

**AN ORDINANCE REGULATING THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS OF GREEN CITY, MISSOURI, ESTABLISHING LICENSE FEES, IMPOUNDMENT FEES AND PENALTIES.**

**NOW THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the City of Green City, Missouri as follows:

**Section 1.**

That the Board of Aldermen of the City of Green City, Missouri, hereby adopts the following provisions regulating the keeping of animals within the city limits of Green City, Missouri:

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**ARTICLE I - ANIMALS IN GENERAL**

**SECTION 1 - Definitions**

The following words, terms, phrases and their derivations have the following definitions unless the context specifically indicates otherwise:

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

***Adequate control:*** To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

***Animal:*** Every live, vertebrate creature, both domestic and wild, other than humans

***Animal shelter:*** A facility that is used to house or contain animals and is owned, operated or maintained by a duly 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 animals.

***At large:*** Off the premises of the owner and not under the adequate control of the owner or a member of the owner’s immediate family, either by leash or voice command

***Bite:*** The use of an animal’s mouth and/or teeth against a human being or a domestic animal

***Cat:*** All domestic animals of the feline species, both male and female

***Chief of Police:*** The Chief of Police of the City of Green City, Missouri, and his/her authorized representatives

***Dangerous animal:*** Any animal that attacks, bites or physically injures human beings, domestic animals or livestock without adequate provocation; or because of temperament or training has a known propensity to attack, bite, confront, chase, menace or physically injure

human beings, domestic animals or livestock without provocation. Any animal, wild or domesticated, that without provocation has bitten or attacked a human being or other animal shall be presumed to be vicious or dangerous.

**Domestic animal:** Any animal that is domesticated as opposed to wild, free-roaming, except dogs, cats and chickens

**Dog:** All domestic animals of the canine species, both male and female

**Exotic animal:** Any non-domesticated animal, not occurring naturally in the City, either presently or historically, excluding dogs, cats and domestic animals as defined herein. Exotic animals include, but shall be limited to, the following: animals of the ape species, leopards, lions, tigers, bobcats, panthers, venomous or poisonous animals, alligators and crocodiles

**Farm animal:** An animal raised on a farm or ranch and used or intended for use in farm or ranch production or as food or fiber

**Harboring:** Offering asylum, refuge or sanctuary to any animal on a basis so temporary as to not be deemed to be owning, keeping or maintain such animal

**Humane killing:** The destruction of an animal in a manner that minimizes the suffering endured by the animal to the greatest extent possible under the circumstances. Animals killed during the feeding of pet carnivores shall be considered humanely killed

**Livestock:** Any domestic or exotic animal kept to be raised for pleasure or a farm animal used for profit or food. Livestock shall include, but not be limited to, horses, mules, donkeys, jackasses, sheep, pigs, goats, bulls, heifers, cows, fowl and rabbits

**Owner:** Any person owning, keeping, maintaining or otherwise having the care of control of an animal

**Owning, keeping or maintaining:** Feeding or sheltering any animal for three (3) or more consecutive days or professing ownership of such animal

**Person:** Any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity

**Pests:** Birds, rabbits or rodents that damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior or any endangered species listed in the Wildlife Code of Missouri

**Public Nuisance:** Any animal or group of animals which:

- a. Repeatedly runs at large; or
- b. Trespasses on and damages the property of anyone other than its owners or those who control or harbor it; or
- c. Intimidates pedestrians or passersby;
- d. Chases vehicles;

- e. Excessively makes noises including, but not limited to, continued repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
- f. Causes fouling of the air by an odor that creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
- g. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
- h. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or
- i. Attacks other domestic animals without provocation; or
- j. Is diseased; or
- k. Impedes refuse collection by ripping any bag or tipping any refuse container.

**Service dog:** Any dog that has been specially trained to do work or perform tasks which benefit a particular person with a disability

**Unaltered:** Not surgically spayed or neutered by a licensed veterinarian

**Vicious dog:**

- a. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
- b. Any dog which, because of its size, physical nature or vicious propensity, is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this Ordinance; or
- c. Any dog which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal;
- d. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
- e. Any dog determined at a municipal court proceeding to be a vicious dog pursuant to this ordinance

**Wild Animal:** Any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild captive-bred species of common cage birds and any animal for which the owner has previously obtained a permit from the State Department of Conservation.

**SECTION 2 – Exemptions**

The provisions of this Ordinance shall not apply to:

- a. Care or treatment performed by a licensed veterinarian practicing pursuant to Chapter 340 of the *Missouri Revised Statutes*;

- b. Hunting, fishing or trapping as allowed pursuant to Chapter 252 of the *Missouri Revised Statutes*, including all practices and privileges as allowed under the Missouri Wildlife Code;
- c. Rodeo practices currently accepted by the Professional Rodeo Cowboys Association;
- d. Bona fide scientific experiments;
- e. The lawful, humane killing of an animal by its owner, or an agent of the owner, by a veterinarian at the request of the owner;
- f. The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian or law enforcement or health official;
- g. Normal or accepted practices of animal husbandry with respect to farm animals;
- h. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of its owner or custodian and the animal is injuring any person or farm animal. This provision shall not include police or guard dogs while on-duty or working;
- i. The killing of house or garden pests.

### **SECTION 3 - Responsibility for damage**

The owners of animals in the City shall be responsible for any damage caused by his or her animal(s).

### **SECTION 4 – Parental responsibility; responsibility of other household members**

- a. The parent or guardian of a minor child shall be responsible for the adequate care and adequate control of any animal owned by, in control of or harbored by that minor child.
- b. Every household member, other than a minor child, shall be held responsible for the adequate care and adequate control of any animal owned by, in control of or harbored by any other household member.

### **SECTION 5 – Enforcement**

- a. The Chief of Police shall carry out the enforcement of this Ordinance.
- b. Police officers shall also enforce the provisions of this Ordinance.
- c. If no officers are available Monday through Friday, during the seven (7) a.m. to four (4) p.m. work shift, then the City Crew shall be called out to pick up the animal.

### **SECTION 6 – Power to impound or kill**

- a. The Chief of Police may declare that any animal is a public nuisance animal by virtue of being a menace to the public health, welfare and safety.
  1. Before finding that the animal is a public nuisance, the Chief of Police shall investigate the complaint to ascertain whether the animal in question is a public nuisance and/or a bother to the inhabitants of the neighborhood.
  2. If the Chief of Police finds a nuisance exists, the custodian of the animal shall be issued a citation to appear before the Municipal Court.
  3. The Chief of Police is authorized to impound any animal that is found to be a public nuisance, including those animals found to be running at large.

- b. A dog may be declared vicious by the Chief of Police and any police officer acting in his capacity as a peace officer for the City.
  - 1. The owner of any dog declared vicious shall be notified that their animal has been designated as vicious and will receive a written notice and/or citation to that effect.
  - 2. Upon being declared vicious, the animal shall be removed and impounded.
- c. The Chief of Police is authorized to kill any vicious dog that cannot be caught safely with reasonable effort, when that dog is otherwise required to be impounded by the provisions of this Ordinance.
- d. The Chief of Police may impound an animal under the following circumstances:
  - 1. When, in the Chief's opinion, an animal is found to be a public nuisance animal;
  - 2. Any unrestrained (running at large) and unlicensed animals shall be taken and impounded in an animal shelter and confined therein in a humane manner;
  - 3. Any dog involved in a fatal attack on a human being or an attack that results in severe injury to a human being, whether provoked or unprovoked, shall be confiscated and taken to a licensed veterinarian's office for a 10-day observation period;
  - 4. Any animal found to be a danger to the public health, welfare or safety;
  - 5. Any animal found to be diseased or disabled;
  - 6. Any animal that shows evidence of neglect or abuse.

#### **SECTION 7 - Right of entry**

- a. The Chief of Police shall have the right to enter onto any property or premises to capture any animal that is on the property or premises in violation of this Ordinance and whose presence on the property or premises constitutes a violation of any of the provisions of this Ordinance.
- b. The Chief of Police shall have the right to enter onto any property or premises to examine or capture any animal suspected of having rabies, being exposed to rabies, biting a person or other another animal, or appears to be the subject of immediate danger due to animal abuse or neglect pursuant to Section 41 and Section 42 in this Ordinance.

#### **SECTION 8 – Penalty**

- a. Upon entering a guilty plea or upon a finding of guilt, the Court may impose a fine not to exceed five hundred dollars (\$500), confinement not to exceed ninety (90) days or both a fine and confinement.
- b. When violations of this Ordinance that are continuous with respect to time, each day the violation continues may be charged as a separate offense.
- c. In addition to a fine and/or confinement, the Court may order additional fees to be paid as costs including, but not limited to, impoundment fees for food and shelter and fees to a veterinarian for observation, euthanasia services, etc.
- d. Reimbursement to those who have suffered damages as a result of an animal owner's or custodian's actions may also be imposed in addition to any fine or confinement.

## ARTICLE II – LICENSE AND VACCINATION REQUIRMENTS

### **SECTION 9 – License requirements**

- a. Any person owning, keeping, harboring or having custody of any animal over six (6) months of age shall obtain a license as herein provided. This provision shall not apply to small caged birds or to aquatic and amphibious animals kept solely as pets.
- b. Written application for licenses shall be made to the City on a form promulgated by the City Clerk. The application shall state the name, address and telephone number of the applicant and the name of the owner, must be an adult. In the event the owner is a minor their parent or guardian provide their information, proof of current rabies vaccination for any dog or cat from a licensed veterinarian or anti-rabies clinic, the name, breed, color, sex and distinguishing marks of the dog or cat. The full license fee shall be paid at the time an application is submitted to the licensing authority.
- c. Licenses for dogs and cats shall be valid for a period of one (1) year from the date the license was obtained.
- d. Tag and collar required:
  - 1. Upon payment of the license fee, the licensing authority shall issue to the owner a license certificate and a tag with number corresponding to the number on the certificate for each dog or cat so licensed.
  - 2. Every owner shall provide each animal with a collar to which the license tag must be affixed and shall ensure that the collar and tag are constantly worn. In case a tag is lost or destroyed, a duplicate shall be issued by the licensing authority upon presentation of a receipt showing payment of the license fee for the current year and payment of a one-dollar (\$1.00) replacement fee.
  - 3. Tags shall not be transferable from one animal to another, and no refund shall be made on any license fee because of the death of an animal or the owner's leaving the City before the expiration of the licensed period.
- d. License fees shall not be required for any certified service dog that is trained as an aid to a handicapped person and is regularly used in the service of and by a handicapped person.
- e. The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times.
- g. A license shall be issued after payment of the following application fee: \$3.00
- h. No person shall use any license for any animal other than the animal for which it was issued.
- i. No person shall keep, or permit to be kept, any wild animal as a pet unless they have first obtained a permit or license from the State Department of Conservation. The licensing authority shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.

### **SECTION 10 - Disposition of collected fees**

All license fees collected by the City shall be used to carry out the provisions and intentions of this Ordinance.

**SECTION 11 – Vaccination requirements**

- a. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.
- b. If a chicken embryo or other three (3) year type vaccine approved by the health officer is administered, the animal shall be inoculated at least once every three (3) years. If another vaccine, approved by the health officer, is administered, then such animals shall be vaccinated at the frequency approved by the health officer for the vaccine.
- c. Tag worn by animal is evidence of inoculation:
  1. At the time of the vaccination of any animal pursuant to this Ordinance, the person performing the vaccination shall deliver to the owner of the animal the tag obtained from the health officer as evidence of such inoculation.
  2. Every owner of a vaccinated animal shall attach the tag evidencing rabies vaccination and registration to the collar or harness of the vaccinated animal and such collar or harness shall be worn by the animal at all times.
  3. Any animal without a tag shall be deemed to be not vaccinated.

**ARTICLE III – IMPOUNDMENT****SECTION 12 – Holding period for impounded animals**

- a. Impounded animals at large shall not be kept less than five (5) working days.
- b. If an animal is not claimed within ten (10) working days, the animal may be euthanized in a humane manner.
- c. Vicious animals shall not be kept less than ten (10) working days.

**SECTION 13 - Exemption from holding period**

- a. Any animal that was obtained directly from an owner, along with a written request from said owner for the disposal of their animal may be exempted from the five (5) day holding requirement.
- b. A dog or cat may be offered for adoption or otherwise disposed of by the City after a minimum of twenty-four (24) hours.
- c. An owner requesting the disposition of an animal shall pay a one hundred-dollar (\$100) fee for disposing of the dog or cat at the time the animal is taken into custody.
- d. Any animal presented for euthanasia by its owner or any animal suffering from disease, emaciation or injury may be destroyed by euthanasia prior to the completion any required holding period pursuant to this Article.

**SECTION 14 - Notice to owner; public notice**

If, by a license tag or other means, the owner of an impounded animal can be identified, the Chief of Police or City Clerk shall, upon impoundment, immediately notify the owner by telephone or certified mail; otherwise, a description of such animal shall be posted at City Hall where it shall be readily available for public view.



**SECTION 15 - Impoundment fee**

- a. An owner reclaiming an impounded dog shall pay the following fees:
  1. An impoundment fee of fifty dollars (\$50.00); and
  2. Three dollars (\$3.00) for each day their animal has been impounded; and
  3. Subsequent impounds occurring within twelve (12) months shall result in an impound fee of one hundred dollars (\$100.00). The per day fee and bond fee shall remain as listed above.
- b. All impoundment fees collected by the City shall be used to carry out the provisions and intentions of this Ordinance.

**SECTION 16 - Unclaimed animals**

- a. Any animal not reclaimed by its owner after ten (10) working days shall become the property of the City and shall be placed for adoption, transferred to a licensed animal shelter or humanely euthanized.
- b. If someone other than the verified owner of the dog or cat or any other animal impounded wishes to adopt or purchase an animal at the end of the animal's holding period, they must first produce a contract from a qualified veterinarian to have the animal spayed or neutered and pay a thirty-five-dollar (\$35.00) adoption fee.
- c. Vicious animals may be redeemed after ten (10) days of observation by a veterinarian if the animal has caused physical injury to a person or another animal, or absent any physical injury to a person or another animal, after the first five (5) days of impoundment after an adequate showing that the animal shall be removed from the City after the owner has paid all impoundment fees. Subsequent impounds occurring within twelve (12) months shall be charged double.

**ARTICLE IV – RABIES CONTROL****SECTION 17 – Inoculation required**

No person shall own, keep, harbor or maintain any dog or cat within the City which has not been vaccinated with the rabies vaccine by a licensed veterinarian. No license tag required by this Ordinance shall be issued until the owner of the animal furnishes a certificate, signed by a licensed veterinarian, showing that the animal has been inoculated against rabies. This certificate shall be deemed current if it does not expire within ninety (90) days of the beginning of the current license year. Recognition shall be given to a certificate which indicates a three (3) year inoculation period for dogs and cats, if signed by a licensed veterinarian.

**SECTION 18 - Order of quarantine**

- a. For the protection of the public peace, health, welfare and safety against the rabies disease, the Board of Aldermen and Chief of Police shall have the power and authority at any time it shall deem it necessary to issue an order to quarantine.
- b. Any person who owns, controls, possesses, or has custody of any animal exposed to rabies shall comply strictly with such quarantine order.
- c. Notice of a quarantine order shall be posted in at least 6 public places within the City or by publication in a newspaper within the City.
- d. The Board of Aldermen or Chief of Police shall have the power and authority at any time to cancel and recall an order of quarantine.

**SECTION 19 - Dogs and cats to be confined**

During the time any quarantine order enacted by the Board of Aldermen shall be and remain in force, all persons residing within the City owning cats and/or dogs shall keep said cats and/or dogs confined upon their premises, unless the cat and/or dog shall be attached to a leash not more than six (6) feet long, held by a competent person.

**SECTION 20 - Quarantine of animals**

- a. Owners or keepers of any animal that:
- Has bitten a human being other than the owner or keeper; or
  - Acts in a suspicious manner suggesting rabies; or
  - Is inclined towards viciousness either on the premises of its owner, keeper, or elsewhere, irrespective of whether such animal is vaccinated or licensed, shall be quarantined and held for observation at a veterinarian's office for ten (10) calendar days.
- c. The impounded or quarantined animal shall be kept in such a manner that neither human beings nor animals can be bitten during the period of observation.
- d. If, at the end of the ten (10) day observation period, the animal is found to be suffering from rabies or to be of such nature as to endanger the public generally, the humane officer shall cause the animal, after examination by a licensed veterinarian, to be destroyed in a humane manner. If, at the end of the ten (10) day observation period, the animal is not afflicted, it may be released to its owner upon payment of all fees and costs accrued by the detention of such animal. If the owner fails to retrieve their animal and pay all associated fees and costs within two (2) days after notification that the animal is eligible for release, the animal may become the property of the veterinarian, be placed for adoption, transferred to a licensed animal shelter or humanely euthanized. If euthanized, the owner shall pay the euthanasia fee.

**ARTICLE V – OWNING AND KEEPING ANIMALS****SECTION 21 - Number of animals**

- a. It shall be unlawful to own, keep or harbor as pets more than three (3) dogs or cats, in any combination, over the age of six (6) months inside a human dwelling house or yard.

**SECTION 22 - Wild animals**

- a. No person shall own, possess or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee, unless the person has previously obtained a permit from the Missouri Department of\* Conservation. The Department has the authority to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.
- b. This section shall not be construed to apply to American Association of Zoological Parks and Aquariums (AAZPA) accredited facilities.

**SECTION 23 – Exotic animals**

It shall be unlawful for any person to possess, keep, maintain or have under his or her control any exotic animal within the City limits, unless expressly authorized by this Ordinance.

**SECTION 24 – Vicious dogs or animals**

- a. It shall be unlawful to keep, harbor, own or in any way possess, or bring within the corporate limits of the City, any vicious dog.
- b. The Chief of Police or by court order may have a vicious animal impounded:
  1. At the end of the impoundment, the owner may claim the animal after paying all associated fees or costs, or have the animal humanely euthanized at their own expense.
  2. If the animal is released to the owner, it shall, at the owner's expense, either be microchipped or a tattoo shall be placed in the ear of the animal so that proper identification can be made. The owner shall then remove the animal from the City to be in compliance with this ordinance.
  3. If the animal is not claimed at the end of ten (10) working days, it may be humanely euthanized at the owner's expense.
- c. If the owner refuses to remove the vicious animal from the City, the Court may find the owner in contempt and order the immediate confiscation and impoundment, destruction or removal of the animal from the City.

**SECTION 25 – Other domestic animals**

- a. Laying hens, turkeys, ducks, and pheasants hereinafter referred to as fowl, may be kept pursuant to the following restrictions and requirements:
  1. No person shall keep or maintain any fowl, within any enclosure that is within one hundred (100) feet of any residence or dwelling place other than that of the keeper thereof, and no more than a total of ten (10) fowl in any combination shall be permitted.
  2. Fowl shall not be allowed to run at large and shall be restrained in a manner and by such means as will prevent the fowl from escaping, straying or running at large. Gates used to restrain fowl shall be kept closed with a chain and padlock to minimize vandalism.
  3. Every person keeping or maintaining fowl shall keep the barn, shed or pen in which the fowl are kept or maintained in a clean and sanitary condition so that the same shall not emit foul or disagreeable odors. The keepers shall not permit any concentration of fowl droppings and feathers to occur.
  4. Permitting carcasses of fowl to remain exposed for an extended period following death is hereby declared a nuisance and is prohibited.
- b. Meat Rabbits. The keeping of rabbits shall be in compliance with the following:
  1. Meat Rabbits shall be kept in hutches of adequate size depending on age and size of rabbit. Juvenile rabbits are 1 to 12 months of age and adult rabbits are over 12 months of age.
  2. Each hutch must be well ventilated and well drained.
  3. The hutch and surrounding area shall be kept clean, sanitary, and free from accumulation of animal excrement and objectionable odors. All droppings and body excretions shall be properly disposed of.
  - 4 No more than (5) adult rabbits may be kept inside the city limits of Green City.

- c. Sheep, Goats, Horses, and Cattle. The keeping of sheep, goats, horses, and cattle shall be in compliance with the following:
1. A minimum of 1 acre of land of pasture, verified by the Sullivan County Assessor, is required.
  2. Animals must be provided with adequate shelter for protection from the elements.
  3. The shelter must be kept clean, sanitary, and free from accumulations of animal excrement and objectionable odors.
  4. Pen and Fence requirements are as follows:
    - a. For sheep and goats a minimum of one (1) acre is required per 12 head and the fence must be a minimum of 48 inches tall.
    - b. For horses a minimum of one (1) acre is required per head and the fence must be a minimum of 60 inches tall.
    - c. For cattle a minimum of one (1) acre is required per head of adult cattle and for two (2) head of calves or yearlings. Cattle are considered a calf or yearling up to 2 years of age and then an adult cow thereafter. The fence must be a minimum of 50 inches tall.
  5. A maximum of five (5) sheep and goats, in any combination, three (3) horses and three (3) head of cattle, taking into account the acreage required for each head, can be kept inside the city limits of Green City.
- d. No roosters, guineas, peafowl, mules, burros, asses, or swine shall be kept within the City limits of Green City.

## **ARTICLE VI – RESPONSIBILITIES AND REQUIREMENTS; PROHIBITIONS**

### **SECTION 26 – Presumption**

In the prosecution charging a violation of this Ordinance, proof that at the time of the violation the defendant named in the complaint was the person who owned or was in control of the animal shall constitute prima facie evidence that the owner or the person in control of the animal was the person to be held responsible for the violation of any of provisions of this Ordinance.

### **SECTION 27 - Containment on owner's property; use of leash**

- a. All dogs or cats within the City shall be leashed or securely penned on the owner's property in such a way that said dog or cat is confined and unable to leave the property.
- b. A dog or cat may be contained on the owner's property without a leash if the owner is present and the animal is at heel.

### **SECTION 28 - Animals prohibited at public functions; exceptions**

- a. Except as set forth in sub-section (b) below, no animal shall be present at any function within the City generally open to the public when ten (10) or more persons are present.
- b. The provision of sub-section (a) above shall not apply to:
  1. Certified seeing-eye dogs, hearing dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped; or

2. Any animal that is participating in a pet parade or other exhibition sponsored by the organization that is holding the public function. However, at the conclusion of any such parade or exhibition, the pet shall be removed from the immediate area of the function.

#### **SECTION 29 - Confinement of female animals in heat**

Every unaltered female animal, when in heat, shall be confined in a building or secure enclosure in such a manner that the female animal cannot come into contact with another animal except for planned breeding or create a nuisance by attracting other animals.

#### **SECTION 30 - Animal waste**

- a. No person shall permit their animal, or an animal in their possession or control, to defecate at a location which is not the owner's property;
- b. The owner or the person in control of any animal shall remove any excreta deposited by his or her animal(s) on public walks, recreation areas or private property.
- c. It shall not be a violation of this Section if feces is immediately cleaned up and placed in a trash receptacle or taken to a location where the owner may legally dispose of the feces.

#### **SECTION 31 - Abandonment of animals**

It shall be unlawful for any person to abandon any animal within the City limits or to permit any animal abandoned by him or her in the vicinity of the City limits to stray back in the City.

#### **SECTION 32 - Animal neglect**

- a. Any person who has custody and/or ownership of an animal and fails to provide adequate care or control of the animal shall be found guilty of animal neglect. It shall be unlawful to leave an animal tied out and unattended without sufficient food, water and shelter.
- b. No owner or person who is responsible for the control and/or care of any animal shall neglect said animal. Animal neglect shall include, but is not limited to, the following:
  1. Failure to provide the animal with sufficient and wholesome or nutritious food; or
  2. Failure to provide veterinary care when needed to prevent suffering; or
  3. Failure to provide humane care and treatment; and
  4. Failure to provide a doghouse or shelter offering protection from the elements, (heat and cold, rain, sleet, snow, hail, etc.). The shelter shall have bedding such as straw, cushion, sawdust, woodchips, etc.
- c. Return of neglected animals:

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

**SECTION 33 - Animal Abuse**

- a. No owner or person who is responsible for the control and/or care of any animal shall abuse said animal. Animal abuse includes, but shall not be limited to, the following:
1. Intentionally killing an animal in any manner prohibited other than those expressly exempted by the provisions of this Ordinance; or
  2. Intentionally or cruelly beating, mistreating, tormenting, overloading, overworking, or otherwise abusing an animal or causing injury, suffering or pain to an animal; or
  3. Abandoning an animal in any place without making provisions for its adequate care; or
  4. Overworking or overloading an animal or driving or working an animal that is unfit to work; or
  5. Instigating or permitting any dogfight, cockfight, bullfight or other combat between animals or between animals and humans; or
  6. Cropping an animal's ears or tail, except by a licensed veterinarian; or
  7. Exposing an animal to any known poisonous substance, whether mixed with food or not, so that it shall be likely to be eaten by that animal. It shall not be unlawful for a person to expose on their own property common rat poison mixed only with vegetable substances;
  8. In the event a person operating a motor vehicle strikes a domestic animal, failing to report such injury or death to the appropriate local authority.
- b. Return of abused animals:  
If a person shall plead guilty to, or be convicted of animal abuse and the Court is satisfied that an animal owned or controlled by such person would be subject to future abuse, the animal shall not be returned to or allowed to remain with such person, and its disposition shall be determined by the Court.

**SECTION 34 – Public nuisance**

- a. No one who owns, keeps, harbors or has control over any animal shall permit the animal to become a public nuisance animal. A public nuisance animal includes, but shall not be limited to, any animal that:
1. Repeatedly runs at large; or
  2. Trespasses on and damages the property of anyone other than its owners or those who control or harbor it; or
  3. Intimidates pedestrians or passersby;
  4. Chases vehicles;
  5. Excessively makes noises including, but not limited to, continued repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
  6. Causes fouling of the air by an odor that creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
  7. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
  8. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or

- 9. Attacks other domestic animals without provocation; or
  - 10. Is diseased; or
  - 11. Impedes refuse collection by ripping any bag or tipping any refuse container.
- b. Any individual complaining about a public nuisance animal must be willing to sign a complaint and testify in court as to the offending animal or charges will not be pursued against the owner, keeper or person harboring the offending animal.
  - c. Any owner, keeper or anyone who harbors a public nuisance animal, upon a plea or finding of guilt, in addition to any fine imposed, shall abate the nuisance or pay restitution to the person injured by the nuisance.

**SECTION 35 – Police Dogs**

- a. It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Green City Police Department in the performance of its duties.
- b. It shall be unlawful for any person to interfere with or meddle with any dog or any officer in the performance their duties.

**SECTION 36 – Impede enforcement**

It shall be unlawful for any person to conceal an animal or interfere with the Chief of Police or his authorized representative in the performance of his legal duty as provided in this Ordinance.

**SECTION 37 - License Revocation**

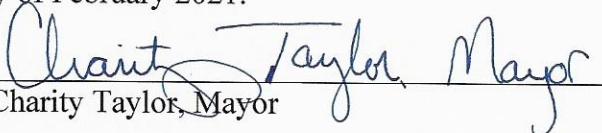
Any violation of this Ordinance shall constitute sufficient cause for revocation of such license.

**Section 2.** All ordinances or parts or ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.


**Section 3.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without the invalid part or parts.

**Section 4.** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times and passed this 2<sup>nd</sup> day of February 2021.

  
Charity Taylor, Mayor

ATTEST:

  
Rachael Hali, City Clerk