing by the owner to have been irreversibly chemically or surgically rendered incapable of reproduction.
- (c) The licensing fees of this section shall not apply to any certified working dog trained to assist handicapped individuals.
- (d) The licensing fees of this section shall not apply to any trained dog maintained and utilized by law enforcement so long as it is maintained and utilized as a police dog.

(Code 1964, § 5.080; Ord. No. 11910, § 1, 6-6-88; Ord. No. 13502, § 1, 11-2-92; Ord. No. 14512, § 1, 6-5-95; Ord. No. 16591, § 1, 9-18-00)

Sec. 5-66. False certification of neutering; penalty.

Any person owning, keeping or harboring any animal subject to the provisions of this article who shall falsely state or certify to any animal control officer or person issuing a license under the provisions of section 5-65, that such animal has been irreversibly chemically or surgically rendered incapable of reproduction, when in fact such animal is capable of reproduction, shall be guilty of a misdemeanor.

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(Code 1964, § 5.082)

Sec. 5-67. Dog waste.

- (a) No person owning or responsible for a dog shall permit the dog to defecate on any public property or right of way or on any private property other than property owned or leased by the person owning or responsible for the dog.
- (b) It is a specific defense to a charge of violating this section that the person charged immediately removed the excrement and properly disposed of it in a sanitary manner.
- (c) It is a specific defense to a charge of violating this section that the dog involved is a certified working dog trained to assist individuals with disabilities and that the person charged has a disability which prevents the individual from removing the excrement and properly disposing of it in a sanitary manner.

(Ord. No. 14881 § 1, 6-17-96; Ord. No. 14903, § 1, 7-15-96; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-68. Female dogs in heat.

The owner or person responsible for a female dog in heat shall confine the animal within a building or secure enclosure in such a manner that the animal shall not be accessible to other dogs except for planned breeding. (Ord. No. 18576, § 1, 7-5-05)

Secs. 5-69—5-80. Reserved.

ARTICLE IV. LIVESTOCK

Sec. 5-81. Keeping within city restricted.

- (a) No person shall keep livestock in an outdoor enclosure, outbuilding or pasture, the exterior boundary of which is within one hundred (100) feet of the dwelling house of another, or a church, school or place of business, without the consent in writing of the occupant of such dwelling house, trustees of such church or school, or owner of such place of business.
- (b) No person shall keep livestock in an outdoor enclosure, outbuilding or pasture, unless such enclosure, outbuilding or pasture shall have an area of one-half acre for each of such animals and fowl; provided, that this area requirement shall not apply to the keeping of suckling offspring of a cow or mare.
- (c) The provisions of this section shall not apply to any lawfully operated stockyard, slaughterhouse, or any university or college.
- (d) No person shall keep more than four (4) weaned rabbits on any parcel of land less than one acre.
- (e) Upon proper application, the director, in the director's discretion, may approve a variance from or a waiver to compliance with this section. The director may impose terms or conditions in association with the grant of a variance or waiver. Any act or conduct that is not in compliance with the terms and conditions of the variance or waiver shall be deemed a violation of this section.

(Code 1964, § 5.100; Ord. No. 13575, § 1, 1-19-93; Ord. No. 17381, § 1, 7-15-02; Ord. No. 21015, § 1, 7-5-11)

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Sec. 5-82. Confinement—Required.

Every person owning land within the city upon which livestock is kept or permitted to be kept, by the landowner or otherwise, shall confine or restrict such livestock at all times to such property. Failure to so confine or restrict livestock kept or permitted to be kept within the city shall be a misdemeanor.

(Code 1964, § 5.105)

Sec. 5-83. Same—Requirement and maintenance of fences, corrals, etc.

Every person owning land within the city upon which livestock is kept or permitted to be kept, by the landowner or otherwise, shall provide and maintain fences, corrals, tethers or similar devices to confine or restrict livestock to such property. Whenever it is determined by the animal control officer that the aforementioned devices are lacking, inadequate, or not in good repair, such animal control officer shall notify the landowner in writing that the landowner is not in compliance with this section and shall order the landowner to provide, replace, reinforce or repair such devices within ten (10) days. Failure to comply with such within ten (10) days shall be a misdemeanor.

(Code 1964, § 5.107; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-84. Same—Impoundment of unconfined livestock; costs.

- (a) *Generally.* Any livestock found upon property not owned or controlled by the livestock owner and not under the control of some competent person may be captured and impounded by the animal control officer, or any person designated by the animal control officer. The owner of impounded livestock shall be liable for all reasonable charges for capturing and impounding such livestock, including all charges incidental thereto.
- (b) Sale of unclaimed, unpaid-for livestock. In the event that impounded livestock is not claimed or charges associated with the impoundment of livestock are not paid within fifteen (15) days, the director may direct that the livestock be sold at public auction, which shall occur no sooner than ten (10) days after notice of the time, date and place of sale, and a description of the livestock and location of capture has been posted in at least five (5) public places in the city. In case no bidders appear at such sale, the director may sell the livestock at private sale, securing the best possible price. From the proceeds of any sale held hereunder, the director shall first deduct the director's charges or expenses and pay the director's charges or expenses, and pay the balance into the city treasury, and such sums shall become a part of the general revenue fund. If at any time prior to the sale, the owner of such livestock shall exhibit satisfactory proof of ownership, the owner shall be entitled to redeem the livestock upon the payment of all fees and expenses. If, within six (6) months after the sale of the livestock, as above provided, the owner of any such livestock so sold shall exhibit to the council satisfactory proof of ownership, the proceeds coming into the city treasury from such sale, after deduction of all charges and expenses, shall be refunded to the owner. Should the proceeds of the sale be inadequate to meet the city expenses, the owner shall be billed for the unpaid balance.

(Code 1964, § 5.108; Ord. No. 21015, § 1, 7-5-11; Ord. No. 23568, § 1, 6-4-18)

Sec. 5-85. Loading, transporting, etc.

Any person who shall, within the city, load, unload or transfer, from one vehicle to another vehicle, any hogs, sheep, cattle or other livestock in any public place, street or thoroughfare or on any private premises, and any person who shall park or stand any vehicle in which hogs, sheep, cattle or other livestock are loaded on any public

place, street or thoroughfare or on any unenclosed private premises for a longer period than one hour shall, upon conviction, be deemed guilty of a misdemeanor and punished as provided in section 1-8 of this Code; provided,

however, that nothing herein contained shall prohibit loading, unloading or transferring of hogs, sheep, cattle or other livestock at any established and maintained stockyard, slaughterhouse, stable, barns, or in any enclosed building.

(Code 1964, § 5.110)

Secs. 5-86—5-90. Reserved.

ARTICLE V. CHICKENS

Sec. 5-91. Number and type of chickens allowed.

- (a) The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.
- (b) Only female chickens are allowed. There is no restriction on chicken species.
- (c) The provisions of this section shall not apply to any chickens kept as part of an educational course by public and private schools and educational institutions with fifty (50) or more students when the chickens are kept on school property that is one-half (½) acre or more in size.

(Ord. No. 20549, § 1, 2-1-10; Ord. No. 23840, § 1, 4-15-19)

Sec. 5-92. Noncommercial use only.

It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes. (Ord. No. 20549, § 1, 2-1-10)

Sec. 5-93. Enclosures.

- (a) Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
- (b) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- (c) Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- (d) Henhouses and chicken tractors.
 - (1) Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - a. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one-inch openings.
 - b. The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The

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use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

- (2) Henhouses, chicken tractors and chicken pens shall only be located to the rear of the dwelling or other main structure and may be located in the rear yard required by chapter 29.
- (3) Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.
- (e) Any enclosed chicken pen shall consist of sturdy wire or wooden fencing. The pen must be covered with wire, aviary netting, or solid roofing.

(Ord. No. 20549, § 1, 2-1-10)

Sec. 5-94. Odor and noise impacts.

- (a) Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries.
- (b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

(Ord. No. 20549, § 1, 2-1-10)

Sec. 5-95. Predators, rodents, insects and parasites.

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

(Ord. No. 20549, § 1, 2-1-10)

Sec. 5-96. Feed and water.

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

(Ord. No. 20549, § 1, 2-1-10)

Sec. 5-97. Waste storage and removal.

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

(Ord. No. 20549, § 1, 2-1-10)

Sec. 5-98. Chickens at large.

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No dog or cat which kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal.

(Ord. No. 20549, § 1, 2-1-10)

Sec. 5-99. Unlawful acts.

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

(Ord. No. 20549, § 1, 2-1-10)

Sec. 5-100. Nuisances.

Any violation of this article that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of chapter 11.

(Ord. No. 20549, § 1, 2-1-10)

Sec. 5-101. Continuing violations.

Each day that a violation of this article continues is a separate offense.

(Ord. No. 20549, § 1, 2-1-10)

Secs. 5-102—5-110. Reserved.

ARTICLE VI. FERAL CATS

Sec. 5-111. Feeding a feral cat colony without a permit.

No person shall provide food, water or other forms of sustenance to a feral cat colony without a feral cat colony caretaker permit.

(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-112. Feral cat colony caretaker permit.

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(a) Any organization or individual over the age of eighteen (18) may submit an application to the department for a feral cat colony caretaker permit. The application shall be on a form provided by the department and shall provide the following information:

- (1) A detailed description of the cats in the colony;
- (2) Proof that the feral cats in the colony have been ear tipped, neutered or spayed and vaccinated against rabies at least once, or are actively being trapped to perform the ear tipping~~ing~~, neutering or spaying and vaccination against rabies at least once;

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- (3) The address of the location where the permit holder will maintain care of the colony;
- (4) Written permission from the private property to maintain the colony at such address; and
- (5) Contact information for the applicant and any other information that may be required by the department.

(b) Feral cat colony caretaker permits shall be issued for a period of two (2) years.

(c) An animal control officer may inspect the location where the feral cat colony will be maintained.

(d) No feral cat colony caretaker permit shall be issued for a feral cat colony located on public property.

(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-113. Requirements for care of feral cat colonies.

Every person issued a feral cat colony caretaker permit shall comply with the following requirements:

- (1) Regularly feed the cat colony, including weekends and holidays.
- (2) All cats must be spayed or neutered.
- (3) Identify all trapped cats by tipping their ears.-
- (4) Have all cats vaccinated for rabies at least once in addition to any other vaccinations or immunization requirements imposed by the state at the time of permit application or introduction of new cats into the colony.
- (5) Maintain records on the location and size of the colonies as well as the vaccination, ear tipping and spay and neuter records of the colony cats.
- (6) Take all reasonable steps to a) remove kittens from the colony after they have been weaned; b) place the kittens in homes or foster care; and c) capture and spay the mother cat.
- (7) Obtain medical attention for any colony cat that exhibits illness, signs of rabies or unusual behavior and remove the cat from the colony to prevent disease or injury to other cats in the colony.
- (8) If possible, report number of cats that died or otherwise ceased to be a part of the colony and the number of cats placed in animal shelters or permanent homes as companion cats.

(Ord. No. 21015, § 1, 7-5-11)

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(Supp. No. 133)

Sec. 5-114. Revocation of permit.

(a) The director may revoke the feral cat colony caretaker permit of any permit holder for any of the following reasons:

(1) Conviction of any violation of this chapter or any other animal statute or ordinance.

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(2) Failure of the permit holder or property owner to permit an animal control officer to inspect the location at which the feral cat colony is being maintained.

(3) Failure or inability of the permit holder to provide care for the feral cat colony as required by section 5113.

(4) The size of the feral cat colony has increased to such numbers that the colony is a health hazard or interferes with the peace or quiet of any Columbia resident.

(b) Within sixty (60) days of the revocation of permit, the former permit holder shall relocate the colony to the care of one or more feral cat colony permit holders.

(Ord. No. 21015, § 1, 7-5-11)

Secs. 5-115—5-120. Reserved.***ARTICLE VII. HEARINGS*****Sec. 5-121. Applicability.**

The provisions of this article apply whenever a person is entitled to a hearing to contest an action taken by the department or the director and whenever the department knows the identity of an impounded animal's owner and the department intends to euthanize the animal or release the animal to someone other than the animal's owner or the owner's agent.

(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-122. Notice.

The department shall give notice to the person entitled to a hearing to contest an action taken or proposed to be taken by the department or the director. The notice shall inform the owner of the right and manner of requesting a hearing to contest the action.

(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-123. Service of notice.

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The department shall serve the notice on the person entitled to a hearing by first class mail or by personal service in the same manner as legal process is served under Missouri law. Mailed notice shall be presumed received three (3) days after it is mailed.

(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-124. Request for hearing.

The person entitled to a hearing may request a hearing before the director to contest the action of the department or director. The request must be in writing and received by the director within five (5) days of the owner's receipt of the notice of the right to a hearing of the animal. The request for hearing must state an address to which a notice of hearing may be sent.

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(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-125. Notice of hearing.

The director shall give at least five (5) days written notice of the hearing except in cases where the public health, safety or interest makes a shorter time reasonable. Notice shall be mailed to the address provided by the person requesting a hearing or personally served on the animal's owner in the same manner as legal process is served under Missouri law.

(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-126. Hearing and decision.

The director shall conduct the hearing and enter a decision in accordance with the requirements of Chapter 536 RSMo.

(Ord. No. 21015, § 1, 7-5-11)

Sec. 5-127. Appeal.

An appeal from the decision of the director may be made to the Circuit Court of Boone County in accordance with Chapter 536 RSMo. (Ord. No. 21015, § 1, 7-5-11)

Sec. 5-128. Delegation.

The director may delegate the authority and duties set forth in this article. (Ord. No. 21015, § 1, 7-5-11)

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