

CHAPTER 3

ANIMALS AND FOWL

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FOR CONTROL OF ANIMALS AND FOWL

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CHAPTER 3  
ANIMALS AND FOWL  
ARTICLE 1. ADMINISTRATIVE REQUIREMENTS FOR CONTROL OF ANIMALS.

SEC. 3.01.001. DEFINITIONS.

In this chapter, unless the context requires otherwise:

**ADEQUATE CARE** means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in the specific species of animal.

**ADEQUATE FOOD** means wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age and condition.

**ADEQUATE HEALTH CARE** means the provision to each healthy animal of all immunizations and preventative care required to maintain good health; space adequate to allow the animal rest and exercise sufficient to maintain good health; grooming as required so that they are free from dangerous matting which affects their health; and the provision to each sick, diseased, or injured animal of necessary veterinary care or humane death.

**ADEQUATE SHELTER** means a structurally sound, properly ventilated, safe, sanitary and weatherproof shelter suitable for the species, condition and age of the animal, which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The area where animals are kept must allow access to mud-free, dry ground and be kept free from unsanitary conditions, vermin-harboring debris, rodents, refuse, or any dangerous protuberances which can provide an opportunity for injury or a danger to the health of the animal. The shelter must be sized to accommodate the animal and allow retention of body heat and should be made of durable material with a solid floor. A sufficient quantity of clean, bedding material consisting of straw, or the equivalent, must provide insulation and protection against cold and dampness and provide for retention of body heat.

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

**ADEQUATE VENTILATION** means conditions that allow for sufficient movement of air within an enclosure.

**ALTERED ANIMAL OR STERILIZED ANIMAL** means an animal that has been rendered permanently incapable of reproduction (i.e. spayed or neutered).

**ANIMAL** means any living vertebrate creature,-except human beings.

**ANIMAL SERVICES OFFICER** means any City staff assigned by the Director of Health to the duties of the Animal Services Officer.

**ANIMAL SHELTER** means the facility operated by the City or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or State law.

**ANIMAL WELFARE ORGANIZATION** means any not-for-profit organization for the prevention of cruelty to animals, licensed under state laws, including humane societies, animal shelters, and animal rescue groups.

**APIARY** means any place or location where one or more colonies or nuclei of bees are kept.

**BEE** mean any stage of the common honeybee, *Apis mellifera*, or other bees kept for the production of honey or wax. Africanized honey bees are prohibited in the city.

**BEEKEEPER** means any individual, person, firm, association or corporation owning, possessing or controlling one or more colonies or nuclei of bees for the production of honey, beeswax or byproducts thereof, or for the pollination of crops for either personal or commercial use.

**COLONY** means the bees inhabiting a single hive or other dwelling place.

**CAREGIVER** means any person who, in accordance with a good faith effort to trap, Sterilize, vaccinate and return the cat, provides care to a community cat.

**CAT** means a member of the species *Felis Catus*, more than six (6) months of age.

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

**COLONY** means five (5) or more Community Cats.

**COMMERCIAL ANIMAL ESTABLISHMENT** means any Pet Shop, Grooming Shop, Auction, Riding School or Stable, zoological park, Circus, Performing Animal Exhibition, Educational Animal Facility or Kennel or any facility where animals are kept for the purpose of sale or entertainment or that provide animal related services except for Veterinary Hospitals .

**COMMUNITY CAT** means any feral or stray cat, regardless of socialization status.

**CRUELTY** means acts including, but not limited to, 1) intentional and needless killing, 2) maiming, 3) torturing, 4) mutilating, 5) strangling, 6) hanging, 7) beating, 8) neglecting, 9) overworking, 10) abandoning, 11) inhumane trapping, 12) poisoning, or 13) failing to provide veterinary care for an animal or fowl when ill or diseased.

**DIRECTOR** shall mean the duly appointed Director of Health or any designated representative.

**DOG** means member of the species *Canis Lupus Familiaris*, more than six (6) months of age.

**DOG OBEDIENCE SCHOOL** means any establishment maintained and operated for the purpose of training dogs to obey voice and hand commands or performing such training as service to the general public.

**DOMESTIC ANIMAL** means an animal deemed allowable to be owned, kept or harbored upon any premises or property within the city including, but not be limited to, Dogs, Cats, Livestock, Fowl, Small Animals and cold-blooded animals kept as house pets such as fish and nonpoisonous and nonvenomous lizards and nonpoisonous and nonvenomous snakes.

**EAR TIP** means a mark identifying a Community Cat as having been sterilized, specifically, the removal of approximately three-eighths of an inch off the tip of the cat's left ear in a straight line while the cat is anesthetized.

**EDUCATIONAL ANIMAL FACILITY** means a facility designed as an extension to the regular program of study at an educational institution certified by the Missouri Department of Elementary and Secondary Education or Missouri Department of Higher Education. The Educational Animal Facility may consist of some or all of the following areas: A lecture area, an animal housing area with cages of varying size and an outdoor area.

**ELECTRONIC CONTAINMENT** means use of a system to restrict the movement of a dog when the animal wearing the collar nears the boundary of the owner's property. The collar may be controlled manually by a person or automatically in a predetermined manner.

**EXOTIC ANIMAL** means an animal not defined in this chapter as a domestic animal or a wild animal.

**FERAL CAT** means any cat that is not socialized toward humans.

**FOWL** means a bird kept chiefly for its eggs and flesh.

**GROOMING SHOP** means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

**HIVE** means any domicile for keeping bees. **AUCTIONS** means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this Article. This definition does not apply to individual sales of single animals by owners.

**KENNEL** means a facility licensed or required to be licensed through the Community Development Department and Health Department to keep or harbor more than four (4) Dogs or four (4) Cats or any combination of such animals exceeding a total of four (4).

**KITTEN** means a member of the species *Felis Catus*, under six (6) months of age.

**LITTER** means one (1) or more puppies or kittens born at the same time from the same mother.

**LIVESTOCK** means domestic animals excluding Small Animals, Dogs, Cats, and Fowl, but not limited to, horses, mules, donkeys, sheep, alpacas, goats, cattle, and swine.

**NEUTER** means the surgical removal of male reproductive organs by a licensed veterinarian that will render the animal permanently unable to reproduce.

**OWN** means having the right of property or custody of an animal; or keeping or harboring an animal; or having the care or possession of an animal; or knowingly permitting an animal to remain in, on or about any premises occupied by or under the control of the owner of the animal. A parent or legal guardian shall be deemed an owner of animals owned or maintained by minors.

**OWNER** means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal, or any person who knowingly permits an animal to remain in, or about any premises occupied by or under the control of that person. A Caregiver is not considered an Owner, as defined in this Chapter.

**PERFORMING ANIMAL EXHIBITION** means any temporary spectacle, display, event, or act with performing animals including, but not limited to, circuses, pony rides, animal exhibits, weight pull events, and petting zoos.

**PERSON** means any person, firm, partnership, corporation or association.

**PET** means any animal kept for pleasure rather than utility.

**PET SHOP** means a facility licensed or required to be licensed through the Community Development Department to buy, sell, or board animals, excluding fish.

**PUBLIC NUISANCE ANIMAL** means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term Public Nuisance Animal shall include, but is not limited to, any animal that:

- (a) Molests passerby, domestic animals, or passing vehicles
- (b) Defecates on public or private property and such excrement remains on said property.
- (c) Causes offensive odors.
- (d) Scatters refuse that is bagged or otherwise contained.
- (e) Damages or destroys property other than that of the Owner or Caregiver.
- (f) Barks, howls, meows, yelps, growls, crows, cackles or makes any other noises frequently or habitually.
- (g) Causes unsanitary or dangerous conditions.

**PUPPY** means a member of the species *Canis lupus familiaris*, under six (6) months of age.

**RESIDENCE** means a dwelling as defined by the Independence Unified Development Ordinance (UDO).

**RESTRAINT OR RESTRAINED** means secured in a fully enclosed or fenced area; on a hand-held leash held by a person capable of controlling the animal; secured by an electronic containment system (dogs only); secured by a tether attached to a fixed object or structure that prevents the animal from coming within ten (10) feet of any public walkway or roadway; on its property under owner supervision and responsive to the owner's commands; or while in transit, within a vehicle capable of preventing escape.

**RIDING SCHOOL or STABLE** means any place, which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro.

**SERIOUS BODILY INJURY** means, but is not limited to any laceration to or avulsion of the face of a human being, any laceration to or avulsion of another area of a human being's or animal's body that may require sutures, any fractured or dislocated bone, permanent nerve damage, partial or total loss of use of a part of the body.

**SMALL ANIMAL** means domestic animals, excluding Livestock, Dogs, Cats, and Fowl, including but not limited to the chinchilla, mink, rabbit, hamster, gerbil, guinea pig, ferret, parrot, or parakeet.

**SPAY** means the surgical removal of female reproductive organs by a licensed veterinarian that will render the animal permanently unable to reproduce.

**STERILIZE** means a surgical or nonsurgical procedure performed by a licensed veterinarian including spaying or neutering that will render the animal permanently unable to reproduce.

**STRAY ANIMAL** means a domestic animal or exotic animal that is not properly restrained.

**STRAY CAT** means any homeless or unrestrained cat without acceptable identification.

**STRUCTURE** means a stable, barn, pen, coop, or other place for keeping animals.

**SUPERVISION** means being within visual and auditory range of the owner or responsible person.

**TEMPORARY** means fifteen (15) days or less.

**TETHER** means the use of a leash, chain, rope, tie, cord or other device fastened to a fixed point that is used to restrict an animals' movement.

**TNR** means trap, neuter, and return.

**TNR PROGRAM** means a method of controlling the Community Cat population by trapping, sterilizing, vaccinating against rabies, ear tipping, and returning the cats to the location where they were captured, in accordance with this Chapter.

**TRESPASS** means an act whereby a person breaches an established barrier on private property without express or implied consent of the owner. This definition shall not be construed to include children under twelve (12) years of age or persons whose purpose is the performance of public service or function.

**VETERINARY HOSPITAL** means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

**WILD ANIMAL** means any animal that is native to the continental United States.

**WILDLIFE** means any undomesticated animal species.

#### **SEC. 3.01.002. ANIMAL SERVICES OFFICER - APPOINTMENT.**

A. There is hereby created the Office of Animal Services Officer.

B. The Animal Services Officer and all necessary assistants shall be appointed by the Director of Health and shall be enumerated as provided in the City pay plan.

SEC. 3.01.003. ANIMAL SERVICES OFFICER - DUTIES AND POWERS.

A. It shall be the duty of the Animal Services Officer and all assistants to:

1. Administer and enforce the provisions of Chapter 3.
2. Keep an account of all animals impounded by the Animal Services Officer.
3. Arrange for the proper care, feeding and housing for all animals impounded.
4. Remove and dispose of dead animals found or reported within the City upon any public streets, alleys, parks, sidewalks or other public property. Disposal shall be performed in a sanitary manner.
5. With assistance from the Police Department, enter any vehicle in order to rescue an animal that is being abused or neglected.
6. Make inspections of structures, yards, runways and other facilities where animals are kept or maintained within the City to ensure the same are kept in a clean and sanitary condition.
7. Carry proper identification upon their persons such as a visible badge that indicates their

B. The Animal Services Officer shall act as the Humane Officer for the City as required by Statutes of the State of Missouri.

SEC. 3.01.004. POLICE DEPARTMENT TO ASSIST ANIMAL ~~CONTROL~~ SERVICES OFFICER.

It is the duty of the Police Department to assist the Animal ~~Control~~ Services Officer in the enforcement of all ordinances relative to animals when so requested by the Animal Services Officer.

SEC. 3.01.005. INSPECTION - RIGHT OF ENTRY - SEARCH WARRANT TO ISSUE, WHEN.

For the purpose of carrying out the provisions and requirements of this Chapter, the Animal Services Officer and assistants may enter into or upon any premises at reasonable times for inspection to determine the existence of violations of this Chapter. If the Animal Services Officer or assistants are denied access to any premises, where such access was sought for the purposes set forth in this Chapter, the City Counselor or designee may apply to a Municipal Judge of the Independence Municipal Division of the Jackson County Circuit Court for a search warrant authorizing access to the premises for search or inspection of such premises to determine the existence of violations of this chapter. Upon probable cause being shown, the Municipal Judge may issue a search warrant, for the purposes requested, directed to the Chief of Police or other members of the Police Department. If a search warrant is issued by the Municipal Judge, the Police Department will serve the search warrant and assist the Animal Services Officer in the search or inspection.

SEC. 3.01.006. RECORD OF ANIMALS IMPOUNDED OR SOLD.

The record of all animals impounded or sold by the City shall be available for inspection by any person during normal business hours of the Health Department.



SEC. 3.01.007. FEES - IMPOUNDING AND KEEPING OF ANIMALS.

A. Any animal taken up and impounded shall be held at a licensed kennel, pound, stable, animal shelter or veterinary facility designated by the Director of Health.

B. The owner shall be liable for the reasonable expense incurred for the care and maintenance of any animal impounded.

C. Any animal may be returned to its owner without any waiting period, provided the animal is not being held for rabies observation, impounded while awaiting final disposition of a court case, or in quarantine, and provided further that the appropriate impoundment, keeping, feeding and caring fees have been paid in full and provided further that, in the case of dogs and cats, proof of a current rabies vaccination is furnished to the Animal Services Officer.

D. All money received from any sale or release of animals by the City shall be deposited with the Director of Finance and credited to the General Fund.

E. Any stray animal impounded shall be held in accordance with state law. At the end of this period, any animal not reclaimed by the owner shall be declared abandoned and may be offered for adoption by the Animal Shelter.

SEC. 3.01.008. RESERVED

SEC. 3.01.009 ANIMAL IDENTIFICATION.

A. The Director shall have the authority to permanently mark or identify any animal that is or has been in the Director's custody by means of the implantation of an electronic device, such as a microchip or other methods.

B. Any animal owned or kept by any person convicted of violating this Article shall be delivered to the Director for permanent identification or marking. The municipal court shall have continued jurisdiction subsequent to conviction to enforce the provisions of this section.

C. Refusal to submit an animal for permanent identification or marking pursuant to this Article is a separate violation thereof.

D. The City's cost of permanent marking or identifying an animal shall be borne by the owner thereof.

E. It shall be a violation of this Article for any person, without consent of the Director, to tamper with, efface, disable, or remove the Director's permanent identification mark.

F. Any person violating any of the provisions of this Section shall upon conviction thereof be punished by a fine of not more than Five Hundred Dollars (\$500.00) and not less than Fifty Dollars (\$50.00) and/or jail time up to 180 days.

SEC. 3.01.010. PENALTY - OBSTRUCTION.

Any person who shall willfully obstruct or who provides false or misleading information to the Director in the lawful discharge of the duties related to this Chapter shall upon conviction thereof be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).

SEC. 3.01.011 - 3.01.999 RESERVED.

ARTICLE 2. REGULATORY REQUIREMENTS FOR CONTROL OF DOMESTIC ANIMALS.

SEC. 3.02.001. UNRESTRAINED LIVESTOCK.

All Livestock must be properly restrained in a manner appropriate for the species.

SEC. 3.02.002. UNLAWFUL RELEASE OF DOMESTIC ANIMALS.

It shall be unlawful for any person to release or permit or cause to be released from any enclosure any Domestic Animal for the purpose of causing the same to be impounded.

SEC. 3.02.003 REPORT TO THE ANIMAL SERVICES OFFICER OF CAPTURED ANIMALS.

Any person capturing or causing to be captured any Domestic Animal shall make a report to the Animal Control Services Officer within six hours of the time of capture and prior to transferring said animal, unless said animal is transferred to the Animal Shelter. The report shall include a description of the animal ~~or fowl~~ and the place where the animal was captured.

SEC. 3.02.004. RESERVED

SEC. 3.02.005. OPERATION AND MAINTENANCE OF PLACES FOR KEEPING LIVESTOCK.

A. It shall be unlawful for any person to keep or maintain Livestock in a building used as a Residence.

B. No Livestock shall be kept or maintained within seventy-five feet of the nearest portion of any building occupied by or in any way used by human beings other than that dwelling occupied by any owner or keeper of such animals. No more than two head of Livestock over the age of 6 months shall be kept or maintained within the City limits of Independence and twenty-one thousand seven hundred eighty (21,780) square feet of land (1/2 acre) shall be provided for each such head of livestock. The limitations of two horses shall not apply to a riding stable where horses are kept for hire or board, nor shall the limitation of two such head of livestock apply to a commercial stockyard, Educational Animal Facility or land zoned for agricultural use. Where stables or other structures are erected for the housing of the aforesaid animals, they shall comply with all zoning restrictions.

C. Every stable or other structure wherein any Livestock are kept shall be maintained in a clean and sanitary condition at all times, devoid of all rodents, refuse and vermin, and free from offensive odors.

D. Every stable or other structure shall be provided with a watertight and fly-tight receptacle for manure, of such dimensions as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often in such manner as to prevent its becoming a nuisance. Such receptacle shall be kept securely covered at all times except when opened during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle. All such manure when removed from the receptacle shall be buried with a covering of not less than six inches (6") of earth, or, if used for a fertilizer, thoroughly spaded into the ground, or shall be removed from the property. This section does not apply to agriculture ventures or as stated elsewhere in this Chapter.

E. The restrictions in Paragraphs A and B of this Section shall not apply to pigs or hogs classified as *Sus Scrofa Jubatus Muller*, or *Sus Scrofa (Cristatus) Vittatus*, and commonly referred to as a Vietnamese Pot-bellied Pig, pygmy pig or mini-pig, which stands no higher than 22 inches at the shoulder and weighs no more than 200 pounds, provided that such pigs are kept exclusively as pets inside their owner's Dwelling and limited to one per Dwelling.

F. It shall be unlawful for any person within the City to own, keep or harbor a horse over the age of four (4) months without procuring a rabies vaccination administered by a licensed veterinarian. Vaccinations must be provided at intervals not to exceed the effective duration of the vaccination per the manufacturer's warranty and recommendation of the veterinarian.

**SEC. 3.02.006. OPERATION AND MAINTENANCE OF PLACES FOR KEEPING SMALL ANIMALS AND FOWL.**

A. Small Animals and Fowl shall be kept in the following manner:

Number and Purpose	Enclosure requirements	Setback from owner or keeper residence	Setback from property line	Setback from other residence
Less than three (3) small animals kept as pets only	Kept in fenced enclosure, coop or cage	No requirement	Six feet (6')	Twenty-five feet (25')
Up to six (6) chicken hens (no roosters), for non-commercial purposes only	Kept in a fenced enclosure, coop or cage	No requirement	Six feet (6')	Fifty feet (50')
Up to ten (10) small animals or up to twenty (20) fowl (no roosters) for non-commercial purposes only	Kept in a fenced enclosure, coop or cage	No requirement	Six feet (6')	One hundred (100')
More than ten (10) small animals or more than twenty (20) fowl (no roosters) kept for any purpose	Kept in a fenced space	No requirement	Six feet (6')	Two hundred feet (200')

- B. Except in zoning district R-A, there shall be no outdoor slaughtering.
- C. All fowl shall be kept in such manner as to prevent any public nuisance or health hazard.
- D. Any number of Small Animals and Fowl including roosters may be kept on land zoned for agricultural use and shall be kept in accordance to requirements identified in paragraph A of this Section.
- E. Every structure or other yard establishment shall be kept so that no offensive or obnoxious odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitants of the neighborhood.
- F. Every structure or other yard establishment shall be provided with a water-tight and fly-tight receptacle for manure, of such dimensions as to contain all accumulation of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent it becoming a nuisance. Such receptacle shall be kept securely covered at all times, except when opened during deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle, shall be buried with a covering of not less than six inches (6") of earth; or, if used for fertilizer, thoroughly spaded into the ground; or shall be removed from the property. This section does not apply to agricultural ventures or as stated elsewhere in this Chapter.
- G. All enclosures and fenced spaces wherein fowl are kept shall be maintained in a clean and sanitary manner that mitigates flies and disease.
- H. All structures wherein Small Animals or Fowl are kept shall be maintained in a clean and sanitary condition at all times, with adequate ventilation, devoid of refuse and vermin and free from all offensive odors. The interior walls, ceiling, floors, partitions and appurtenances of all such structures shall be impervious. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside.
- I. Chickens, goslings, ducklings, or rabbits younger than eight weeks of age may not be sold or given away in quantities of less than twenty-five to a single purchaser or recipient.
- J. The Director may at any reasonable time inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this section
- K. It shall be unlawful for any person within the City to own, keep or harbor a ferret over the age of four (4) months without procuring a rabies vaccination administered by a licensed veterinarian. Vaccinations must be provided at intervals not to exceed the effective duration of the vaccine per the manufacturer's warranty and recommendation of the veterinarian.
- L. Cages and pens for all Small Animals and Fowl shall allow for rest, exercise, and flight that is suitable to the species and shall provide a barrier from predators. Exceptions include Veterinary Hospitals, Grooming Shops, and Pet Shops.

SEC. 3.02.007. RESERVED

SEC. 3.02.008. INDECENT EXHIBITION OF ANIMALS.

No person shall indecently exhibit, or cause or allow to be indecently exhibited, any stallion, ass, boar, ram or any other male animal, or let, or cause to be let, any such animal to any other animal of the opposite sex unless they be in an enclosed place and entirely out of the public view and hearing. This section does not apply to agricultural ventures or as stated elsewhere in this Chapter.

SEC. 3.02.009. ABUSE AND/OR NEGLECT OF ANIMALS.

A. No person shall needlessly override, overload, torture, torment, beat, hang, strangle, drown, shoot, stab, mutilate or or inhumanely kill any animal. It shall be unlawful for any person to treat any animal in a cruel or inhumane manner, or willfully or negligently cause or permit the animal to suffer unnecessary pain. Nothing in this section shall prohibit lawful hunting or slaughtering of animals.

B. No person shall burn, sear or cut the inner part of or confine the mouth of any Livestock by rope, twine or any other kind of muzzle, and no person shall in any manner tie or confine by rope or twine or otherwise the feet of any Livestock that may be brought to the City or exposed or kept in the City for sale.

C. No person shall offer to give, or give away any live animal as a prize or business inducement.

D. It shall be unlawful for any owner to abandon any animal. For the purpose of this section, to abandon includes but is not limited to any instance where the owner or keeper leaves an animal without demonstrated or apparent intent to recover or to resume custody, or, leaves an animal for more than twelve (12) hours without providing for Adequate Care, Adequate Food, Adequate Water, or Adequate Shelter for the duration of the absence, or releases, or dumps an animal.

E. No owner or keeper of an animal shall fail to provide the animal with Adequate Care, Adequate Food, Adequate Water, Adequate Health Care, Adequate Ventilation and Adequate Shelter.

F. It shall be unlawful to transport an animal in the trunk of a vehicle or to leave unattended any animal in a vehicle when said vehicle does not have Adequate Ventilation and temperature control to maintain an environment suitable for the species.

G. It shall be unlawful to transport any animal in a truck bed unless the animal is contained in a secured cage with Adequate Ventilation or cross-tied such that the animal cannot fall from the vehicle or injure persons passing by the vehicle.

H. It shall be unlawful for any person to use, place, set out, or deploy any animal trap which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of humane live animal traps that are so designed to trap and hold animals without injuring the animals.

1. Individuals shall be required to adequately monitor such live animal traps to prevent needless suffering or death.
2. Nothing in this section shall be construed to prohibit the use of lethal traps designed for the control or removal of rats, mice, moles or other nuisance rodents.

I. It shall be unlawful for any person to intentionally tease or aggravate in any manner any animal belonging to another person.

J. No person shall entice or lure any animal out of an enclosure or off the property of its owner or keeper. No person shall seize an animal from the property of its owner or keeper, except an Animal Services Officer who is enforcing the provisions of this Chapter.

K. No person shall fail to provide any animal with sufficient temperature control, adequate ventilation and protection from direct sunlight.

L. It shall be unlawful for any person to attach chains or other tethers, restraints or implements directly to a Dog/Puppy or Cat/Kitten without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.

M. No person shall Tether any animal with a choke, prong, martingale or greyhound collar or any similar collar or in a manner that it becomes tangled or injured. Tethers must be at least 10 feet in length.

#### SEC. 3.02.010. POISONING OF ANIMALS.

It shall be unlawful for any person to willfully administer any poison to any animal or to willfully expose any poisonous substance where it might be taken up by any animal, except that a person may expose poisonous substances on his/her own property for the purpose of eliminating vermin in accordance to the poisonous substance original product label.

#### SEC. 3.02.011. PROHIBITING FIGHTS BETWEEN ANIMALS AND PROHIBITING FIGHT TRAINING.

A. It shall be unlawful for any person to own, possess, keep or train any animal, with the intent that such animal be engaged in fighting with another animal.

B. It shall be unlawful for any person who, for amusement or gain, causes any animal, to fight with another animal, or causes any animals, to injure each other.

C. It shall be unlawful for any person within the City to own, maintain or possess equipment for the purpose of training any animal to attack other animals.

D. It shall be unlawful for any person to permit any act as described in this section to be done on any premises under that person's charge or control, or to aid or abet any such act.

E. Nothing in this section shall be construed to prohibit:

1. The use of dogs in the management of livestock by the owner of such livestock, or any employees or agents, or other persons in lawful custody of such livestock;
2. The use of dogs in hunting; or
3. The training of dogs or the use of equipment in the training of dogs for pursuit of wild game, standard obedience or any other purpose not prohibited by law.

SEC. 3.02.012. DEAD ANIMAL - NOTICE TO ANIMAL SERVICES OFFICER.

A. A person having in his or her possession or owning the carcass of an animal, other than livestock or other animals to be used for food shall not permit the same to be or remain in any place.

B. A person having in his or her possession or owning the carcass of an animal intended for food use shall not permit the same to be or remain in any place for more than seventy-two (72) hours.

~~B-~~ C. The Animal Services Officer shall charge a fee for the pick-up and disposal of dead animals at the costs established by the City Council in the Schedule of Fees. The Director may determine that no fee be collected from certain defined classes of persons or for the pick-up of certain types of animals.

SEC. 3.02.013. REMOVAL OF DEAD LIVESTOCK.

A. It shall be unlawful for any person owning or having possession of the carcass of any livestock to neglect or refuse to dispose of the same within ten (10) hours of its death in a method and manner prescribed by the Director.

B. Upon failure by the person owning or having in his/her possession the carcass of any livestock to dispose of the same within the time period specified, the Animal Services Officer, Director or Police Department shall cause the same to be removed at the expense of such owner or person having possession of said carcass.

C. Whenever the person owning or having in his/her possession the carcass of any livestock cannot be found or ascertained, the Animal Services Officer, Director or Police Department shall remove and dispose of such animal at the expense of the City in a method and manner prescribed by the Director.

SEC. 3.02.014. RESERVED

SEC. 3.02.015. EDUCATIONAL ANIMAL FACILITY.

A. The operator of an Educational Animal Facility shall comply with all provisions of this Chapter except that livestock and small animals may be kept within seventy-five feet (75') of the educational institution responsible for the Educational Animal Facility.

B. The operator of an Educational Animal Facility shall comply with the requirements of the Commercial Animal Establishment, as set forth in Sec. 3.02.016. Educational Animal Facilities are not required to obtain a Commercial Animal Establishment Permit.

C. Educational institutions that only have animals kept, as classroom pets are exempt from this Section.

## SEC. 3.02.016. COMMERCIAL ANIMAL ESTABLISHMENT

A. The operator of a Commercial Animal Establishments shall obtain a license issued by the City License Officer and a Commercial Animal Establishment Permit issued by the Director. The Permit cost is established by the City Council in the Schedule of Fees.

B. Commercial Animal Establishments shall:

1. Permit Animal Services Officers to inspect all premises. Failure to permit inspection of a Commercial Animal Establishment shall constitute a violation of this Section.
2. Maintain all animal housing areas to be clean, sanitary, and free of waste, suitable for the species and structurally sound to protect animals from injury and escape. Walls and floors of enclosures shall be constructed of nonabsorbent, nonporous materials impervious to moisture. If wire or grid flooring is present, it must be adequate enough to support the animals without sagging and prevents feet from passing through the openings.
3. Provide animals with sufficient space to turn about freely and easily stand, sit, or lie in a comfortable natural position. Animals that are group housed must be maintained in compatible groups. No female dog or cat in heat (estrus) shall be housed in the same primary enclosure with male dogs or cats except for breeding purposes.
4. Provide animals sufficient temperature control, Adequate Ventilation and protection from direct sunlight. The ambient air temperature shall be maintained between 60°F and 80°F, except for species that require specific temperatures above or below this range.
5. Provide animals sufficient light through artificial or natural means.
6. Provide animals with Adequate Water.
7. Maintain feeding records to ensure all animals are fed a proper and nutritious diet specific to the species' needs. Food shall be served in a clean dish that is constructed or mounted in a manner that prevents tipping and is removable for cleaning. These records must be provided upon request.
8. Maintain health records for all animals. Veterinary care shall be provided for each animal suitable for the species, age and health of each individual animal. These records must be provided upon request.
9. Provide proof of current rabies vaccination for all dogs, cats, horses, and ferrets over the age of four (4) months.
10. Be prohibited from exhibiting, offering for sale, selling, or bestowing any animal without first disclosing to the receiver any infectious diseases, nutritional diseases, parasitism, fractures, or congenital abnormalities that the animal may have.



11. Be prohibited from exhibiting, offering for sale, selling, or bestowing:

- (a) Any Wild or Exotic Animals;
- (b) Venomous animals;
- (c) Puppies or kittens under eight (8) weeks of age;
- (d) Any Domestic Animal that has not received recommended, age appropriate vaccinations;
- (e) Any Domestic Animal that has not been properly treated to eliminate and prevent diseases or parasites detrimental to the animal's health or the health of any person coming in contact with the animal.

12. Maintain the following records, and provide such records upon request, for all animals:

- (a) Name and address of person, firm or corporation from whom animal was obtained, date thereof and United States Department of Agriculture (USDA) dealer license number if applicable.
- (b) Description including species, breed, sex, color and distinctive markings, physical condition and health, age and USDA animal identification number if applicable.
- (c) Name and address of person, firm or corporation to whom animal was sold or ownership was transferred and date thereof.
- (d) Disposition of animal, if not sold or transferred, including euthanasia and method, mortality and cause, if known, escape, or other specific circumstance, and date thereof.
- (e) Medical care, the type of service rendered, date and veterinarian's name.
- (f) The USDA individual health certificate and identification form, if applicable.

D. If the Commercial Animal Establishment fails to comply with the requirements of Chapter 3, the Director may suspend or revoke said Establishment's permit.

#### SEC. 3.02.017. AGRICULTURAL AREA PROVISIONS

Any person engaged in an agricultural venture or any person owning or occupying real estate in an agriculturally zoned district shall have a limited exemption from the provisions of this chapter on the land being utilized for such agricultural venture or purposes, as follows:

1. Storage of manure shall be allowed in a manner that does not constitute a public nuisance.
2. Breeding of livestock may be allowed outside of enclosed barns and in open pastures.
3. Ownership or possession up to six (6) dogs or cats or any combination thereof, over the age of six (6) months.

**SEC. 3.02.018. DUTY TO MAINTAIN PROPER CARE OF ANIMALS USED FOR NON-MOTORIZED SIGHTSEEING VEHICLES.**

A. The holder of a license or permit to operate a non-motorized sightseeing operation, that utilizes animals, shall:

1. Obtain a Commercial Animal Establishment Permit issued by the Director.
2. Assign a different identification number to each animal.
3. Appropriately affix the assigned identification number to each animal in a manner that allows for clear identification.
4. Provide the Director with annual veterinary statements for each animal that identifies the following:
  - (a) Name and animal identification number
  - (b) Physical description of animal
  - (c) Date of animal examination
  - (d) Duration of workday
  - (e) Work restrictions due to weather extremes
  - (f) Time/duration of animal rest period(s)
  - (g) Feeding/watering schedule for animal
  - (h) Work load limit for animal stated in terms of number of passengers
    - i. Assuming an average weight of 150 lbs per passenger
    - ii. Consideration should be given to the weight of the vehicle
  - (i) Results of a Coggins test
  - (j) Proof of current rabies vaccination
5. Ensure animal waste is promptly removed from streets, alleyways and other public right-of-ways
6. Assign a different identification number to each vehicle.

7. Affix the assigned identification number to each vehicle in a manner that allows for clear identification.

(a) Affix the maximum load limit to each vehicle in plain view of the passengers.

(b) Maintain a current log in and for each vehicle that lists the following:

- i. The animal identification number for each animal that has pulled the vehicle.
- ii. Hours of work for each animal that has pulled the vehicle.
- iii. Periods of rest for each animal that has pulled the vehicle
- iv. Feeding and watering schedule
- v. Number of passengers for each trip

B. The Director shall have the right to inspect the records of the licensee at all times. The Director shall also have the right to require the licensee or any driver of a non-motorized sightseeing vehicle to remove from service any animal, which is ill, overtired, undernourished, overloaded, injured or lame if it is believed that the animal's life or health is threatened.

C. If the licensee fails to comply with the requirements of Chapter 3, the Director may recommend suspension or revocation of the licensee's City occupational license.

#### SEC. 3.02.019. IMPOUNDMENT OF NEGLECTED OR ABUSED ANIMALS PENDING COURT HEARING

A. An animal impounded due to the following circumstances may not be returned to the owner except as provided in this section:

1. The animal has been impounded pursuant to section 3.02.009 of this chapter;
2. The owner or keeper of said animal has been issued a general ordinance summons for a violation of section 3.02.009 and a court date has been set; and
3. A licensed veterinarian has provided a written report verifying that the impounded animal was subject to neglect or cruel, abusive or inhumane treatment.

B. Under such circumstances, and assuming the animal is not otherwise subject to humane destruction, the impounded animal shall remain impounded until the court date and the owner or keeper shall remain responsible for all fees associated with impound and boarding.

C. The case shall be set for hearing on the earliest possible date. If the municipal judge finds the owner or keeper to be guilty or a plea of guilt is entered, and the judge is satisfied that the animal would in the future be subject to continued neglect or cruel, abusive or inhumane treatment by such owner or keeper, then such animal shall not be returned to or allowed to remain with such person.

## SEC. 3.02.020 SALE OF ANIMALS IN PUBLIC PLACES PROHIBITED

A. No person shall sell, exchange, barter, trade, lease, rent, give away, display or transfer any animal on any public or private property.

B. Exceptions.

1. This section shall not apply to the City or any animal shelter or rescue group licensed by the State of Missouri.
2. This section shall not apply to animal transfers from a personal residence.
3. This section shall not prohibit a Commercial Animal Establishment, which possesses all required federal, state, and/or local licenses for such business, from displaying, selling, or transferring animals, pursuant to its normal business activities, in public areas abutting or adjacent to its place of business.

C. The term "animal shelter," as used in this section, means a facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals.

## SEC. 3.02.021. RESERVED

## SEC. 3.02.022. PERFORMING ANIMAL EXHIBITIONS; PERMIT REQUIRED

A. Animals permitted at events include Domestic Animals, Livestock, Small Animals and Fowl. No Wild or Exotic Animals may be displayed at events, except for those permitted by sections of this Chapter. Animals that pose a threat or health risk to the public or other animals shall not be permitted.

B. The presenter or owner of any performing animal exhibition, or the property owner where the exhibit is to take place must apply for a performing animal exhibition permit from the Director at least thirty (30) business days before the performance and provide exact dates, times, locations, transportation and housing arrangements, and animals and fowl involved in each performance. The applicant shall provide proof of current vaccinations and health certificates for all animals and fowl involved.

C. A permit shall be issued for an exhibition period of not more than fifteen (15) days. Fees shall be established by the City Council in the Schedule of Fees. The Performing Animal Exhibition shall comply with the following conditions:

1. Cages or enclosures shall be kept clean and free of waste and shall be constructed of a nonporous material for easy cleaning and disinfecting. Cages and enclosures shall be of a size that allows the animal or fowl sufficient room to stand, turn, spread wings, perch and lie down in a natural position. Cages and enclosures shall be locked or otherwise secured to prevent escape.
2. Animals shall be provided with Adequate Water.
3. Animals shall be provided with clean, dry bedding.

4. If indoors, animals shall be provided sufficient temperature control, Adequate Ventilation and protection from direct sunlight. The ambient air temperature shall be maintained between 60°F and 80°F, except for species that require specific temperatures above or below this range.
5. If outdoors, animals shall be provided sufficient temperature control, adequate ventilation and protection from direct sunlight.
6. Performing or working animals shall be monitored and provided breaks as necessary to maintain good health, taking into account such things as temperature extremes, terrain, and work or performance required.
7. Daily feeding and veterinary records shall be maintained and available for inspection.
8. Animal waste shall be stored in a fly-proof container.
9. All animal bites and scratches to humans shall be reported to the Independence Health Department.
10. Signs shall be posted at all points of entry into animal areas notifying patrons that they are not to eat, drink, smoke, place their hands in their mouth, or use bottles or pacifiers while in the animal area.
11. There shall be designated hand washing locations at all animal area exits. Signs shall be posted advising patrons to wash hands. Hand washing locations shall be easily accessible for all patrons, including children and persons with disabilities.

H. It shall be unlawful to operate a Performing Animal Exhibition without a valid Performing Animal Exhibition permit. Failure to allow inspection of the Performing Animal Exhibition shall constitute a violation of this Section.

I. The Director may revoke or refuse to issue a Performing Animal Exhibition permit if the permittee or applicant fails to meet the requirements of this Chapter.

#### SEC. 3.02.023. NUISANCE ANIMALS

It shall be unlawful for any Owner or Caregiver to permit such animal to be a Public Nuisance.

#### SEC. 3.02.024. PENALTIES - GENERALLY.

A. Any person who shall violate any of the provisions of this Article shall upon conviction thereof, be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) and/or incarceration for up to one hundred eighty (180) days.

B. For every day after the conviction of any person for the violation of any provision of this Article, that such violation is continued, such person may again be arrested, tried, convicted and punished as in the first instance.

#### SEC. 3.02.025 - 3.02.999 RESERVED.

## ARTICLE 3. LICENSING AND CONTROL OF DOGS AND CATS.

## SEC. 3.03.001. PROHIBITION AGAINST HARBORING EXCESS ANIMALS

It shall be unlawful for any person in charge of a residence to keep or to allow to be kept more than four (4) dogs or cats or any combination thereof, over the age of six (6) months. Grooming Shops, Kennels, Performing Animal Exhibitions, Pet Shops, Veterinary Hospitals and Animal Shelters licensed by the City License Officer shall be exempt from this section.

## SEC. 3.03.002. RESTRAINT AND CONTROL REQUIRED.

A. The owner of any dog shall keep his or her dog under restraint at all times.

B. Dogs may be restrained by electronic containment systems under the following conditions:

1. Perimeter or confinement areas must be signed in a conspicuous way so as to provide notice of confinement to pedestrians.
2. Systems must be installed, operated and maintained according to manufacturer's instructions to include training requirements for dogs to be restrained.
3. A minimum of a ten (10) foot set back from any property line to the system perimeter must be kept during installation of the system.
4. If a dog demonstrates the ability and propensity to disobey the fence system perimeter, the system will not be considered adequate restraint.
5. No dog having been declared aggressive or dangerous per this Code may be restrained by these systems.

C. The Animal Services Officer may capture and impound animals that are not properly restrained.

D. The owner of a female dog during the period of estrous, also known as "in heat", shall during this period keep it securely confined and enclosed within a building. The animal may be supervised outside on a leash, until the animal is not in estrous.

E. Dog/Puppy or Cat/Kitten enclosures shall be of an adequate size to allow the animal to sit, stand, rest and exercise. For the purpose of this section, an enclosure shall mean an enclosed area intended to restrain a Dog/Puppy or Cat/Kitten such as a dog run, kennel or fenced yard. Exceptions include licensed Veterinary Hospitals and Grooming Shops.

F. In the case of a conviction in municipal court, the Judge shall fine the owner of any unrestrained dog at least the following amounts for each offense during any twelve-month period:

First offense – A fine of not less than Fifty Dollars (\$50.00) and not more than \$500.00. In addition to said minimum fine, the Judge shall direct that the dog comply with animal identification as provided in Section 3.01.009. In addition to said minimum fine, the Judge may direct that the dog be spayed or neutered.

Second offense – A fine of not less than One Hundred Fifty Dollars (\$150.00) and not more than \$500.00. In addition to said minimum fine, the Judge may direct that the dog be spayed or neutered.

Third offense – A fine of not less than Three Hundred Dollars (\$300.00) and not more than \$500.00.

SEC. 3.03.003. PREVENTION OF RABIES.

A. It shall be unlawful for any person within the City to own a dog or cat over four (4) months of age without procuring a rabies vaccination that is administered by a licensed veterinarian.

B. Vaccination interval.

1. All newly vaccinated animals must receive their first revaccination one year following the initial vaccination, regardless of the age of the animal at the time of the initial vaccination.

2. Subsequent vaccinations shall occur at intervals not to exceed the effective duration of the vaccination per the manufacturer's warranty and the recommendation of a veterinarian.

C. A rabies vaccination tag issued by a veterinarian shall be worn by the inoculated pet at all times in such a way that the color of the tag can be identified from a distance of fifty feet (50').

D. The owner of the animal is responsible to procure rabies vaccinations as set out above and all necessary proof thereof. In any prosecution under this Section, it shall be a rebuttable presumption that the vaccination interval is twelve (12) months.

E. All veterinarians shall issue rabies vaccination tags in a uniform color as recommended for each year by The National Association of State Public Health Veterinarians, Inc.

F. It shall be unlawful for any person, other than a licensed veterinarian to sell medicine used to prevent rabies in animals and which is required by federal regulations to be labeled "for sale to or use by veterinarians only," to any person other than a licensed veterinarian.

SEC. 3.03.004. SUSPICION OF RABIES - PROCEDURE.

A. A rabies exposure is considered any bite, scratch, or other situation in which saliva or nervous-tissue of a warm blooded or potentially rabid animal enters an open or fresh wound, or meets mucous membranes by entering the eye, mouth or nose of another animal or human.

1. Any person owning or having in his/her possession or under his/her control a warm blooded animal that has bitten or scratched ~~by~~ any animal or human shall immediately notify the City Health Department. Upon demand of the Animal Services Officer, any Health Officer or any Police Officer of the City, the owner or keeper shall produce and surrender such warm-blooded animal.

2. Any person owning or having in his/her possession or under his/her control a warm blooded animal that has been bitten by any animal shall immediately notify the City Health Department. Upon demand of the Animal Services Officer, any Health Officer or any Police Officer of the City, the owner or keeper shall produce and surrender such warm-blooded animal.

3. Surrendered animals may be held for observation at an approved animal shelter or a licensed veterinary facility at the owner's expense.
4. If determined that the animal can be effectively and safely isolated on the owner's or keeper's property for the observation, the Director may authorize home confinement for any animal, including, but not limited to:
  - (a) Any warm-blooded domestic animal that was properly restrained and the owner is able to provide proof of current rabies vaccination for the animal.
  - (b) Any warm-blooded domestic animal that has caused an abrasion of the skin by scratching the victim.
  - (c) Any warm-blooded domestic animal that is under the age of 4 months.
  - (d) Any warm-blooded animal, that confinement of such animal at a shelter or veterinary clinic confinement may prove detrimental. This includes, but is not limited to, pregnant, lactating or severely injured animals.
  - (d) Any warm blooded domestic animal that has bitten or caused an abrasion to another warm-blooded domestic animal.
5. It shall be unlawful for any owner of keeper of an animal placed on home confinement to fail to comply with the terms of the Home Confinement Agreement.
6. Any dog that is owned or the service of which is employed by a law enforcement agency or any dog used as a service dog for blind, hearing impaired, or disabled persons that bites another animal or human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

B. Following is the procedure for the handling of warm-blooded animals suspected of having rabies:

1. It shall be unlawful for any person to harbor any warm blooded animal that has bitten any person or has so injured any person as to cause an abrasion of the skin or to sell or give away such warm blooded animal or to permit or allow such warm blooded animal to be taken from the owner's premises, except under the care of a licensed veterinarian, Animal Services Officer, Health Officer or Police Officer.
2. It shall be the duty of any person injured through having been bitten or clawed by a warm-blooded animal to report same as soon as possible directly to the Animal Services Officer or the Police Department.
3. It shall be the duty of such owner or keeper of such warm blooded animal upon receiving notice of the character aforesaid to immediately inform the Animal Services Officer or the Police Department and to surrender such warm blooded animal to the Animal Services Officer, who shall take the same into custody and deliver to a duly licensed veterinarian hospital of the owner's choice within the City, or to the Animal Shelter, where it shall in either case be confined for the mandatory rabies observation period determined by the Director.



4. Should any warm blooded animal so held for observation be found to be suffering from symptoms suggestive of rabies or be of such nature as to endanger the public generally, the Animal Services Officer shall cause such warm blooded animal, after examination by a licensed veterinarian, to be destroyed in a humane manner. The Animal Services Officer or any Police Officer may for the purpose of this section enter upon any private premises. If such warm-blooded animal is not afflicted, it may be returned to its owner as hereinafter provided. In the event such animal is confined under the provision of this section, the owner thereof shall be liable for any fees or costs, which accrued because of the detention of such warm-blooded animal.

5. If such confined animal develops symptoms suggestive of rabies, it shall, following examination by a licensed veterinarian, be destroyed in a humane manner and if the animal shall die while in confinement for any other reason, the head of such animal in either case shall be removed by an Animal Services Officer and the head taken to a veterinarian for the brain to be removed and submitted to any qualified official laboratory for examination, which expense shall be paid by the owner.

6. Within 48 hours of the animal being released to the owner, said animal shall be given a rabies inoculation by a licensed veterinarian. The owner or keeper shall provide proof of inoculation to the Animal Services Officer within 5 days.

7. Before any such dog is released it shall be permanently identified in a manner acceptable to the Director.

8. The Director may refer to the most recent edition of the Compendium of Animal Rabies Prevention and Control published by the National Association of State Public Health Veterinarians, Inc. for guidance in cases of potential rabies exposure not defined in this Article.

#### SEC. 3.03.005 ANIMALS INTERFERING WITH UTILITY OR POSTAL SERVICE EMPLOYEES

No person shall willfully or negligently own or keep any domestic animal in such a manner as to hinder, obstruct or interfere with access to an outside utility meter, utility pole or mailbox readily accessible to any authorized employee of a utility or of the postal service. Any domestic animal kept in violation may be impounded by the Animal Services Officer.

#### SEC. 3.03.006. KEEPING OF PIT BULLS PROHIBITED.

A. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the City any pit bull.

B. Definitions:

A PIT BULL, for purposes of this Section, is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

A SECURE TEMPORARY ENCLOSURE, for purposes of this Section, is a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides, except for a “door” for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own or have the capacity to bite any person in close proximity to the enclosure.

C. Exceptions. The prohibition in subsection A. of this section shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to subsection E. of this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under subsection A.

1. The owner of a pit bull on or before the date of passage of the ordinance enacting this section, who has applied for and received a pit bull license in accordance with subsection D. of this section, and who maintains the pit bull at all times in compliance with the pit bull license requirements of subsection D. of this section and all other applicable requirements of this chapter, may keep the same pit bull within the City.
2. The City’s Animal Services Officers may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.
3. Except according to the provisions in paragraph H., below, any nonprofit animal welfare organization lawfully operating an animal shelter in the City may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long as it takes to contact and surrender the pit bull to the City’s Animal Services Officer or to surrender the pit bull to the Animal Shelter. Or receive permission to destroy or have destroyed the pit bull pursuant to the provisions of subsection E. The Animal Shelter is authorized to hold any pit bull that has been received.
4. A person may temporarily transport into and hold in the City a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the Director of Health, must obtain any other permits or licenses required by City ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the City to and from the place of exhibition, contest, or show, keep the pit bull confined in a “secure temporary enclosure” as defined in subdivision B.
5. Except as provided in 3.03.006C4, the owner of an unlicensed pit bull may transport a pit bull through the City under the following circumstances:
  - a) From a point outside the City directly to a destination outside the City.
  - b) From a point outside the City to an airport, train station or bus station within the City for transport to a destination outside the City.
  - c) From a point inside or outside the City to the Animal Shelter.
  - d) From the Animal Shelter directly to a destination outside the City.

- e) From a point outside the City directly to and from a veterinary clinic in the City.

During such transportation, the owner may only stop in the City where such stoppage is necessary and solely related to the continuing ability of the owner to continue said transportation, including, but not limited to the refueling or repair of a motor vehicle. The pit bull must be maintained at all times inside a secure temporary enclosure, as defined in subdivision B., which may include inside of the passenger compartment of a private motor vehicle, with all accessible windows closed; adequate shelter must be maintained for such pit bull confined in a motor vehicle.

D. The owner of any pit bull on or before the date of passage of the ordinance enacting this section shall be allowed to keep such pit bull within the city upon compliance with the terms of the exception contained in subdivision C.1. of this section only if the owner applies for and receives an annual pit bull license within sixty (60) days of the passage of the ordinance enacting this section. As a condition of issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:

1. The owner of the pit bull shall provide proof of continuous rabies vaccination, and shall pay the initial pit bull license fee of One Hundred and Fifty dollars (\$150.00) and annual renewal fee of One Hundred Dollars (\$100.00) thereafter. The license shall be renewed between August 28 and September 27 of each year. Late applications for renewals received between September 28 and October 27 shall be accompanied by an additional nonrefundable late fee of One Hundred Dollars (\$100.00). No renewal applications will be accepted on or after October 28 of each year.
2. The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag shall be attached to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a Twenty Dollar (\$20.00) fee.
3. The owner must be at least eighteen (18) years of age.
4. The owner shall present to the Director proof that the owner has procured liability insurance in the amount of at least Three Hundred Thousand Dollars (\$300,000.00). At the time of subsequent registration the owner, keeper or harbinger must show proof of insurance for the present registration period and proof that there was insurance coverage throughout the period of the prior registration period.
5. The owner shall, at the owner's expense, have the pit bull spayed or neutered and shall present to the Director of Health documentary proof from a licensed veterinarian that this sterilization has been performed. This subsection shall not apply to any pit bull, which is registered with the American Kennel Club, American Dog Breeders Association or the United Kennel Club and has had or sired offspring born between August 28, 2003, and August 28, 2006, that were sold and were registered with the American Kennel Club or the United Kennel Club:

This subsection shall not apply to a show dog, which includes a dog used to show or compete, which is of a breed recognized by and registered with the American Kennel Club (AKC), American Dog Breeders Association (ADBA) or United Kennel Club (UKC) and meets one of the following requirements: (1) The dog has competed in at least one dog show or sporting competition sanctioned by a purebred registry referenced above between August 28, 2003, and August 28, 2006; (2) the dog has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred dog registry referenced above between August 28, 2003, and August 28, 2006. Each show dog registered with the City must be shown at least once during each license renewal period. Any show dog born prior to August 28, 2006, must be shown at least once every 365 days after achieving two years of age.

(a) All offspring born of pit bull dogs registered with the City must be removed from the City within twelve (12) weeks of the birth of such dogs.

(b) Breeders must obtain a background check on all prospective buyers of puppies, and must not transfer a pit bull dog to anyone having been convicted of a felony or of any crime related to animal abuse or neglect, fighting of animals, any conviction related to or of a violent nature, possession of illegal firearms, or for the use, sale, or distribution of drugs.

(c) Any owner found to have violated this subsection must immediately have their pit bull dog spayed or neutered, pay a Five Hundred Dollars (\$500.00) fine, and in addition to such fine, may be ordered to serve up to sixty (60) days in jail.

(d) In addition to the above penalties, a violation of this section by a registered and licensed breeder will result in the immediate revocation of their breeding license.

6. The owner shall bring the pit bull to the Director of Health where a person authorized by the Director of Health shall cause a registration number to be assigned by the department and a microchip shall be implanted in the pit bull. The Director of Health shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall, within five (5) days, notify the Director of Health of any change of address. The owner must provide to the Director of Health four (4) color photographs (front, rear, and both sides) of the dog clearly showing the color, markings and approximate size of the dog, such pictures may be digital. Owners of dogs registered prior to the dog's second birthday shall provide updated photos upon annual renewal until such dog passes its second birthday. The cost of the above photographs and microchip implantation will be borne by the owner.

7. At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined." A dog is "confined" as the term is used in this section if such dog is securely confined in the owner's Residence or confined in a secure fully enclosed structure, which meets the following requirements:

(a) The enclosure must have no more than a single entrance, with secure sides and a secure top, or all sides must be at least six feet (6') high and provide adequate shelter;

- (b) The enclosure must have a bottom permanently attached to the sides or sides embedded into the ground not less than two feet (2'); and
- (c) The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own; and
- (d) The enclosure used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure; and
- (e) The enclosure must be secured against the unauthorized entry by a minor on their own accord; and
- (f) A legible sign, as described in paragraph D.10. must be posted and continuously maintained on the enclosure; and
- (g) A pit bull dog shall not be kept on a porch, patio or any part of the house or structure that would allow the dog to exit such structure on its own volition. In addition, no such dog may be kept in a structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- (h) No part of a property line fence shall be part of any enclosure, unless the entire line fence forms the enclosure and conforms in its entirety to the requirements of this section.

This section does not relieve the owner, possessor or keeper of a dog from the obligation to comply with any section of the municipal zoning code or building code concerning requirements for the placement or construction of fences or dog kennels.

8. At all times when the pit bull is away from the property of the owner, the owner shall keep the pit bull either securely attached to a leash not more than four feet (4') in length of sufficient strength to control the pit bull dog and a secondary restraint attached to a prong training collar or choke collar, both securely held by a person of at least eighteen (18) years of age who is capable of controlling the pit bull or in a "secure temporary enclosure," as that term is defined in subdivision B. of this section. Pit bulls may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs outside the dog's enclosure must be muzzled by a steel cage type muzzle sufficient to prevent such dog from biting persons, animals, or the muzzle.

9. No person shall sell, barter, or in any other way dispose of a pit bull registered with the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner and will then become the owner and will be subject to all of the provisions of this section. Provided, that the registered owner may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City. The owner shall notify the city within forty-eight (48) hours in the event the pit bull is lost or stolen. The owner shall notify the City within five (5) days in the event that the pit bull is relocated, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Director of Health or Animal Shelter for destruction or permanently remove the puppies from the city and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep in the City a pit bull puppy born after the date of publication of the ordinance, that is more than twelve (12) weeks old. Any pit bull puppies kept contrary to the provisions of this subdivision are subject to immediate impoundment and disposal pursuant to subsection E. of this section.

10. The owner shall post a conspicuous and clearly legible sign at each possible enclosure entrance where the pit bull is kept. Such sign must be rectangular with dimensions of twelve inches (12") in height by eighteen inches (18") in width, with lettering of not less than two inches (2") in height and proportional width that shall read as follows: "DOG ON PREMISES."

E. The Director of Health is authorized to immediately impound any pit bull found in the City, which is not licensed under subsection D., above, and does not fall within the exceptions listed in subsection C., above. The Animal Services Officer or Animal Shelter may house or dispose of such pit bull in such manner, as the Director of Health may deem appropriate, except as the procedures in subsection G., below, otherwise require.

F. If an owner does not have documentation of their dog's breed and disputes that their dog is a pit bull as defined in this Chapter, a licensed veterinarian shall determine the dog's breed. Once a veterinarian has determined that a dog is predominantly pit bull, the owner must comply with the ordinance and remove the dog from the City. If the owner disagrees with the veterinarian's breed determination, the owner may choose to have a DNA test conducted by a licensed veterinarian and provide proof to the Director prior to bringing the dog back into the City.

G. Any pit bull impounded by the Animal Services Officer must be spayed or neutered before its release, unless a licensed veterinarian states that the pit bull is unfit to undergo the required surgical procedure due to an extreme health condition. The Director may authorize the secured transportation of the pit bull to a licensed veterinary hospital within the City for the spay or neuter to be performed, if necessary. Additionally, the owner of any dog determined to be a pit bull shall agree to immediately and permanently remove the dog from the City to a specified lawful location, and:

1. Provide proof that the pit bull has been microchipped.
2. Acknowledge that if the pit bull is found within the City in the future, the pit bull may be destroyed.
3. Acknowledge that the owner of the pit bull is responsible for all costs of impoundment, microchipping, transportation and all associated veterinary costs, including sterilization.

H. It shall be unlawful for the owner of a pit bull dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section may be immediately seized and impounded.

#### I Penalties:

1. Upon conviction of a first offense of this section, the penalty shall be a fine of not less than Three Hundred Dollars (\$300.00) and not more than Five Hundred Dollars (\$500.00) and up to forty-five (45) days in jail.
2. Upon conviction of a second offense, the penalty shall be a fine of not less than Five Hundred Dollars (\$500.00) and up to ninety (90) days in jail. Imposition or execution of the sentence for a second offense may not be suspended unless the owner agrees to removal of the dog from the City or destruction of the dog.

3. Upon conviction of a third or subsequent offense, the penalty shall be a fine of Five Hundred Dollars (\$500.00) and not less than forty-five (45) days or more than one hundred eighty (180) days in jail. Imposition or execution of the sentence for a third or subsequent offense may not be suspended and the judge may order the destruction of the pit bull dog.

4. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this section. For purposes of this section, proof of a prior violation shall not require proof that the same pit bull dog was involved. Each day of violation shall be a separate offense.

5. Notwithstanding the aforementioned section in its entirety, the Judge may order the destruction of a pit bull upon a finding of guilt a plea of guilt for any offense under this section.

J. If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

K. No part of this Chapter shall prevent any veterinary hospital from providing services for any pit bull.

#### SEC. 3.03.007. AGGRESSIVE DOGS

A. It shall be unlawful for any person to permit a dog owned by him/her, or a dog upon any premises occupied by him/her or under his/her control to demonstrate the behavior of an aggressive dog. For purposes of this Section, an aggressive dog means any dog, other than a police dog used to assist Law Enforcement Officers acting in an official capacity, which demonstrates any of the following behavior:

1. Attacks another domestic animal upon property other than that of the owner of the attacking dog.
2. Displays behaviors, which constitute a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

B. For purposes of this Section, a person is conducting himself or herself peacefully and lawfully upon the private property of the owner of the dog when he or she is on such property in the performance of any duty imposed on such person by Federal, State or local law or the postal regulations of the United States, or when he or she is on such property upon invitation, express or implied.

C. No dog shall be classified as aggressive if any injury or damage is sustained by a person or animal who, at the time of such injury or damage, was:

1. A member of the household, or;
2. Teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or;
3. Protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

D. Evidence that may be considered in determining a dog is aggressive may include, but is not limited to, testimony of persons who witnessed the unlawful behavior displayed by the dog, severity of the injuries, testimony of the Animal Services Officer, past incidents involving the dog, size of the dog, the conditions in which the dog is kept, and training given the dog.

E. A complaint may be filed in Municipal Court by an Animal Services Officer, Police Officer or any person aggrieved or threatened by a dog demonstrating the behavior of an aggressive dog.

F. A hearing on any municipal court complaint filed under this Section shall be set within fourteen (14) calendar days of filing or on the earliest possible date available. Final disposition of the complaint shall be expedited, giving due consideration to the on-going impoundment of the dog.

G. The Director may require the impoundment or home confinement of a dog alleged to have demonstrated the behavior of an aggressive dog after a complaint is filed if there is evidence that the dog is an immediate threat to public safety or is causing a disruption in services to the persons occupying property adjacent to the premises on which the dog is kept. Impoundment shall be at the Animal Shelter, or at a veterinary hospital or licensed kennel approved by the Director.

H. A finding of guilt by a judge or a plea of guilt under Sec. 3.03.007A shall be considered a determination that the dog alleged in the complaint to have demonstrated the behavior of an aggressive dog is an aggressive dog.

I. Any unowned dog alleged to have demonstrated the behavior of an aggressive dog may be classified as an aggressive dog by the Director. For purposes of this section, an unowned dog shall mean a dog that has been impounded at the Animal Shelter and held for the required hold time and whose owner cannot be determined.

J. Aggressive dogs must be maintained under the following conditions:

1. Permanently identified with a microchip as provided in this Chapter within ten (10) days after being classified as aggressive.
2. Spayed or neutered within ten (10) days after being classified as aggressive and proof of the procedure performed by a veterinarian shall be submitted to Animal Services. This subsection shall not apply to any show dog which is registered with the American Kennel Club, American Dog Breeders Association or the United Kennel Club and meets one of the following requirements:
  - a. The dog has competed in at least one dog show or sporting competition sanctioned by a purebred registry referenced above.
  - b. The dog has earned a conformation, obedience, agility, carting herding, protection, rally, sporting, working or other title from a purebred dog registry referenced above.
3. Confined within a fully enclosed, secure structure from which it cannot escape. Enclosures must be in compliance with any section of the municipal zoning code or building code concerning requirements for the placement or construction of fences or dog kennels. A fully enclosed structure shall mean:



a. A building with all doors, windows and other openings covered in a manner that will prevent escape, or;

b. A pen having four walls, a top, and a concrete bottom of sufficient strength that the aggressive dog cannot escape and that is located behind the front line of the main building on the lot and more than ten (10) feet from any lot line. Such pen must have minimum dimensions of five (5) by ten (10) feet and must be locked with a key or combination lock when such animal is within the structure, or;

c. A fenced enclosure with secure sides being six (6) feet high, with a bottom attached to the sides or the sides embedded into the ground not less than two (2) feet. The enclosure must be locked with a key or combination lock when such animal is within the structure.

4. When outside said structure, such dog shall be restrained on a leash not more than six (6) feet in length, securely held by a responsible person capable of controlling said dog.

K. It shall be unlawful for an aggressive dog to be tethered, restrained by an electronic containment system, or transported in a vehicle from which it can escape. Housing an aggressive dog in a vehicle for purposes other than transport shall be a violation of this section.

L. The owner of an aggressive dog must comply with the following requirements when transferring ownership of such dog:

a. Prior to transferring ownership of an aggressive dog, the owner must inform the prospective owner that the dog has been declared aggressive within the City.

M. The owner of an aggressive dog must ensure that the dog's microchip information is accurate and updated to reflect any relocation or transfer of ownership.

N. It shall be unlawful for any person to own or have upon any property occupied by him/her or under his/her control an aggressive dog not maintained as required in this Section or Chapter. Any dog classified as aggressive that is found to be in violation of this Section or Chapter may be impounded.

O. Any person violating or permitting the violation of any provision of this Section shall, upon conviction be fined a sum not less than one hundred fifty dollars (\$150.00) and not more than five hundred dollars (\$500.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the city jail for a period not to exceed ninety (90) days. The Judge may suspend imposition of any sentence on the first offense.

P. Upon a finding of guilt or a plea of guilt for any offense in this section, the Judge may order that an aggressive dog be removed from the City or destroyed.

## SEC. 3.03.008. DANGEROUS DOGS

A. It shall be unlawful for any person to permit a dog owned by him/her, or a dog upon any premises occupied by him/her or under his/her control to demonstrate the behavior of a dangerous dog. For purposes of this Section, a dangerous dog means any dog, other than a police dog used to assist Law Enforcement Officers acting in an official capacity, which demonstrates any of the following behavior:

1. Attacks a person, resulting in an injury when such person is conducting himself or herself peacefully and lawfully.
2. Attacks another domestic animal on property other than that of the owner of the attacking dog, resulting in serious bodily injury to or death of the victim animal.
3. Has previously been classified as an aggressive dog under Section 3.03.007 and has committed another violation of Section 3.03.007A.

B. For purposes of this Section, a person is conducting himself or herself peacefully and lawfully upon the private property of the owner of the dog when he or she is on such property in the performance of any duty imposed on such person by Federal, State or local law or the postal regulations of the United States, or when he or she is on such property upon invitation, express or implied.

C. No dog may be declared dangerous if any injury or damage is sustained by a person or animal who, at the time of such injury or damage, was:

1. Teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or;
2. Protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

D. Evidence that may be considered in determining a dog is dangerous may include, but is not necessarily limited to, testimony of persons who have witnessed the unlawful behavior displayed by the dog, severity of the injuries, testimony of the Animal Services Officer, past incidents involving said dog, size of the dog, the conditions in which the dog is kept, and training given the dog.

E. A complaint may be filed in Municipal Court by an Animal Services Officer, Police Officer or any person aggrieved or threatened by a dog demonstrating the behavior of a dangerous dog.

F. A hearing on any municipal court complaint filed under this Section shall be set within fourteen (14) calendar days of filing or on the earliest possible date available. Final disposition of the complaint shall be expedited, giving due consideration to the on-going impoundment of the dog.

G. The Director may require impoundment or home confinement of a dog alleged to have demonstrated the behavior of a dangerous dog after a complaint is filed if there is evidence that the dog is an immediate threat to the public safety or is causing a disruption in services to the persons occupying property adjacent to the premises on which the dog is kept. Impoundment shall be at the Animal Shelter, or at a Veterinary Hospital or Kennel approved by the Director.

H. A finding of guilt by a judge or a plea of guilt under Sec. 3.03.008A shall be considered a determination that the dog alleged in the complaint to have demonstrated the behavior of a dangerous dog is a dangerous dog.

I. Any unowned dog alleged to have demonstrated the behavior of a dangerous dog may be classified as a dangerous dog by the Director. For purposes of this section, an unowned dog shall mean a dog that has been impounded at the Animal Shelter and held for the required hold time and whose owner cannot be determined.

J. It shall be unlawful for any person to own, keep or harbor a dangerous dog without a valid annual permit to keep such dog.

1. Application to obtain a permit shall be submitted to the Director at the time that the animal is reclaimed or in cases where the animal was not impounded, within ten (10) days from the date the dog was classified as dangerous. If no permit is obtained within ten (10) days from the date the dog was classified as dangerous, said dog shall be impounded and held until the permit is obtained. If no permit is obtained within ten (10) days after the animal is impounded, said animal may be destroyed.

2. The renewable permit shall be valid for one (1) year from the date issued. Failure to obtain a permit when required after written notice by the Animal Services Officer shall be adequate grounds for the dangerous dog to be impounded until a permit is obtained. If no permit is obtained within ten (10) days, said animal may be destroyed.

3. The Animal Services Officer may conduct inspections of properties where a dangerous dog is kept to determine whether the person to whom the permit has been issued is continuing to comply with all of the conditions specified in this chapter. If the Animal Services Officer determines during any inspection that any of the conditions are being violated, the Animal Services Officer may recommend denial of a renewal of any such permit, or revocation of such permit in the event that such violation is not corrected within the period of time as directed.

4. The Director, in the event that it is reasonably necessary to protect against a threat of public health or safety, may revoke any permit or modify the terms or provisions thereof. Failure to comply with the provisions of this Chapter shall be sufficient ground for revocation.

K. Dangerous dogs must be maintained under the following conditions:

1. Permanently identified with a microchip as provided in this Chapter within ten (10) days after being classified as dangerous.

2. Spayed or neutered within ten (10) days after being classified as dangerous and proof of the procedure performed by a veterinarian shall be submitted to Animal Services.

3. Confined within a fully enclosed, secure structure from which it cannot escape. The enclosure must be in compliance with any section of the municipal zoning code or building code concerning requirements for the placement or construction of fences or dog kennels. A fully enclosed structure shall mean:

a. A building with all doors, windows and other openings covered in a manner that will prevent escape. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition, or

b. A pen having four walls, a top, and a concrete bottom of sufficient strength that the dangerous dog cannot escape and that is located behind the front line of the main building on the lot and more than ten (10) feet from any lot line. Such pen must have minimum dimensions of five (5) by ten (10) feet and must be locked with a key or combination lock when such animal is within the structure, or

4. When outside said structure, a dangerous dog shall be restrained on a leash not more than six (6) feet in length, securely held by a person at least seventeen (17) years of age who is capable of controlling the dog. Additionally, a dangerous dog restrained by leash must wear a properly fitted metal cage-type muzzle.

5. Wear a bright orange collar at all times.

L. The owner of a dangerous dog must comply with the following conditions:

1. Display a dangerous dog sign on the premise where the dog is kept. The sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on any enclosure of such animal.

2. Provide proof of liability insurance in the amount of at least Three Hundred Thousand dollars (\$300,000). At the time of subsequent registration, the owner must provide proof of insurance for the present registration period and that there was insurance coverage throughout the period of the prior registration period.

3. Provide proof of continuous rabies vaccination.

4. Provide four (4) color photographs (two profile photos of the left and right sides, one front view and one rear view) of the dog clearly showing the color, markings and approximate size of the dog.

5. Immediately notify the Director in the event that a dangerous dog is not properly restrained, is lost, or dies.

M. The owner of a dangerous dog must comply with the following requirements when relocating or transferring ownership of such dog:

1. Immediately report any relocation of the dog to the Director and provide the address where the dog will be kept.

2. Prior to transferring ownership of a dangerous dog, the owner must inform the prospective owner that the dog has been declared dangerous within the City.

3. Immediately report any transfer of ownership to the Director, including the name, address and phone number of the new owner. If the new owner resides in the City, a dangerous dog permit must be obtained and the dog must be kept in compliance with this section.

4. The owner of a dangerous dog must ensure that the dog's microchip information is accurate and updated to reflect any relocation or transfer of ownership.

N. It shall be unlawful for a dangerous dog to be tethered, restrained by an electronic containment system, or transported in the open bed of a truck or in a vehicle from which it can escape. Housing a dangerous dog in a vehicle for purposes other than transport shall be a violation of this section.

O. It shall be unlawful for any person to own or have upon property occupied by him/her or under his/her control a dangerous dog not maintained as required in this Section or Chapter. Any dog classified as a dangerous dog found to be in violation of this Section or Chapter may be impounded.

P. It shall be unlawful for any person to own, keep, harbor or possess within the City, any dog that has been deemed aggressive, dangerous, vicious, or the equivalent by another jurisdiction. Any such dog shall be removed from the City immediately or may be impounded. If such dog is found within the City after reportedly being removed, the dog shall be impounded and may be ordered to be destroyed by the Judge.

Q. Upon conviction, the penalties for violating this Section shall be:

First Offense: A fine of not less than one hundred fifty dollars (\$150.00), and not more than five hundred dollars (\$500.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the city jail for a period not to exceed ninety (90) days.

Second or Subsequent Offense: A fine of not less than three hundred fifty dollars (\$350.00) and not more than five hundred dollars (\$500.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the city jail for a period not to exceed one hundred eighty (180) days in jail.

R. Imposition or execution of sentence may not be suspended, except that fines for the first offense may be suspended if the owner provides proof of the destruction of the dangerous dog.

S. Upon a finding of guilt for a plea of guilt or any offense in this section, the Judge may order that the dangerous dog be removed from the City or destroyed.

#### SEC. 3.03.009. VICIOUS DOGS

A. It shall be unlawful to own, keep, possess or harbor a vicious animal within the City limits. A vicious dog means any dog, other than a police dog used to assist Law Enforcement Officers acting in an official capacity, which demonstrates any of the following behavior:

1. Has caused serious bodily injury or death to any person, or
2. Has been classified as dangerous under Sec. 3.03.008 and has committed another violation under Sec. 3.03.008A.

B. For the purposes of this Section, a person is conducting himself or herself peacefully and lawfully upon the private property of the owner of the dog when he or she is on such property in the performance of any duty imposed on such person by Federal, State or local law or the postal regulations of the United States, or when he or she is on such property upon invitation, express or implied.

C. No dog may be declared vicious if any injury or death is sustained by a person who, at the time of such injury or damage, was:

1. Abusing or assaulting the dog or was committing or attempting to commit a crime, or;
2. Protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

D. Evidence that may be considered in determining a dog is vicious may include, but is not necessarily limited to, testimony of persons who have witnessed the unlawful behavior displayed by the dog, the severity of the injuries, testimony of the Animal Services Officer, past incidents involving said dog, size of the dog, the conditions in which the dog is kept, and training given the dog.

E. A complaint may be filed in Municipal Court by an Animal Services Officer, Police Officer or any person aggrieved or threatened by a dog demonstrating the behavior of a vicious dog.

F. A hearing on any municipal court complaint filed under this Section shall be set within fourteen (14) calendar days of filing or on the earliest possible date available. Final disposition of the complaint shall be expedited, giving due consideration to the on-going impoundment of the dog.

G. The Director may require impoundment of a dog alleged to have demonstrated the behavior of a vicious dog after a complaint is filed if there is evidence that the dog is an immediate threat to the public safety or is causing a disruption in services to the persons occupying property adjacent to the premises on which the dog is kept. Impoundment shall be at the Animal Shelter, or at a veterinary hospital or licensed kennel approved by the Director.

H. A finding of guilt by a judge or a plea of guilt under Sec. 3.03.009A shall be considered a determination that the dog alleged in the complaint to have demonstrated the behavior of a vicious dog is a vicious dog.

I. Any unowned dog alleged to have demonstrated the behavior of a vicious dog may be classified as a vicious dog by the Director. For purposes of this section, an unowned dog shall mean a dog that has been impounded at the Animal Shelter and held for the required hold time and whose owner cannot be determined.

J. Upon conviction, the court shall order that the animal be removed from the City or humanely euthanized. The owner of a vicious dog that is ordered to be removed from the City must:

1. Consent to having the dog microchipped and sterilized prior to release from the shelter or quarantine.
2. Provide the Director with the address where the dog will be kept outside of the City.
3. Inform any new prospective owners that the dog had been declared vicious within the City of Independence.
4. Ensure the dog's microchip information is accurate and updated to reflect any relocation or transfer of ownership.

K. Upon conviction, the penalties for violating this Section shall be:

First Offense: A fine of not less than three hundred fifty dollars (\$350.00), and not more than five hundred dollars (\$500.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the city jail for a period not to exceed ninety (90) days.

Second or Subsequent Offense: A fine of not less than five hundred (\$500.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the city jail for a period not to exceed one hundred eighty (180) days in jail.

L. Imposition or execution of sentence may not be suspended, except that fines for the first offense may be suspended if the owner provides proof of the destruction of the vicious dog.

#### SEC. 3.03.010. SALE OF PUPPIES AND KITTENS UNDER EIGHT (8) WEEKS PROHIBITED

No person, Commercial Animal Establishment, firm or corporation shall sell or transfer a Puppy or Kitten under eight (8) weeks of age. This shall not include a Puppy or Kitten being transferred to an Animal Welfare Organization.

#### SEC. 3.03.011. OUTSIDE CATS REQUIRED TO BE STERILIZED

A. It shall be unlawful for any owner of any Kitten/Cat over the age of 4 months to permit such Kitten/Cat to go or remain outdoors, unless such Kitten/Cat has been sterilized.

B. Any owner determined to be in violation of this Section may be issued a written warning or a general ordinance summons requiring said owner to have the Kitten/Cat sterilized by a licensed veterinarian within fourteen (14) days.

C. Any person violating any of the provisions of this Section shall upon conviction thereof be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00).

#### SEC. 3.03.012. COMMUNITY CATS

A. Colonies shall be permitted and Caregivers shall be entitled to maintain and care for Community Cats by providing food, water, shelter and other forms of sustenance, provided that the Caregiver takes all appropriate and available steps to meet the conditions of this section.

B. It shall be unlawful to provide food, water or shelter to any unsterilized Community Cat. Any person in violation of this provision shall be given no more than thirty (30) days to have any such cat sterilized and provide proof to the Animal Services Officer that the procedure has been completed.

C. It shall be unlawful for any Caregiver to maintain a Community Cat in a manner that constitutes a Public Nuisance.

- D. Caregivers of five (5) or more Community Cats must obtain the permission of 80 percent of their neighbors located within 200 feet from the property where the cats will be maintained.
- E. It shall be unlawful to maintain a Colony with more than ten (10) Community Cats in areas zoned residential, commercial or industrial. The Director may approve Colonies with more than ten (10) existing cats for a period of one (1) year or less, allowing the Caregiver time to find placement for kittens and friendly cats through adoptive homes and Animal Welfare Organizations.
- F. It shall be unlawful to maintain a Colony with more than fifteen (15) Community Cats on properties zoned agricultural. The Director may approve Colonies with more than fifteen (15) existing cats for a period of one (1) year or less, allowing the Caregiver time to find placement for kittens and friendly cats through adoptive homes and Animal Welfare Organizations.
- G. It shall be unlawful to relocate cats to a residentially zoned area for the purpose of establishing a Colony.
- H. Caregivers shall:
1. Have Community Cats Ear Tipped at the time of Sterilization.
  2. Maintain accurate records, including a description of each cat and dates of sterilization, vaccination, and veterinary care.
  3. Provide care for Community Cats in conjunction with a TNR Program, taking all reasonable steps to ensure each cat is vaccinated and Sterilized.
  4. Make reasonable attempts to update vaccinations for community cats as required by law.
  5. Make reasonable attempts to obtain proper medical attention for any Community Cat that appears to require it.
  6. Make reasonable attempts to remove any kittens immediately after being weaned to be placed in an adoptive home or with an Animal Welfare Organization.
  7. Make reasonable attempts to place any friendly cats in an adoptive home or with an Animal Welfare Organization.
  8. Help to resolve any complaints received regarding Community Cats.
- I. It shall be unlawful to maintain a Colony within a quarter mile of any land managed for wildlife or other natural resources, including but not limited to George Owens Nature Park, Burr Oak Nature Center, and Lipton Conservation Area.
- J. It shall be unlawful for any Caregiver of any Community Cat or Colony to abandon such cats. In the event a Caregiver cannot continue to maintain a Colony, the Caregiver shall make arrangements to transfer colony maintenance to a new Caregiver, place them in adoptive homes or transfer them to an Animal Welfare Organization.



- K. The Animal Services Officer may impound any Community Cat found in violation of this Section. Any Community Cat impounded by the Animal Services Officer that has been Ear Tipped may be returned to its Caregiver or TNR location at the discretion of the Animal Services Officer.
- L. Any person or Caregiver determined to be in violation of this section may be issued a written warning, which provides a period of time to come into compliance and/or provide satisfactory evidence of working to achieve compliance. That period of time shall not exceed ninety (90) days from the issuance of the initial warning notice. Failure to comply may result in the issuance of a general ordinance summons.
- M. Any person or Caregiver determined to be in violation of this section may be ordered by the Director to disband or relocate the Colony within 60 days.

#### SEC. 3.03.013. PENALTY.

Unless otherwise specifically provided for in this Article, any person violating any of the provisions of this Article shall upon conviction thereof be punished by a fine of not more than Five Hundred Dollars (\$500.00) and not less than Fifty Dollars (\$50.00) and/or jail time up to 180 days.

#### SEC. 3.03.014 - 3.03.999 RESERVED.

### ARTICLE 4. WILD AND EXOTIC ANIMALS

#### SEC. 3.04.001. KEEPING AND EXHIBITING WILD AND EXOTIC ANIMALS.

- A. It shall be unlawful for any person to buy, sell, keep or permit to be kept on any premises any Wild animals as a pet or for display or exhibition purposes except as otherwise provided by law.
- B. It shall be unlawful for any person to buy, sell, keep or permit to be kept on any premises any Exotic animal; or reptile. Canaries, finches, parakeets, love birds, parrots, softbill birds, fishes for aquaria, nonpoisonous reptiles and other Wild or Exotic Animals authorized by the Director, excluding alligators, crocodiles, and caimans are exempt from this requirement. The Director may prohibit any Wild or Exotic animal if it is determined that such animal creates a health or safety risk. Nonpoisonous reptiles shall be kept in locked, escape-proof cages except when being handles. No reptile shall be permitted by the owner or handler to escape while being handled.
- C. Zoological parks, universities/colleges, and Circuses, or other undefined entities approved by the Director, are exempt from the requirements of this Article, and may exhibit, display or allow Wild or Exotic Animals to perform upon acquiring a permit to do so under the provisions of Section 3.02.022 and 5.01.026 of this Code. If determined to be a health and safety risk, the Director may prohibit any of the identified entities in this Section from operating.
- D. The Director shall have the authority to capture and impound any animals kept in violation of this section. All animals impounded under this section shall be kept for a period of five (5) days. If the owner has not provided for the legal disposition of the animals within that period of time, the Director shall have the animals disposed of in accordance with State and Federal law or destroyed.

SEC. 3.04.002. FEEDING OF CERTAIN WILD ANIMALS PROHIBITED

A. No person shall knowingly feed any Wild Animal within the corporate limits of the City.

B. Exceptions.

1. Any person who feeds or provides food for less than 24 hours to a trapped, injured or unweaned Wild Animal until the animal can be turned over to a licensed wildlife specialist.
2. Any person with a bird feeder intended for birds or a squirrel feeder intended for squirrels, provided reasonable attempts have been taken to make it inaccessible to other Wild Animals. Areas below the feeder shall be kept free from accumulations of seed debris and in a sanitary manner that does not attract other wild animals.
3. Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided all reasonable efforts are made to reduce attractants to wild animals in the course of feeding livestock/farm animals and in the storage of animal feed.
4. Nothing in this section shall restrict citizens' ability to maintain ornamental plants or vegetable gardens on their property.
5. Nothing in this section shall prohibit the actions of the Animal Services Officer, Missouri Department of Conservation, their authorized agents or other individual(s) acting lawfully pursuant to wildlife waterfowl management programs duly authorized by the City of Independence, the State of Missouri, or the Federal Government of the United States of America.

SEC. 3.04.003. PENALTY.

A. Any person violating any of the provisions of this Article shall, upon conviction thereof, be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00).

B. For every day such violation is continued after the conviction of any person for the violation of any provisions of this Article, such person may again be arrested, tried, convicted and punished as in the first instance.

SEC. 3.04.004. BEEKEEPING

A. The governing body of the City of Independence, Missouri finds that there is a need to regulate and set minimum standards for the keeping of bees within the corporate limits of the city to protect the public health, safety and welfare of the residents of Independence.

B. It shall be unlawful for any person to place, establish or maintain any hive or apiary or keep any bees in or upon any premises within the corporate limits of the city unless the bees are kept in accordance with the provisions of this article.

C. Permissible Locations

a. No person shall establish or maintain any hive or apiary or keep any bees on any premises closer than 50 feet to the property line of an adjoining property.

b. No person shall establish or maintain any hive or apiary or keep any bees on any premises closer than 50 feet to the exterior line of the travel portion of a public street or sidewalk.

c. Hives are permitted only in the side and rear yards, unless roof mounted.

d. Any person owning a hive or apiary on vacant or property other than their residence shall identify each hive or apiary by a sign or other prominent marking stating in letters at least two inches in height on a contrasting background the name, address and phone number of the owner of such equipment.

#### D. Subsequent Development of Adjacent Properties

If adjacent property is later developed, or residential structures locate closer than the distances prescribed in this chapter, the beekeeper shall move such hives or apiaries to comply with the distance standards established by this article within 90 days of the occupancy of the residential structure.

#### E. Minimum Standards

a. A water source for the bees shall be provided on the same property within 20 feet of each hive or apiary to discourage the bees from congregating at swimming pools, fountains, pet watering bowls, bird baths or other water sources where the bees may come in contact with humans, birds or domestic pets.

b. The owner of any hive or apiary shall establish and maintain a flyway barrier six feet in height consisting of a solid wall, fence, vegetation or combination thereof that is parallel to the property line and that extends ten feet beyond the hive or apiary in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over property lines in the vicinity of the hive or apiary.

#### F. Exemptions

Nothing in this article shall be deemed or construed to prohibit the keeping of bees within a school, college, or university building for the purposes of study or observation, or within a physician's office or laboratory for the purpose of medical research, treatment, or other scientific purposes.

#### G. Violations

a. Any person determined to be in violation of this section may be issued a written warning which provides a period of time to come into compliance and/or provide satisfactory evidence of working to achieve compliance. That period of time shall not exceed ninety (90) days from the issuance of the initial warning notice. Failure to comply may result in the issuance of a general ordinance summons.

b. Any person violating any of the provisions of this Section shall upon conviction thereof be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than (\$500.00).

c. Upon a finding of guilt or a guilty plea for any offense in this section, the Judge may order that the hives be removed from the property.

SEC. 3.04.005 - 3.04.999 RESERVED.