IN THE VILLAGE OF CENTERTOWN, MISSOURI

Bill No. 0021-007 Ordinance No.

AN ORDINANCE REPEALING AND REPLACING ORDINANCE 112, 126, AND 140 WITH REGULATING ANIMALS WITHIN THE VILLAGE

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CENTERTOWN, MISSOURI, AS FOLLOWS:

# Definitions.

For the purpose of this ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section:

## ANIMAL Every living vertebrate except a human being. The word "animal" shall not include fish kept as pets unless the text expressly indicates otherwise.

## ANIMAL CONTROL OFFICER A person designated by the Village to enforce this ordinance. For purposes of this ordinance the animal control officer shall be the Cole County Sheriff's deputy assigned to the Village of Centertown under cooperative agreement with Cole County and its Sheriff's Department.

## AT LARGE An animal shall be "at large" when off the property of the owner and unleashed.

## CAT Any member of the feline (genus felis) family over three (3) months of age.

## DOG Any member of the canine (genus canis) family over three (3) months of age.

## EUTHANASIA To put to death in a humane way.

## EXPOSED TO RABIES Any animal, whether vaccinated for rabies or not, which has had any physical contact with a rabid animal as determined by the Missouri Department of Health.

## IMPOUND To take in to custody any animal, for the purpose of confinement.

## KITTEN Any member of the feline (genus felis) family under three (3) months of age.

## LIVESTOCK Any horse, cow, pig, hog, sheep or goat.

## OFFICER The Village's Animal Control Officer.

## OWNER In addition to its ordinary meaning, any person, who keeps or harbors an animal or professes to be owning, keeping or harboring an animal.

## PUP Any member of the canine (genus canis) family under three (3) months of age.

## TAG Any object, regardless of shape or size, bearing a registration number and year, and the words "registered and vaccinated for rabies," issued by a practicing licensed veterinarian.

## TRAP Any mechanical device or snare which seeks to hold, capture, or kill an animal.

## TRAPPING The setting or laying or otherwise using of a trap.

## VACCINATION-REGISTRATION The vaccination for rabies and issuance of an appropriate certificate, by a practicing licensed veterinarian.

## VICIOUS ANIMAL Any animal which:

Has caused death or serious injury to a person engaged in a lawful activity;

### Any animal 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

### Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

### Has been trained for fighting or is owned or kept for the purpose of fighting; or

### Causes any person to have a reasonable fear of immediate serious physical injury.

### No dog may be deemed a vicious animal under this ordinance if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass, or other tort upon the premises occupied by the owner or keeper of the dog, or if a person at the time of such threat, injury or damage was teasing, tormenting, abusing or assaulting the dog, or was threatening or committing an assault or other bodily harm to the owner, the owner's or keeper's immediate family or their invitees; furthermore, dogs used by commissioned officers for law enforcement shall not be deemed vicious animals for purposes of this ordinance.

# Cleanliness Of Pens, Coops, Etc.

It shall be unlawful to keep any animal in any structure, pen, coop or yard that is not maintained in a clean and sanitary condition at all times, devoid of all rodents and vermin and free from offensive, disagreeable or obnoxious smells or odors, tending to injure, annoy or inconvenience any inhabitant of the neighborhood. The provisions of this section shall not apply to a farm lawfully operating within district zoned as a rural district.

# Dead Animals.

It shall be unlawful for the owner of any dead animal to permit such animal to create a nuisance or health hazard by remaining undisposed of in excess of twenty-four (24) hours.

# Minimum Standards Of Sanitation, Care, And Adequate Housing Of Animals.

## It shall be unlawful for the owner or person in charge of any animal to permit such animal to remain without sufficient food, water or shelter as determined by the animal control officer after timely checks.

## Animals maintained in pens, cages, or runs for periods exceeding twenty-four (24) hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. Cages are to be of material and construction that permit cleaning and sanitizing.

## Indoor housing facilities shall be sufficiently temperature controlled and ventilated to provide for the animal's comfort and health.

## Outside housing or enclosures shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of waterproof material to permit proper cleaning and disinfection.

## Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

## All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

## The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

## All animals shall have fresh water available at all times. Water vessels shall be weighted or be mounted or secured in a manner that prevents tipping.

## Notwithstanding compliance with the foregoing provisions, it shall be a violation of this ordinance for any person to harbor or keep more than six (6) animals or any combination thereof.

# Cruelty To Animals.

No person shall beat, cruelly ill treat, torment, overload, over work, or otherwise abuse any animal, or cause to permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans.

# Animals Disturbing The Peace.

No person shall own, keep, harbor, or allow to be in or upon his premises any animal which, by howling, barking, baying or yelping, shall disturb the peace of any person after a reasonable demand to cease the disturbance has been disregarded by the owner or keeper thereof

# Excretion Of Animals

It shall be unlawful for any owner in charge of any animal to permit their animal to excrete any waste on sidewalks, driveways, right-of-way, or on the shrubs, gardens, lawns or private property of another; the owner or person in charge of the animal is at all times responsible to clean and remove excretion from property not owned or controlled by such person.

# Vicious Animals.

## No person shall own, keep, harbor or allow to be in or upon his premises any vicious animal unless it is confined in accordance with the provisions of this section.

## Vicious animals shall be securely confined indoors or in a securely enclosed and locked kennel or cage.

## The kennel or cage shall be of a size appropriate to the size of the animal kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply.

## The kennel or cage must have secure sides and a secure top attached to the sides. Such kennel or cage must have a secure bottom or floor attached to the sides or the sides must be embedded in the ground.

## The kennel or cage must be locked with a key or combination lock when such animals are within the structure.

## Any such kennel or cage must be located at least ten (10) feet from any property line and must comply with all zoning and building regulations of the Village.

## Kennels for vicious animals must be at least six (6) feet in height and, unless a secure bottom or floor is attached to the sides, the sides must be embedded in the ground no less than two (2) feet.

## Any enclosure, structure, or vehicle used to confine a vicious animal must be locked or otherwise secured against accidental entry by people or domestic animals while the vicious animal is within. Notwithstanding any of the foregoing provisions, housing a vicious animal in a vehicle for purposes other than transport shall be a violation of these provisions requiring adequate confinement of any vicious animal.

## When confined indoors, no vicious animal may be kept on a porch, patio or in any part of a house, building or structure that would allow the animal to exit such building on its own volition. No such animal may be kept in a house, building or structure when the windows are open. No vicious animal may be kept in a house, building or structure when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

## No person shall permit a vicious animal to go outside its kennel, cage or secure structure unless that person has the animal securely leashed on a leash no longer than four (4) feet in length and that person has physical control of the leash. Such animals shall not be tied to stationary objects such as railings, fences, trees, posts, or buildings. Additionally, all such animals on a leash outside the animal's kennel, cage or secure structure must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

## A sign or signs, written in legible English, shall be conspicuously posted upon the kennel or cage of any vicious animal with letters at least two (2) inches high containing a warning to beware of the vicious animal.

## All owners keepers or harbors of any vicious animal must maintain in effect public liability insurance in a single incident amount of not less than one hundred thousand dollars ($100,000.00) for bodily injury to or death of any person or persons, or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. All owners, keepers or harbors of vicious animals shall present to the animal control officer a statement certifying that they have the required insurance policy in effect. Certification of the insurance required by the ordinance shall be submitted within ten (10) days following the animal control officer's request. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the Village's animal control officer.

## Upon conviction of any person of a violation of this section, the municipal judge may, in addition to the usual judgment upon conviction, order the animal control officer to forthwith take up and put to death such vicious animal.

## If the animal control officer has cause to believe than an animal is a vicious animal, as defined in this ordinance, due to an attack or biting incident, then the animal control officer, in his discretion and in the interest of public safety, may immediately confiscate said animal to be confined in the village animal shelter for a period of ten (10) days, except as provided in subsection 2 below.

### If the animal has not been previously marked in accordance with the provisions of this chapter, the Director may mark such animal.

### Upon written request of the animal's owner, any animal confined under this section may be transferred to a licensed veterinarian or animal hospital for the remainder of the observation period. The animal's owner is responsible for all costs associated with the observation period, including but not limited to boarding, food, fines, expenses, and/or fees, and in no case shall the Village be held responsible for these or any other costs associated with this subsection.

### Whether the animal is confined with a licensed veterinarian, animal hospital, or the village animal shelter, if the observation period is completed without incident, the animal may be released to the owner following full payment of all court costs, fines, fees, and/or expenses associated with the confinement. However, the owner may not remove the animal from the village limits if a case regarding the attack or biting incident is still pending in municipal court.

### Animals left unclaimed more than ten (10) days following the observation period will be disposed of at the discretion of the Director, unless the municipal court has ordered that the animal continue to be confined, in which case the animal may only be released to the owner following disposition of the municipal court case.

# Village Shelter.

There is hereby established a Village Animal Shelter under the supervision and direction of the animal control officer, for the reception, humane care and disposition of sick, injured, diseased or impounded animals. The animal shelter is not required to be located in the village limits. The village may contract with other public entities with respect to the operation of an animal shelter for purposes of this ordinance.

# Impoundment Generally.

All animals found running at large in the Village are hereby declared to be a public nuisance and shall forthwith be impounded by the Animal Control Officer and placed in the Village animal shelter. When any animal is impounded as provided in this Section, it shall be the duty of the Animal Control Officer to make diligent inquiry for the owner thereof and, when such owner shall be found, to notify him/her of the impounded and the impoundment of such animal.

# Redemption And Adoption Of Impounded Animals; Disposition Of Unredeemed Animals.

## The owner of any impounded animal, or any other person with the permission of the owner, may redeem such animal within a period of seventy-two (72) hours after impoundment by paying to the city the reasonable expenses incurred by the village in keeping, feeding and sheltering such animal during the term of impoundment. In addition, the owner must pay any and all veterinary expenses incurred for such animal.

## Any impounded dog or cat which does not bear proof of rabies vaccination shall be released to the owner upon the payment of the expenses incurred by the village for vaccinating the animal.

## Any dog, pup, cat or kitten that is impounded and not redeemed within seventy-two (72) hours shall be placed up for adoption. Adopters shall pay a reasonable adoption fee to the village based upon the costs of keeping, feeding and sheltering the animal, and any expenses incurred to vaccinate the same against rabies.

## Any dog, pup, cat or kitten that is impounded and bears proof of rabies vaccination and is not redeemed or adopted following ten (10) days of impoundment may be euthanized by the village.

## Any impounded animal that is not redeemed or adopted following ten (10) working days of impoundment may be euthanized by the village.

## Any dog, pup, cat or kitten that is impounded and does not bear proof of rabies vaccination nor identification tags may be placed up for adoption immediately.

## All dogs and cats adopted from the animal shelter must be spayed or neutered. In addition to all other adoption fees, adopters shall pay a fee to reimburse the village for its expenses incurred in spaying or neutering a dog or cat adopted pursuant to this ordinance. The fee for spaying or neutering the dog or cat shall be paid in advance of the procedure. The dog or cat shall be released to the adopter after it is returned to the shelter and the balance of the fees as set out herein are paid in full.

# Euthanasia Of Animals Which Are Diseased Or Disabled.

If an animal impounded is so diseased or disabled beyond recovery for any useful purpose at the time it is impounded in the judgment of a licensed veterinarian, it shall be euthanized as quickly as practical.

# Animal Identification.

## The animal control officer shall have the authority to permanently mark or identify any animal that is or has been in the officer's custody, including identification or marking by means of the implantation of an electronic device, such as a microchip.

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

## Refusal to submit a vicious animal for permanent identification or marking pursuant to this ordinance is a separate violation thereof.

## The animal control officer's cost of permanently marking or identifying an animal shall be borne by the owner thereof, and shall be paid upon redemption of the animal.

## It shall be a violation of this ordinance for any person other than the animal control officer to tamper with, efface, disable, or remove the officer's mark or other form of identification on a vicious animal.

# Refusal To Deliver Animals To Animal Control Officer.

It shall be unlawful for any person to refuse to deliver an animal to the director, when requested to do so under the provisions of this chapter.

# Removing Animals From Custody Of The Animal Control Officer.

It shall be unlawful for any person to remove from the custody of the officer, by force, deceit or otherwise, any animal which has been trapped, captured or impounded by the officer.

# Right Of Entry Of Animal Control Officer.

The animal control officer shall have the right of entry to any property or premises within the village for the purpose of determining if the provisions of this chapter are being violated.

# Vaccination Of Dogs, Cats - Generally.

## It shall be unlawful for any person to own, keep or harbor a dog or cat within the village, unless a rabies vaccination is secured from a practicing licensed veterinarian and the dog or cat bears a registered tag of current rabies vaccination.

## The rabies vaccination shall be valid for a period of three (3) year from the date of vaccination.

# Display Of Tag; Replacement Tag Or Certificate.

## Each dog or cat shall have attached, by means of a secure collar or harness, a current serially numbered, nontransferable rabies tag.

## If the tag becomes lost or destroyed, the owner shall be responsible for obtaining a replacement tag from the licensed veterinarian who issued the initial tag.

# Animal Bite Or Puncture Procedure.

## The owner of any dog or cat that is not vaccinated, which bites any person, or punctures the skin, shall be required to confine the animal under the supervision of a practicing licensed veterinarian, for a period of ten (10) days following the evening of the day of the bite, for clinical observation. All expenses thereof shall be borne by the owner of the animal.

## In the event the animal is vaccinated, the animal will be confined for a period of ten (10) days at home. If at the end of such ten-day period the animal is alive and healthy, it may be released to its owner; provided, that all other conditions of this chapter are fulfilled.

## If such animal develops symptoms of rabies, it shall be euthanized, or if death shall occur while such animal is confined, for any reason, the head of such animal shall be removed by the veterinarian and submitted to any qualified official laboratory.

# Suspected Rabid Animals.

## The owner of any animal exhibiting clinical symptoms of rabies shall be required to have the animal confined under the supervision of a practicing licensed veterinarian for a period of ten (10) days for clinical observation. All expenses under this procedure shall be borne by the owner of the animal.

## If the animal control officer has reason to believe that a rabid animal is running at large, the officer may, at her option, impound the animal, or, if the animal is an imminent threat to the public or to the officer's safety, destroy the animal by any humane means.

# Animals Exposed To Rabies.

## The owner of any animal which has been exposed to rabies shall accept one (1) of the following alternatives:

### If vaccination is not current, the animal shall be confined six (6) months and vaccinated one (1) month before release;

### If the animal has a current vaccination by a licensed veterinarian, the animal shall be revaccinated immediately and confined at home for forty-five (45) days;

### Immediate euthanasia.

# Quarantine.

Whenever the board shall deem it necessary because of the prevalence of rabies among the animal population of the village, county or state, strict quarantine may be placed on all animals in the village. Upon such proclamation by the board, all animals shall be confined on the owner's premises. Any animal found otherwise shall be impounded or destroyed by the Village.

# Enforcement; Search And Seizure.

## The animal control officer shall have the authority to seek and execute search and seizure warrants in the enforcement of this ordinance.

## In connection with any judgment of conviction under this ordinance, the court may order, in addition to any lawful penalties, that the animal control officer seize and impound the animal(s) and offer said animals for adoption, as provided herein. No person whose animal is seized under this section shall have the right to redeem the animal. Nothing contained in this section shall be construed to limit or restrict the animal control officer's rights to seize, impound, mark, release or destroy an animal as otherwise provided in this ordinance.

# Penalty.

Any person violating the provisions of this chapter, upon conviction shall be fined not less than twenty-five dollars ($25.00) or more than five hundred dollars ($500.00), or shall be sentenced to a term of imprisonment of not more than three (3) months in jail, or shall be both fined and sentenced. Each day that the condition exists in violation of these provisions constitutes a separate offense.

# Animal Neglect.

## A person commits the offense of animal neglect if he or she:

### Has custody or ownership of an animal and fails to provide adequate care; or

### Knowingly abandons an animal in any place without making provisions for its adequate care.

## All fines and penalties for a first finding of guilt under this Section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo., or Chapter 272, RSMo.

## In addition to any other penalty imposed by this Section 578.009, RSMo., the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:

### The care and maintenance of neglected animals within the person's custody or ownership;

### The disposal of any dead or diseased animals within the person's custody or ownership;

### The reduction of resulting organic debris affecting the immediate area of the neglect; and

### The avoidance or minimization of any public health risks created by the neglect of the animals. (RSMo. §578.009, 2013, 2014 effective 1-1-2017)

# Animal Trespass.

## A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve (12) hours.

## For a first conviction of animal trespass, each offense shall be punishable by a fine not to exceed two hundred dollars ($200.00).

## The second and all subsequent convictions shall be punishable by imprisonment or a fine not to exceed five hundred dollars ($500.00), or both such fine and imprisonment.

## All fines for a first conviction of animal trespass may be waived by the court provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This Section shall not apply to the provisions of Section 578.007 or Sections 272.010 to 272.370, RSMo. (RSMo. §578.011, 2013)

# Animal Abuse.

## A person commits the offense of animal abuse if he or she:

### Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;

### Purposely or intentionally causes injury or suffering to an animal; or

### Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal. (RSMo. §578.012, 2013, 2014 effective 1-1-2017)

# Knowingly Releasing An Animal.

## A person commits the offense of knowingly releasing an animal if he or she, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

## As used in this Section, "animal" means every living creature, domesticated or wild, but not including Homo sapiens.

## The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties. (RSMo. §578.029, 2014 effective 1-1-2017)

# Animal Waste Prohibited On Public And Private Property — Exception.

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes including, but not limited to, streets, sidewalks, parking lots, public parks or recreation areas and private property. The provisions of this Section shall not apply to a guide dog accompanying any blind person.

# Quarantine Order To Be Issued By Board — To Be Published And Posted.

Whenever rabies becomes prevalent in the Village, the Board shall, according to the necessity of the case, issue a quarantine order, requiring every owner or person in charge of any dog or dogs within the limits of the Village, to either kill or impound his/her dog or dogs, or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the Village; and in the absence of such paper, shall be posted as in case of sales of personal property. The Board is authorized by proclamation, to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists. (RSMo. §322.040)

# Keeping A Dangerous Wild Animal.

A person commits the offense of keeping a dangerous wild animal if he or she keeps any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, nonhuman primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge. (RSMo. §578.023, 2014 effective 1-1-2017, revised by codifier)

# This ordinance shall be in full force and effect upon passage and approval.

**FIRST READING HELD: March 30, 2021**

**SECOND READING HELD AND FINAL PASSAGE ON THE \_\_\_\_ DAY OF \_\_\_\_\_\_, 2021 BY THE FOLLOWING VOTE:**

 AYE NAY

Adam Brown \_\_\_\_\_\_ \_\_\_\_

Paula Hinshaw \_\_\_\_\_\_ \_\_\_\_

Heather Hunger \_\_\_\_\_\_ \_\_\_\_\_

Travis LePage \_\_\_\_\_\_ \_\_\_\_\_

Debra Baker \_\_\_\_\_\_ \_\_\_\_\_