

Introduced by Treece

First Reading 5-21-18

Second Reading 6-4-18

Ordinance No. 023568

Council Bill No. B 130-18

AN ORDINANCE

amending Chapter 5 of the City Code as it relates to animal tethering; and fixing the time when this ordinance shall become effective.

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

SECTION 1. Chapter 5 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

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:

...

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

...

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.

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Sec. 5.5. Redemption; microchipping; neutering; payment of fees; disposition of unredeemed animals.

...
(c) Subject to the provisions of article VII, at the end of five (5) days, except as otherwise herein provided, if an animal impounded for running at large 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.

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

- (a) Animal abuse ~~Unlawful acts~~. 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) ~~Tether an animal as the primary method of restraining an animal to any property;~~
 - (7) ~~Tether an animal using a choke collar;~~

~~(8) Tether an animal without using a properly fitted collar or harness made of nylon or leather; or~~

~~(9) Tether an animal without using a tether of appropriate length and weight for free animal movement that includes swivels at both ends.~~

(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:

(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;

(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.

(~~e~~-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.

(~~e~~-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.

(~~f~~-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.

(~~g~~-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.

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Secs. 5-12, ~~5-13~~. Reserved.

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.

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Sec. 5-16. Penalties for chapter violations.

Any person violating, ~~neglecting or refusing to comply with any regulation, requirement or provision~~ any of the provisions of this chapter, where no penalty is otherwise provided, shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine ~~not to exceed of not less than twenty five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00)~~; or by confinement imprisonment in the city jail for a ~~period of time~~ not to exceed thirty (30) days; or by both such fine and confinement imprisonment.

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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 Columbia-Central Missouri Humane Society or other local animal shelter under terms of a contract or agreement to be approved by both parties.

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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 certificate 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 certificates received, 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 ~~him~~ the deputy business license administrator from office.

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Sec. 5-57. Dangerous or aggressive animals.

(a) No person shall own, keep, harbor or allow to be in or upon ~~his~~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:

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 ~~disabled~~individuals with disabilities and that the dog is under the control of a competent person and obedient to the command of such person.

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

(a) No owner or keeper of any dog over the age of three (3) 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 ~~his~~the business license administrator's deputy for such animal. It shall be the duty of the police to report to the business license administrator, ~~his~~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.

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 ~~his~~such person's premises any dog or cat which, if over three (3) 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 for which such license is issued.

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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 ~~his~~ such person's premises any dog or cat over three (3) months of age which has not been licensed.

Sec. 5-64. Same—Tags and certificates.

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 ~~his~~ 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 certificate of license, the license number of the tag to correspond with that on the certificate. The license certificate shall consist of an original and two (2) duplicate originals. The certificate shall contain the number of license, date of issuance, the name and address of the owner, and a description of the licensed animal. It shall bear the facsimile signature of the business license administrator, and shall be countersigned by ~~his~~ the business license administrator's deputy. The deputy shall deliver the original of such license certificate to the animal control officer and one duplicate original to the business license administrator.

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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 ~~disabled~~ 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.

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 ~~he~~ 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.

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 ~~him~~ 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.

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SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this 4th day of June, 2018.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor