

BILL NO. 11-15-06-01

ORDINANCE NO. 857

AN ORDINANCE REGULATING THE OWNERSHIP, POSSESSION AND TREATMENT OF ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF TRACY, MISSOURI, REQUIRING THE LICENSING OF DOGS, ESTABLISHING A FEE THEREFOR AND PROHIBITING CERTAIN ACTS AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ORDINANCE NUMBER 501.

WHEREAS, the city of Tracy, Missouri, desires to regulate the ownership, possession and treatment of animals within the city limits in order to protect and promote the public health and safety and prevent the entrance of infectious, contagious, communicable or dangerous diseases into the city of Tracy, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TRACY, MISSOURI, AS FOLLOWS:

SECTION 1. Definitions. As used in this ordinance, the following words shall have the following meanings:

(a) "Owner" means any person, firm or corporation owning, harboring or keeping a dog.

(b) "At large" means off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash or otherwise.

(c) "Sterilization", means the surgical removal of the reproductive organs of a dog in order to render the animal unable to reproduce, or the use of an approved serum which will permanently render the animal unable to reproduce.

SECTION 2. Restrictions of animals.

(a) Barking and Howling Dogs. No person shall keep or harbor a dog that habitually barks, howls or cries, disturbing the peace and tranquility of others.

(b) Putting in Fear. No person shall own, keep or harbor any dog or other animal that is not securely restrained, which by attempting to bite, jump upon, charge toward, or otherwise threaten any other person shall cause such person to have a reasonable fear of immediate serious physical injury.

(c) Dogs Running-at-large, prohibited. No dog shall be permitted to run-at-large within the limits of the city of Tracy, Missouri. This restriction shall not prohibit the appearance of any dog upon streets or public property when such dog is on a leash and is kept under the control of the accompanying person.

(d) Damage to Property. No person shall permit any animal under his control to damage any lawn, garden or other property. An owner or person having custody of an

animal, when such animal is off the property controlled by the owner shall be responsible for the removal of any excreta deposited by such animal on public property, public walks, public streets, public parks, rights-of-way and on private property.

(e) Limitations on Number of Dogs and Cats. No residential unit within the city limits of Tracy, Missouri shall be allowed more than two (2) dogs and two (2) cats, except that puppies or kittens may remain with their mothers until they reach the age of twelve (12) weeks.

SECTION 3. License required. No person shall keep any dog over six months of age within the city of Tracy, Missouri without securing a dog license from the city clerk, who shall keep a record of all licenses issued and shall issue a metal tag for each license.

(a) Rabies Vaccine Required. Every application for a license shall be accompanied by a certificate from a qualified, licensed veterinarian showing that the dog to be licensed has been given a vaccination against rabies, and that such vaccination is current. If the original rabies certificate expires, a current rabies certificate shall be provided by the dog owner upon renewal of dog license.

(b) Photo Required. When licensing a dog for the first time, the owner shall provide the city a recent color photo, at least two inches by four inches, of the dog.

(c) Annual License Fees. The annual license fee shall be \$5.00 for each sterilized dog, and \$7.50 for each dog that has not been sterilized. When licensing a sterilized dog for the first time, the owner shall provide a certificate from a qualified, licensed veterinarian showing that the dog to be licensed has been sterilized. A copy of the certificate shall be retained by the city. Licenses shall expire on the 31st day of December next following their issuance.

(d) Date of payment. It shall be the duty of each owner of a dog to pay the license fee imposed in Paragraph (c) to the city clerk on or before the first day of January in each year, or within thirty (30) days of acquiring ownership or possession of any unlicensed dog or within thirty (30) days establishing residence in the city. The clerk shall cause a notice of the necessity of paying such license fee to be printed in the newsletter or on the water bill one time before the 31st day of December of each year. License fees are due January 1 annually and delinquent January 31. Licenses renewed after January 31, or applied for more than thirty (30) days after acquiring the dog or becoming a resident of the city shall be assessed a late fee of \$2.00 per month until paid. Provided however, late fees in excess of \$24.00 shall not be imposed for a single license.

(e) Receipts and tags. Upon the payment of the license fee, the clerk shall execute a receipt in duplicate. She shall deliver the original receipt to the person who pays the fee, retaining the duplicate. She also shall procure a sufficient number of suitable metallic tags, and she shall deliver one appropriate tag to the owner when the fee is paid.

(f) Affixing tags. The owner shall cause the tag to be affixed by a permanent metal fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen by the officers of the city. The owner shall see that the tag is constantly worn by such dog.

(g) Duplicate tags. In case any dog tag is lost, a duplicate may be issued by the clerk upon presentation of a receipt showing the payment of the license fee for the current year. A charge of \$1.00 shall be made for each such duplicate tag.

(h) Tags not transferable. Dog tags are not transferable and no refunds shall be made on any dog license fee because of leaving the city or death of the dog before the expiration of the license period.

SECTION 4. Offenses involving tags. It is unlawful to counterfeit or attempt to counterfeit the tags provided for in Section 3 of this ordinance or take from any dog a tag legally placed upon it by its owner with the intent to place it upon another dog, or to place such tag upon another dog.

SECTION 5. Impounding. The humane officer or any police officer of the city shall impound any dog found unlicensed or running-at-large and shall give notice of the impounding to the owner of such dog if known. If the owner is unknown, such officer shall post written notice at the animal shelter and at the Tracy City Hall that if the dog is not claimed within seven (7) days of the posting of the notice, it will be sold or killed. The humane officer shall also impound any dog that bites any person if the dog is not current in its rabies vaccination, as proven by a certificate from a licensed veterinarian. A current city license shall be considered valid proof of current rabies vaccination.

(a) Impounding Fees. Dogs impounded shall be housed and fed, in a humane manner, at the city animal shelter. A reasonable impounding fee may be charged by the animal shelter for any dog held at the animal shelter.

(b) Redemption. Except as provided in Paragraph (e) below, any dog may be redeemed from impound by the owner within the time stated in the notice by the payment to the clerk of the license fee for the current year, if unlicensed, with an impounding fee assessed by the shelter for each day the dog is confined in the animal shelter.

(c) Release. Upon the presentation of a correct license tag and a receipt for a dog license for the current year and for the impounding fees provided in this section, the humane officer shall release to any owner the dog claimed by him.

(d) Disposition of unclaimed dogs. Any dog that is not claimed as provided in this section, within seven (7) days after impounding may be sold for not less than the impounding fees to anyone desiring to purchase the dog. All sums received above the impounding fee shall be held by the clerk for the benefit of the owner and, if not claimed in one year, such funds shall be placed in the general fund of the city. Any

dog not claimed by the owner or sold shall be painlessly killed and buried by the animal shelter.

(e) Unvaccinated dogs that bite. Unvaccinated dogs that bite any person will be impounded and held in the animal shelter for fourteen days to rule out rabies. The owner shall be responsible for the cost to the animal shelter for such confinement. Any animal determined to have rabies shall be humanely destroyed by the shelter. The dog owner shall be responsible for the cost of destruction and disposal of the carcass.

(f) Destruction of Dog. If the humane officer or police officer cannot safely take up or impound an animal because it is dangerous, fierce or of vicious disposition, the humane officer or police officer will destroy the animal. If the animal has bitten any person, the carcass or head will be delivered to a licensed veterinarian for rabies examination.

SECTION 6. Establishment of animal shelter. The McCrea Veterinary Establishment is designated as the Tracy animal shelter for the purpose of placing this ordinance in effect. If the McCrea Veterinary Establishment is not available to serve as animal shelter, then the Jackson Animal Clinic shall be designated the alternative Tracy animal shelter. The chief of police shall be humane officer and shall have authority to impound dogs at the Tracy animal shelter, in the manner and for the reasons prescribed in this ordinance. The animal shelter shall present a proper claim to the board of aldermen monthly for the necessary expenses of impounding and sheltering animals, which claim shall be audited by the clerk and, if allowed by the board of aldermen, paid by the treasurer.

SECTION 7. Interference with officers. It is unlawful for any unauthorized person to break open the animal shelter or to attempt to do so, or to take or let out any dogs from the shelter, or to take or attempt to take from any officer any dog taken up by him in compliance with this ordinance or in any manner to interfere with or hinder such officer in the discharge of his duties under this ordinance.

SECTION 8. Kennels. No person, firm or corporation shall maintain in Tracy, Missouri a kennel where dogs or cats are kept for sale, or where more than two (2) dogs and two (2) cats are kept, without securing a license therefore from the city clerk. The license fee shall be \$15.00 per year. This fee shall be in addition to the license fee prescribed in preceding sections for each dog kept in such kennel. Kennels shall only be permitted in areas authorized by the zoning code of the City of Tracy, and shall comply in all respects with the zoning code.

SECTION 9. Cruelty to Animals. No person shall do any of the following acts pertaining to animals and fowl:

(a) Cruelty to animals. Overwork, torture, cruelly beat, mutilate or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal or cause any of these acts to be done.

(b) Food and Shelter. Fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done.

(c) Abandonment. Abandon any animal, or cause such act to be done.

(d) Fight upon exhibition. Maintain any place where fowl or any animals, including dogs, are suffered to fight upon exhibition, or sport upon any wager.

(e) Poisoning dogs or cats. Poison any dog or cat or distribute poison in any manner whatsoever with the intent of poisoning any dog or cat.

(f) Killing birds. Frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any robin, lark, whippoorwill, finch, thrush, wren, martin, swallow, snowbird, bobolink, red-winged blackbird, oriole, kingbird, mockingbird or other songbird or insectivorous bird; or in any manner molest or injure the nest eggs, young or body of such bird.

SECTION 10. Exotic Animals Prohibited. No person may keep 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 feet long, in any place within the city of Tracy other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge.

SECTION 11. Penalty. Any person violating this ordinance is guilty of an ordinance violation and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail, or a duly authorized alternative jail, for not more than ninety days, or by both such fine and imprisonment. The Judge shall have the authority to suspend imposition of sentence or to suspend execution of sentence and place the person found guilty of violation of this ordinance on probation for a period not to exceed two (2) years, which probation shall be subject to such terms and conditions as the Court deems advisable, as authorized by Section 479.190 RSMo.

SECTION 12. Repeal. Ordinance Number 501, passed September 15, 1992 is hereby repealed.

SECTION 13. Effective date. This ordinance shall be in full force and effect from and after its passage and publication according to law.

SECTION 14. Validity of Ordinance. If any section, paragraph, subdivision, clause, phrase, or provisions of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof.

This ordinance having been read in full or by title two times prior to passage is hereby duly enacted this 20th day of December 2006.

Brenda J. Ferguson
Mayor

ATTEST: Laurel Anne Molder
Clerk

APPROVED THIS 20th DAY OF December, 2006.

Brenda J. Ferguson
Mayor

ATTEST: Laurel Anne Molder
Clerk