

BILL 04 - 07
ORDINANCE NO. 872

AN ORDINANCE ESTABLISHING RULES FOR THE KEEPING OF AN ANIMAL IN THE LIMITS OF THE CITY OF ADRIAN, BATES COUNTY, MISSOURI.

BE IT ORDAINED by the Board of Aldermen of the City of Adrian Missouri, as follows:

Section 1. Definitions.

The following words, terms and phrases when used in this Chapter shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) *Abandon* means, 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 12 hours without providing for adequate food, water and shelter for the duration of the absence; or turns out or releases an animal; or dumps or releases an animal from a vehicle

(B) *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 a specific species of animal.

(C) *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.

(D) *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 in sufficient amounts to maintain good health in the animal.

(E) *Adequate shelter* means a structurally sound, properly ventilated, 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 condition of the shelter should be such as to not exacerbate existing weather conditions, e.g., a metal doghouse in the hot sun.

(F) *Animal* means any live, vertebrate creature, domestic or wild, other than humans.

(G) *Animal control officer* means the Animal Control Officer duly appointed by the Mayor to perform the duties of the Animal Control Officer as set forth in this ordinance, and staff assigned to work under the direct control of the Animal Control Officer, who may act through staff to perform any duty under this ordinance unless otherwise specifically stated.

(H) *Animal shelter* means the Sage Animal Health Clinic in Butler or such other facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law.

(I) *Control* means to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

(J) *Dangerous Dog or Vicious Dog* means:

(1) 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

(2) Any dog, which because of its size, physical nature or vicious propensity, is capable of inflicting serious physical harm or death to humans or other domestic animals and which would constitute a danger to human life, other domestic animals or property if it were not kept in the manner required by this ordinance; or

(3) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(4) Any dog which has bitten two or more persons within the prior twelve (12) months; or

(5) Any dog owned or harbored primarily or in part for the purposes of dog fighting, or any dog trained for dog fighting; or

(6) Any dog owned or harbored primarily or in part for the purpose of a guard dog, or any dog trained for guard dog purposes; or

(7) Any dog determined at a municipal court proceeding to be a vicious dog pursuant to this section.

(K) *Disposed of in a humane manner* means in a manner approved by the State of Missouri-Division of Animal Health.

(L) *Harboring* means any person who offers asylum, refuge or sanctuary to any animal on a basis so temporary as to not be deemed to be owning or keeping shall be deemed to be harboring; the parent or guardian of a minor child is responsible for any actions of any animal harbored by the minor child.

(M) *Incident* means any event where an animal inflicts a bite wound or abrasion exposing an individual or other animal to the possibility of rabies or other zoonotic disease.

(N) *Individual* means one adult and competent human.

(O) *Owning and keeping* means any person who feeds or shelters any animal for three or more consecutive days or who professes ownership of such animal shall be deemed to be owning or keeping; the parent or guardian of a minor child is responsible for any actions of any animal owned by, or kept by the minor child.

(P) *Public nuisance* means:

(1) Any animal (or group of animals which contains any animal) which:

- a. Molests any passerby or chases passing vehicles, including bicycles.
- b. Attacks any other animal.
- c. Is in heat and not properly confined as provided in section 23.
- d. Is running-at-large in violation of section 3.

- e. Damages public or private property.
- f. Barks, whines, howls, meows or creates any other disturbance which is continuous or untimely so as to disturb an individual who is a neighbor and who does in a signed writing state that he will so testify if called upon to testify about such matter under oath. For purposes of this subsection, a neighbor is defined as an individual residing in a residence structure which is within 100 yards of the property on which the animal is kept or harbored.
- g. Is ridden on public property without a permit or which obstructs or interferes with vehicular or pedestrian traffic.
- h. Causes injury to a person.
- i. Threatens or causes a condition which endangers public health or safety.
- j. Impedes refuse collection by ripping any bag or tipping any container of refuse.

(2) Any animal which defecates on public or private property other than that of the owner, keeper or harborer.

(Q) *Run-at-large* means off the premises of the owner, and not under the control of the keeper, owner, harbinger, or member of the household of the keeper, owner, or harbinger; any dog on any street, alley or any other public place in the City of Adrian which when not attached to a leash, the other end of which is securely held, or which is not so confined as to prevent its straying from the premises.

(R) *Sanitary* means clean and free from infectious or deleterious influences.

(S) *Unfit Owner* means any person by past violations and convictions that has been convicted of animal abuse or severe neglect, or has more than three other animal violations, within a five-year period.

Section 2. Vaccination. All animals (including but not limited to dogs and cats) over six months of age within the City of Adrian, Missouri shall be vaccinated against rabies by a veterinarian licensed to practice in the state of Missouri.

Section 3. Dogs Running-at-Large. No dogs shall run at large in the City of Adrian. Any person or persons owning, possessing, harboring, or having the management or care, in whole or in part, of any dog shall be held liable for such dog running-at-large. For the purposes of this Ordinance, every dog when on any street, alley or any other public place in the City of Adrian which when not attached to a leash, the other end of which is securely held, or when on private property within said City, which is either not attached to a leash, the other end of which is securely held, or which is not so confined as to prevent its straying from the premises, shall be deemed running-at-large.

Section 4. Rabies Control. Every person violating any subsection hereof shall be subject to the general penalty provision of this Ordinance. The procedure for animal bites shall be as follows:

(A) Any animal that shall bite any person causing an abrasion of the skin shall be immediately confined for a period of fourteen (14) days. It shall be the duty of any person owning, harboring, or permitting any animal to be about his premises to notify the Animal Control Officer or the City Police immediately upon knowledge or notice that such animal has bitten any person and if such animal has been or will be delivered to a veterinarian.

(B) All animals subject to confinement will as quickly as practicable be transported by the

owner or if the owner is unavailable or unwilling, by the Animal Control Officer, to a licensed veterinarian for examination.

(C) If upon examination, an animal that has committed its first offense under this section, is free of apparent signs of central nervous system disease, and has received rabies vaccination more than thirty (30) days prior to the bite and not more remotely than one (1) year, the owner with facilities to and who will assure the Animal Control Officer of his commitment to do so, will be permitted to confine the animal for fourteen (14) days conditioned upon his undertaking to have the animal examined by a licensed veterinarian on the fourteenth (14th) day with reports of the examination to be made expeditiously to the Animal Control Officer. If in home confinement and the animal is not maintained in confinement, it will be picked up by the Animal Control Officer and confined in the facilities of a licensed veterinarian.

(D) In all cases other than those described in subsection (C) above, the animal will be confined in the facilities of the licensed veterinarian.

(E) An inspection or confinement charges of the veterinarian will be paid by the person owning or harboring the animal.

(F) It shall be unlawful for any person with notice or knowledge, that an animal owned, harbored, or permitted to remain about his premises, has bitten any person, to dispose of such animal in any manner.

(G) The Animal Control Officer or a veterinarian or owner shall notify the City Police Department immediately of the death of any animal while under his/her observation or care. All animals which have bitten any person shall be secured in such manner as to prevent their biting other animals while such animal remains in the animal shelter or in the care of a veterinarian.

(H) If any dangerous, or vicious animal believed to be involved in an incident under this section, cannot be safely taken up or impounded, such animal may be slain by any Police officer or animal control officer if such is the officer's belief. In all cases where the animal has bitten a person or caused an abrasion of the skin is slain by any Police officer or animal control officer, whether by order of court or otherwise, and a period of less than fifteen (15) days has elapsed since the day upon which such animal bit any person or caused an abrasion of the skin of any person, it shall be the duty of any person slaying such animal to deliver or cause to be delivered all the remains of such animal to the Animal Control Officer who is hereby empowered to order whatever laboratory examination of the animal or the animal's tissues is required by prudent medical practice, and no liability for damages shall arise from any injury to or the death or the death of the animal occasioned by such laboratory examination.

(I) During a period of rabies quarantine, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under thirty (30) days' quarantine by the owner in the same manner as other animals are quarantined.

(J) Any animal believed to be involved in an incident under this section and is so impounded shall be disposed of in a humane manner following rabies quarantine. The Municipal Court is hereby authorized and directed upon application by the owner, keeper, or harbinger, of any such pet to order the animal not destroyed, pending hearing, and to hold a hearing to make inquiry and a determination whether the pet constitutes a real and present danger to citizens of this City and is hereby authorized to refuse to release the animal from impoundment, upon appropriate

conditions to protect the citizenry of this community, or to release the animal from impoundment upon appropriate conditions to protect the citizenry of this community, or to release the animal from impoundment upon the owners agreement forthwith to remove and keep the pet outside the corporate limits of the City of Adrian. In the event the destruction of the pet is not ordered, the costs of impoundment and inquiry will be assessed and paid by the owner, keeper, or harbinger of the pet.

Section 5. Excessive noise. No person shall own or keep any animal which by making excessive noise disturbs a neighbor. The following definitions and conditions shall be specifically applicable to enforcement of the prohibition set out in this section:

(A) The phrase "excessive noise" shall mean and include any noise produced by an animal which is so loud and continuous or untimely as to disturb a neighbor.

(B) The term "continuous" shall mean at least one (1) disturbance every fifteen (15) minutes for a minimum of two (2) hours.

(C) The term "neighbor" shall mean an individual residing in a residence structure which is within 100 yards of the property on which the animal is kept or harbored and who does in writing state that he will testify under oath to the animal making excessive noise.

(D) If a general ordinance summons is issued charging a violation of this section, a subpoena shall also be issued to the disturbed neighbor to testify in the matter.

Section 6. Unlawful Removal. It shall be unlawful for any person to remove from the custody of the Animal Control Officer by force, deceit, or otherwise, any animal which has been legally impounded by said officer prior to obtaining the permission of the Animal Control officer to remove such animal.

Section 7. Interference with Animal Control Officer. No person shall hinder, molest, or interfere with the Animal Control officer in the performance of his or her duties.

Section 8. Abandoned animals. It shall be unlawful for any owner or keeper to abandon any animal.

Section 9. Failure to provide adequate care, adequate food, adequate water, and adequate shelter. No owner or keeper of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, and adequate shelter. An owner must offer some freedom from continuous chaining, stabling and tethering. Any owner, keeper, or harbinger of an animal in this city, by the act of owning, keeping or harboring such animal, does thereby authorize the Animal Control Officer to enter the yard where such animal is kept if the Animal Control Officer reasonably believes that the animal is kept in an unlawful, negligent, cruel, abusive or inhumane manner, and to examine such animal and to seize and impound such animal at the animal shelter when, in the Animal Control Officer's opinion, it is being kept in an unlawful, negligent, cruel, abusive or inhumane manner.

Section 10. Limitation on number of animals. No person shall own, keep or harbor more than 4 dogs, 6 months of age or older, or more than 4 cats, 6 months of age or older, in the same residence or yard.

Section 11. **Animal Abuse.** A person commits the offense of animal abuse and will be charged with a misdemeanor when he:

(A) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this ordinance.

(B) Purposely, intentionally or recklessly causes injury, suffering or pain to an animal.

(C) Abandons an animal in any place without making provisions for its adequate care.

(D) Overworks or overloads an animal or drives or works an animal unfit to work; or

(E) Owning, keeping, or harboring an animal and willfully failing to provide adequate care, adequate food, adequate shelter, or adequate water.

Section 12. **Dangerous Dogs.**

(A) Other than when a commissioned officer is using a dog for law enforcement, no person shall own, keep, harbor, or allow to be upon any premises occupied by him or under his charge or control any dog of a dangerous or vicious disposition, as defined in section 1.

(B) It shall be unlawful for any person owning, keeping, or harboring any dog, to permit, suffer, or allow the dog to run at large, as defined in section 1, within the city. If the dog causes injury to a human by biting or scratching while running-at-large, the owner, keeper or harbinger shall upon conviction be punished pursuant to this section and section 31.

(C) Any dog which is in the custody of the Animal Control Officer, and which after a minimum of two (2) day impoundment, the Animal Control Officer believes the dog would constitute a menace to the health, safety, or welfare of the public if released from such custody, the dog may be disposed of in a humane manner by the Animal Control Officer.

(D) Any violation of this section shall be punishable pursuant to section 31, except that the minimum fine for violation of any provision of this section shall be \$200.00. Upon conviction of failure to comply with any provision of this section, in addition to the usual judgment on conviction, if it shall appear to the municipal judge that such dog is still living, he or she may order that such dog be disposed of in a humane manner, and direct the Animal Control Officer to enforce that order, and the police department shall assist as may be required by the Animal Control Officer.

Section 13. **Standards for keeping dangerous or vicious dogs.** Standards for keeping dangerous dogs that are presently residing within the city limits as of the date of adoption of this ordinance:

(A) Dangerous or vicious dogs must be registered with the city clerk by the owners.

(B) No person shall permit a vicious dog to go outside its enclosure or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its enclosure or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside the animal's enclosure or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting

persons or other animals.

(C) All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or enclosure, except when leashed and muzzled as provided above. Such pen, enclosure, or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. The structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(D) No vicious 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. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(E) All owners, keepers, or harborers of vicious dogs within the city shall display in a prominent place on their premises a sign which shall be at least two feet by three feet on which upper-case letters shall be at least two (2) inches high and lower-case letters shall be at least one (1) inch high, using the words either "Dangerous Dog" or "Vicious Dog," so as to warn the public of the nature of the dog therein confined.

(F) All owners, keepers, or harborers of vicious dogs must provide proof to the animal control officer of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or for damage to property owned by any person which may result from the ownership, keeping or harboring of such animal. 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 animal control officer. An effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner, keeper, or harborer at all times.

(G) All owners, keepers, or harborers of vicious dogs registered with the city must provide to the animal control officer two (2) color photographs (two (2) different poses) of the animal clearly showing the color and approximate size of the animal.

(H) All owners, keepers, or harborers of vicious dogs shall within (10) days of any of the following incidents, report the information in writing to the animal control officer:

- (1) The removal from the city or death of a vicious dog;
- (2) The birth of offspring of a vicious dog;
- (3) The new address of a vicious dog owner if the owner moves from one address within the city limits to another address within the city limits.

(I) It shall be unlawful for the owner, keeper, or harborer of a vicious dog registered with the city 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 shall be subject to immediate seizure and impoundment.

(J) Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment for a period not to exceed thirty (30) days. In addition, the court shall order any license of the vicious dog to be revoked and the dog removed from the city. If the defendant refuses to remove the dog from the city, the municipal court judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that violation of this section continues shall be deemed a separate offense. In addition, 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.

Section 14. Animals putting persons in fear or being maintained a public nuisance.

(A) No person shall own, keep or harbor any dog or other animal that is not securely confined, which by attempting to bite, jump upon, charge toward or otherwise threaten any other person shall cause such other person to have a reasonable fear of immediate serious physical injury. Any person cited pursuant to this subsection may state as a defense subject to proof that the threatening behavior of the animal was instigated or provoked by the complainant or that the fear expressed by the complainant was not a reasonable fear of immediate serious physical injury, and the court shall give any such defense such weight as the court in its judicial discretion finds to be appropriate in the circumstances of the case. Complaints under this subsection may only be lodged by an animal control officer.

(B) It shall be a violation to maintain any animal with the city as a public nuisance as such is defined by the common law of the state, the statutes of the state or the ordinances of this city.

(C) No person shall own, keep or harbor any dog or other animal in such manner as to hinder, obstruct or interfere with access to an outside utility meter, utility pole, or mailbox by any authorized employee of the utility or postal service. Any dog or other animal or so owned, kept or harbored as to hinder, obstruct or interfere with access to an outside utility meter, utility pole, or mailbox may be removed by the Animal Control Officer and taken to the animal shelter, where it will be treated as an impounded animal under this ordinance.

(D) It shall be the primary responsibility of the Animal Control Officer to provide services as enumerated in subsections (A) through (C) of this section; however, in cases of immediate danger of physical injury or death to any persons, the division may call upon police personnel to assist in the handling of situations arising under this section.

Section 15. Destruction of dangerous animals; impoundment or observation of animals in transit.

(A) If any dangerous, or vicious dog, cat, or other animal believed involved in an incident, as defined in Section 1, cannot be safely captured or prevented from escaping by usual means, such animal may be slain by a police officer or animal control officer if such is the officer's belief. In all cases where such animal may have exposed a person to rabies and is slain before the completion of the observation period stipulated for the species by the Animal Control Officer, it shall be the duty of any person slaying such animal to forthwith deliver or cause to be delivered all the remains of such animal to the Animal Control Officer. A departure from this procedure must be requested of and authorized by the Animal Control Officer.

(B) For the purpose of disease or injury control, the Animal Control Officer is hereby empowered to impound and observe pets in transit through the city at the request of any official animal control agency, health officer or law enforcement agency of another jurisdiction.

Section 16. Impoundment generally; violation notice in lieu of impoundment; redemption of impounded animals.

(A) Any unrestrained dog or any animal defined as a public nuisance by this ordinance may be taken by the police or the Animal Control Officer and impounded in the animal shelter and be there confined in a humane manner pending further action pursuant to this section or other law. If an owner or keeper is present, in lieu of impoundment a general ordinance summons may be issued to that person and such person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other section of this ordinance.

(B) Whenever any animal is confined by authority of this section, it shall be the duty of the Animal Control Officer to release the animal upon satisfactory proof that the party claiming the animal is entitled to possession thereof and upon payment to the city treasurer of all applicable fees prescribed by section 31 and the fee for any license that may be required by this section.

(C) In addition, if the animal control officer has evidence which indicates that a person has been convicted of animal abuse or severe neglect, or more than three other animal violations within a five-year period, the animal control officer may refuse to redeem a pet to such a person based on his or her being an unfit owner.

Section 17. Notice of Impoundment to Owner. After the impoundment of any animal where a general ordinance summons has not been issued to the owner or keeper, the Animal Control Officer shall promptly notify the owner of such animal of its impoundment if the owner can be determined and located by reasonable investigation; however, no liability shall attach to the city or to the Animal Control Officer or his staff for failure to give such notice. The owner of an impounded animal who does not redeem his animal may still be proceeded against for violation of any applicable section of this ordinance or any other applicable ordinance. The Animal Control Officer may, at his or her discretion and upon proof of vaccination:

(A) Upon the owner's first violation, the animal control officer may return the animal to the owner, if such owner is known, and issue a warning to the owner.

(B) Upon the owner's second violation, the animal control officer may return animal to owner and issue a citation to municipal court for violation of this section.

(C) Upon the owner's third violation, the animal control officer may remove the animal to the animal shelter and the owner of the animal will only be allowed to redeem the animal by paying for the costs of impoundment at City Hall during normal business hours. Receipt of payment for impoundment must be shown to the animal shelter or the animal control officer to redeem the owner's animal.

(D) If the owner of the animal to be impounded is not known, the animal will be taken to the animal shelter and may be redeemed only by the owner coming to the City Hall during normal business hours and paying for the cost of impoundment of said animal, and showing proof of vaccinations. If the animal has not been vaccinated, the animal shelter shall, at the expense of the

owner, vaccinate such animal or cause such animal to be vaccinated before the animal is released to its owner. Receipt of payment of impoundment must be shown at the animal shelter or the animal control officer to redeem the owner's animal.

Section 18. Disposition of Impounded Animals:

(A) Impounded dogs and other animals shall be kept for not less than five days and cats shall be kept for not less than five days except:

(1) When relinquished by an owner, keeper, or harborer, in which case the animal shall be held until the next calendar day before being placed up for adoption to the general public or making a disposition.

(2) When an animal arrives in the custody of the Animal Control Officer in so sick or injured a condition that, in the judgment of the Animal Control Officer or a licensed veterinarian, human compassion requires that the suffering be promptly ended. In such instance such time period shall not apply and the animal will be disposed of in a humane manner to prevent needless suffering.

(B) Whenever any dog, animal, or cat shall remain at the place of impoundment for a period longer than set forth in subsection (A), the dog, animal, or cat shall be placed up for adoption to the general public or disposed of in a humane manner by the Animal Control Officer. The time for holding provided in this subsection shall not include nonbusiness days or holidays.

Section 19. Fees for Impoundment. An impound fee as specified in section 32 shall be charged when any animal is picked up by the Animal Control Officer and transported to the city animal shelter. The fee for the care of any animal during the period of impoundment shall be at the rate specified in section 32; however, such fee shall be increased by the actual amount of any unusual expenses including the fee for providing a rabies vaccination, incurred in either the impoundment or the care of the animal. An owner or keeper must pay these fees in full to obtain custody of his animal.

Section 20. Duties of Animal Control Officer. It shall be the duty of the animal control officer to administer and enforce the provisions of this ordinance directly, or through staff assigned to be supervised by the Animal Control Officer, or through the police department. Duties also include but are not limited to:

(A) Respond to calls to investigate complaints of unlicensed, vicious, diseased, injured, stray or running-at-large animals;

(B) Investigate complaints or disputes concerning dogs barking, trespassing or otherwise creating a nuisance;

(C) Pick up and impound animals running-at-large or unwanted animals or animals which are reported rabid or to have bitten someone;

(D) Issue warnings and citations to animal owners, keepers, or harborers that are in violation of this ordinance.

Section 21. Duties of Police Department. It shall be the duty of the police department to enforce the provisions of this ordinance, and to assist the Animal Control Officer in enforcing the provisions of this ordinance.

Section 22. Records to be kept by Animal Control Officer. The Animal Control Officer shall keep a record in which he shall enter all his official transactions. Such record shall be open to the inspection of any person as authorized or limited by the state statutes, particularly RSMo ch. 610 and such other enactments as may be or become applicable.

Section 23. Entry on private property by animal control officers:

(A) In the interest of the public health, safety and the general welfare and to regulate or prohibit the keeping or running-at-large of any animal, any person keeping or harboring any animal in this city by so doing does thereby authorize the Animal Control Officer to enter without warrant upon private property he owns or controls where such animal is to be found, in plain sight, other than within any residence structure, for the purpose of enforcement of this ordinance and to seize such animal from such private property to abate ordinance violation.

(B) By the authority of this section, any animal that is deemed by the Animal Control Officer to be cruelly mistreated in violation of this ordinance, or suffering, may be seized from the property of its owner or keeper to abate the mistreatment of the suffering of that animal, and it may be confined at the animal shelter for disposition under the terms of this ordinance.

(C) Any animal that has possibly exposed a person to rabies through a bite wound or other tissue invasion and that is found on the property of the owner or keeper may be removed from that property by an animal control officer if such owner or keeper is not available, willing and able to surrender the animal for the observation required by section 4.

(D) Any female dog in season and not confined in a building or solid enclosure may be removed from the property of the owner or keeper to abate such nuisance.

(E) Any dog on the property of an owner or keeper that is running-at-large or that is not effectively physically restrained shall be deemed to be in violation of section 3 and may be removed from that property.

Section 24. Animals confined in motor vehicles. Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life as determined by the Animal Control Officer, such is a violation of this section. The Animal Control Officer is hereby authorized, with assistance from the police, which is hereby authorized, to enter such vehicle and rescue such animal and thereafter impound it in accordance with sections 16-19 of this ordinance. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded in accordance with sections 16-19 of this ordinance at the animal shelter.

Section 25. Licenses. It shall be the duty of every person owning, keeping or harboring in the city any dog or cat over the age of six (6) months to procure a license therefor from the City Clerk. The receipt issued for the license shall constitute a certificate of registry and evidence of licensure for the keeping of such dog or cat. No refund will be made for licenses for animals deceased or otherwise removed from the city during a period of licensure. Application for a dog license shall be made by the owner on a printed form provided by the City for that purpose, upon which he/she shall state his name and address, and the name, breed, color and sex of each dog or cat owned or kept by him/her. Licenses shall be issued for the calendar year beginning January 1 and shall be delinquent after March 1 after which the applicant shall be assessed a penalty of fifty-percent (50%) of the license fee if the dog was the age of six (6) months by March 1st. Each license shall

be valid for a period of one year.

Section 26. Proof of Immunization. Before the animal control officer issues any license for a dog or cat, the owner or keeper thereof shall file with the animal control officer a certificate from a licensed veterinarian showing that the dog or cat is properly immunized against rabies for at least the effective period of the license.

Section 27. License Fee. For the issuance of each dog or cat license required by this ordinance, the owner or keeper shall annually pay to the city \$5.00 for each spayed or neutered male or female, \$7.50 for each unneutered male, and \$10.00 for each unspayed female as license fees.

Section 28. Dog and Cat Tags. Upon payment of the license fee, the City Clerk, shall issue to the owner a metallic tag for each dog or cat so licensed. In case a dog or cat tag is lost or destroyed, a duplicate shall be issued by the City Clerk upon presentation of the certificate showing the license fee paid for the current year and the payment of \$1.00 for such duplicate.

Section 29. Wearing of license tag required for dogs and cats. No owner or keeper of any dog or cat shall allow or permit such dog or cat to be outside the residence of the owner or keeper, at any time other than when enclosed on all sides in a cage or covered run with a roof and bottom, without having attached it a collar about the neck of such animal or to a secure body harness the license tag provided for in section 25.

Section 30. Licensing records kept by Animal Control Officer. The animal control officer shall keep a record giving the name and address of the owner or keeper of each licensed dog or cat and the license number, together with a general description of the dog or cat.

Section 31. Penalties generally:

(A) Any person violating any section of this ordinance shall be deemed guilty of an ordinance violation, and upon conviction of any such violation shall, unless another specific penalty or penalty range be provided by another subsection of this section, be punished by a fine of not less than \$75.00 and not more than \$500.00, or by imprisonment for a term not to exceed 30 days, or by both such fine and imprisonment.

(B) Any person violating section 25 of this ordinance pertaining to license requirements for dogs and cats shall, upon conviction, and after the court, subsequent to such conviction, has examined any prior conviction to record to determine if the person has previously been convicted of the same offense within the previous three years, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section within the three-year period:

- (1) First offense: \$50.00
- (2) Second offense: \$100.00
- (3) Third offense: \$200.00
- (4) Fourth offense: \$300.00

(C) Any person violating section 12 pertaining to dangerous animals or section 11 pertaining to animal abuse shall, upon conviction, be punished by a fine of not less than \$200.00 and not more than \$500.00, or by imprisonment for a term not to exceed 30 days, or by both such fine and imprisonment.

(D) Each day's violation of, or failure, refusal, or neglect to comply with, any provision of this ordinance shall constitute a separate and distinct offense.

Section 32. Schedule of user fees:

(A) Impound fee: Redemption fee of \$20.00 plus an additional fee of \$5.00 for each twenty-four (24) hours or fraction thereof that the animal has been impounded.

(B) Rabies vaccination: The amount actually charged by the veterinarian for the vaccinations.

Section 33. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances, shall be declared invalid, such invalidity shall not affect any of the other sections, sentences provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 34. Repeal of Ordinance. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 35. This ordinance shall take effect and be enforced from and after its passage and approval.

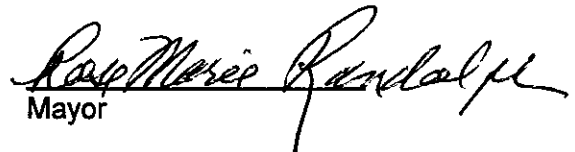
READ TWO TIMES AND PASSED THIS 21st day of June, 2004.


Mayor

ATTEST:


City Clerk

Approved this 21st day of June, 2004.


Mayor

ATTEST:


City Clerk