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2 **AN ORDINANCE AMENDING CHAPTER 14 OF THE BRANSON MUNICIPAL CODE**  
3 **PERTAINING TO ANIMALS, BY REPEALING SAID CHAPTER IN ITS ENTIRETY AND**  
4 **ENACTING A NEW CHAPTER IN LIEU THEREOF.**  
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6  
7 **WHEREAS**, the Police Department reviewed Chapter 14 pertaining to animals; and  
8

9 **WHEREAS**, the Police Department is recommending significant changes to align with industry best  
10 practice models and municipal standards relative to animal ordinances; and  
11

12 **WHEREAS**, the Board of Aldermen desires to codify an updated animal code for the public good.  
13

14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF**  
15 **BRANSON, MISSOURI, AS FOLLOWS:**  
16

17 Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions  
18 of this ordinance shall become and be made a part of the Branson Municipal Code, and the  
19 sections of this ordinance may be renumbered to accomplish such intention.  
20

21 Section 2: That Chapter 14 – *Animals* and Chapter 14 – *Animals* of Appendix A – *Fee Schedule* of  
22 the Branson Municipal Code are hereby repealed in there entirety and a new Chapter 14  
23 and Chapter 14 – *Animals* of Appendix A – *Fee Schedule* is enacted in its place to read as  
24 follows:  
25  
26

27 **ARTICLE 1. – IN GENERAL**  
28

29 **Sec. 14-1. - Definitions.**  
30

31 **The following words, terms, and phrases, when used in this chapter, shall have the meanings**  
32 **ascribed to them in this section, except where the context clearly indicates a different meaning. For**  
33 **general definitions of words not defined in this chapter and rules of construction applicable**  
34 **throughout this Code, see section 1-2.**  
35

36 **Abandon means any instance where the owner or keeper leaves an animal without demonstrated**  
37 **or apparent intent to recover or to resume custody; or leaves for more than 12 hours without**  
38 **providing for adequate food, water, and shelter for the duration of the absence; or turns out or**  
39 **releases an animal; or dumps or releases an animal from a vehicle.**  
40

41 **Adequate care means normal and prudent attention to the needs of the animal, including that**  
42 **care that is normally necessary to maintain good health in an animal considering its age and**  
43 **condition.**  
44

45 **Adequate food means wholesome foodstuffs suitable for the species provided at suitable intervals**  
46 **in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age**  
47 **and condition.**  
48

49 *Adequate shelter* means a structurally sound, properly ventilated, sanitary, and weatherproof  
50 shelter suitable for the species, condition, and age of the animal which provides access to shade from  
51 direct sunlight and regress from exposure to inclement weather conditions. The condition of the  
52 shelter should be such as to not exacerbate existing weather conditions.

53  
54 *Adequate water* means continual access to or access at suitable intervals to a supply of clean,  
55 fresh, potable water provided in a sanitary manner suitable for the species, condition, and age of the  
56 animal in sufficient amounts to maintain good health in the animal. Such water will be provided in a  
57 secure manner so that the container cannot be overturned.

58  
59 *Adopter* means any person who is legally competent to enter into a contract and who is adopting  
60 or buying any animal from a releasing agency.

61  
62 *Adoption facility* means any animal pound, impounding facility, shelter, humane organization,  
63 animal welfare society, society for the prevention of cruelty to animals, or animal control agency,  
64 whether public or private, and meets the requirements of the appropriate city and state agencies, not  
65 including an individual person who occasionally renders humane assistance or shelter in his home to  
66 any animal.

67  
68 *Animal* means any member of the kingdom Animalia, other than homo sapiens.

69  
70 *Animal adoption* means the transfer of custody or control of any animal, for a fee or not, from  
71 any person or, facility to another, and allows the adopter to take custody or control of any animal as  
72 his own property. Provisions shall be made for the sterilization of all animals sold, released for  
73 adoption, or purchased from any public or private shelter or animal adoption facility operated by a  
74 humane society, or other political subdivision.

75  
76 *Animal control* means any person employed by the city or employed by an agency contracted by  
77 the city, or who are qualified, trained and certified to perform such duties which are designated and  
78 adopted by the local jurisdiction for the enforcement of animal control. A police officer may perform  
79 these duties as required.

80  
81 *Animal owner* means any person having a right of property in an animal, or who keeps or  
82 harbors an animal, or who has it in his care or acts as its custodian, or who knowingly permits an  
83 animal to remain on any premises occupied by him or her.

84  
85 *Animal shelter* means any facility which is used to house or contain animals, which is owned,  
86 operated, or maintained by an incorporated humane society, animal welfare society, society for the  
87 prevention of cruelty to animals, municipal agency, or other not for profit organization devoted to  
88 the welfare, protection, and humane treatment of such animals, or a person whose primary purpose  
89 is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption.

90  
91 *Apiary* means the assembly of not more than five (5) hives or an equivalent capacity, may be  
92 maintained at a single location.

93  
94 *At large* shall mean to be freely roaming on the private property of another without the  
95 consent of the owner or person in control of the property or to be freely roaming on any public  
96 property, street, or highway without consent of the public entity in control of the property, street  
97 or highway.

98

99 *Auction* means any place or facility where animals are regularly bought, sold, or traded, except  
100 for those facilities otherwise defined in this chapter. This definition does not apply to individual  
101 sales of animals by owners.

102  
103 *Bite injury* means any contact between an animal’s mouth and teeth and the skin of a bite victim  
104 which causes visible trauma, such as a puncture wound, laceration, or other piercing of the skin.

105  
106 *Body harness* means a set of straps that extend around the chest and mid-section of the dog’s  
107 body, so as to not tighten around the dog’s neck when the dog pulls on the end of the tether.

108  
109 *Cat* shall mean *Felis catus*.

110  
111 *Chicken* shall mean *gallus gallus domesticus*.

112  
113 *Choke type collar* means a collar that reduces the circumference of the collar when an attached  
114 tether is pulled or extended and constricts or chokes.

115  
116 *Circus* means a commercial variety show featuring animal acts for public entertainment.

117  
118 *Colony or hive* means an aggregate of bees consisting principally of workers, but having, when  
119 perfect, one queen and at times many drones, including brood, combs, honey and the receptacle  
120 inhabited by the bees.

121 *Commercial animal establishment* means any facility or place that is issued a permit, by its  
122 licensing authority to house and/or hold animals, exhibit animals, display animals, perform animal  
123 acts, shelter and/or harbor animals for commercial use, adoption, and/or sale of animals. The term  
124 “commercial animal establishment” includes, but is not limited to, dog pounds, animal control  
125 facilities, humane animal shelters, pet shops, grooming facilities, animal auctions, horse riding  
126 schools or stables, horse-drawn carriages, zoological parks, circuses, boarding or breeding kennels,  
127 and performing animal exhibitions. The term “commercial animal establishment” does not include  
128 an individual who occasionally renders humane assistance or shelter in his home to any animal or  
129 their privately owned pets.

130  
131 *Commercial animal permit* means the annual permit issued to any establishment when it becomes  
132 a commercial animal establishment by providing for animal occupancy or handling on its premises  
133 for a continuous period of time for an animal exhibition or various animal exhibits and said  
134 occupancy is in compliance with the licensing authority rules.

135  
136 *Community cat* is a member of the domestic species *Felis Catus* and shall mean a free-roaming  
137 cat who may be cared for by one of more residents of the immediate area who is/are known or  
138 unknown; a community cat may or may not be feral. Community cats are not wildlife.

139  
140 *Community cat caregiver* shall mean a person who, in accordance with and pursuant to a policy  
141 of Trap-Neuter-Return, provides care, including, food, shelter, or medical care to a community cat,  
142 while not being considered the owner, harbinger, controller, or keeper of a community cat.

143  
144 *Dangerous dog* means any dog that has caused a bite injury and is not a vicious dog.

145  
146 *Dog* means *Canis familiaris*.

147  
148 *Domesticated* means trained or adapted for use in a human environment.

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**Domestic animal means any animal of a tamed species commonly kept as pets and includes livestock. The term “domestic animal” does not include wild species regulated by the Missouri Department of Conservation or animals used for commercial purposes.**

**Ear tipping shall mean the removal of the distal one-quarter of a community cat’s ear. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Ear tips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.**

**Enclosure means a fenced or walled area having a fence or wall height of at least six (6) feet suitable to prevent the entry of young children and suitable to confine a dog.**

**Euthanize means to put to death in a humane manner.**

**Exhibited animal means any animal, as defined by the licensing authority or the promulgated regulations, that is exhibited, put on display, used as a spectacle, performing act, labored, or kept for any means other than personal pleasure as a pet.**

**Exotic animal means an animal of a non-domesticated species not commonly kept as a household pet or for food and fiber production. Those species of animals that are exotic to humans. Exotic animals may or may not be native to the area and may or may not be governed by existing wildlife regulations.**

**Feral animal means any domesticated animal that has returned to the wild or the descendants of such animal.**

**Fowl means Order Anseriformes, Order Galliformes, and other wild or domesticated Gallinaceous birds.**

**Guard dog means any dog not owned by a governmental unit which is used to guard public or private property.**

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

**Harbor means to feed or shelter an animal at the same location for three (3) or more consecutive days.**

**Honey bee means all life stages of the common domestic honey bee, Apis mellifera species.**

**Hybrid means an offspring of two animals of different breeds, species, or genera.**

**Impoundment means seizing and confining a dog or other animal by any police officer, animal control officer, or any other public officer under the provisions of this chapter.**

**Kennel or cattery means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and cats, or any premises having more than five dogs or cats over six months of age.**

199 Licensing authority means any and all federal government, state government, county  
200 government, and city government agencies that have regulating and licensing authority by  
201 promulgating any relative regulations, statutes, or guidelines, including, but not limited to, the  
202 U.S. Department of Agriculture, the Association of Zoos and Aquariums, the Missouri  
203 Department of Agriculture, the Missouri Department of Conservation, and all local  
204 municipalities.

205  
206 Livestock means cattle, oxen, sheep, horses, mules, donkeys, llamas, alpacas, goats, swine, and  
207 other domestic animals ordinarily raised or used on a farm and shall also include rabbits for meat  
208 production, bees, chickens, turkeys, fowl, poultry, ducks, geese, peacocks, and guineas. Falcons and  
209 other raptors are allowed if the property is issued a special animal permit annually.

210  
211 Migratory bird means ducks and geese, whether or not raised in captivity or which is a  
212 mutation or hybrid of such species.

213  
214 Miniature pig or Potbellied pig means any breed of small swine, bred to be domesticated pets  
215 and having a straight tail, potbelly, swayback, and black, white, or black and white coat that is kept  
216 as a pet that weighs no more than 125 pounds.

217  
218 Muzzle means a device constructed of strong, soft material or of metal, designed to fasten over  
219 the mouth of an animal that prevents the animal from biting any person or other animal and that  
220 does not interfere with its respiration.

221  
222 Non-choke type collar means a collar that does not constrict or choke when pulled or extended  
223 by an attached tether.

224  
225 Nuisance means any one of the following conditions:

- 226 (a) Any barn, animal pen, yard, or other places where an animal or fowl waste  
227 collects in any manner that is not clean and sanitary, or which creates odors  
228 offensive to a person of ordinary sensibilities that are allowed to escape the  
229 premises;  
230 (b) Any accumulation or deposit of foul, dirty, or polluted water, including stagnant  
231 water that does or could afford harborage for the breeding of mosquitos;  
232 (c) Any condition or substance that may generate, transmit or promote disease, or  
233 that may present a safety hazard to the general public.

234  
235 Performing animal exhibition means any spectacle, display, act, or event, other than circuses,  
236 in which performing animals are used or animals are displayed.

237  
238 Pet shop means any facility, whether operating separately or in connection with another  
239 business where animals are bought, sold, exchanged, or offered for retail sale to the general  
240 public.

241  
242 Public nuisance means for purpose of this chapter only any animal owner that allows an animal  
243 to unreasonably annoy humans, endanger the life or health of other animals or persons, or  
244 substantially interfere with the rights of citizens, other than their owner's to enjoyment of life or  
245 property. An animal owner convicted three or more times of violations of this Chapter within a  
246 two-year timeframe shall be deemed an irresponsible animal owner. This term shall include but is  
247 not limited to, any animal allowed to;

- 248 (a) Repeatedly be found at large;  
249 (b) Damage public or private property to anyone other than its owner.

- 250 (c) Molest, intimidate or chase pedestrians or passerby;  
251 (d) Chase vehicles;  
252 (e) Excessively disturb the peace;  
253 (f) Cause unsanitary conditions in enclosures or surroundings where the animal is  
254 kept or harbored;  
255 (g) Be offensive or dangerous to the public health, safety, or welfare by virtue of the  
256 number or types of animals maintained;  
257 (h) Attack other domestic animals or livestock;  
258 (i) Be found by animal control or their designee, after notice to its owner and  
259 hearing, to be a public nuisance animal by virtue of being a menace to the public  
260 health, welfare, and safety;  
261 (j) Not to be properly confined as provided in this article while in season (estrus);  
262 (k) Defecate on public or private property other than that of the owner, keeper, or  
263 harborer and the owner doesn't want to clean up after the animal.  
264

265 Potentially dangerous dog means a dog that while at large: (1) behaves in a manner that a  
266 reasonable person would believe poses a serious and unjustified imminent threat of serious physical  
267 injury or death to a person or domestic animal, or (2) causes injury to a domestic animal.  
268

269 Provocation means any action or activity, whether intentional or unintentional, which would be  
270 reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to  
271 that shown by the evidence.  
272

273 Releasing agency means any animal pound, shelter, humane organization, animal welfare  
274 society, society for the prevention of cruelty to animals, or animal control agency, whether public  
275 or private, that is regulated by a licensing authority, not including an individual person who  
276 occasionally renders humane assistance or shelter in his home to any animal.  
277

278 Restraint means any animal which is within a secure, fully enclosed or fenced area; under the  
279 hand-held leash not to exceed ten feet, at "heel" of a competent person; secured while in parked  
280 vehicles in public areas. Electronic animal perimeter fence systems may be considered as adequate  
281 restraint with the following conditions:  
282

- 283 (a) Perimeter or confinement areas must be signed in a conspicuous way so as to  
284 provide notice of confinement to pedestrians.  
285  
286 (b) Systems must be installed, operated, and maintained according to the  
287 manufacturer's instructions to include training requirements for the animal to  
288 be restrained.  
289  
290 (c) A minimum of ten-foot set back from any property line to the system perimeter  
291 must be kept.  
292  
293 (d) If the animal to be restrained demonstrates an ability and propensity to disobey  
294 the electronic perimeter fence system the system will not be considered adequate  
295 restraint.  
296  
297 (e) No above-ground electric fences are allowed except in A-Agriculture Zoning  
298 District.  
299

300 *Riding school or stable* means any place that has available for hire, boarding, and/or riding  
301 instruction any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or  
302 trains such animals, including a racetrack, trotting track, or rodeo.  
303

304 *Sanitary condition* means a condition of good order and cleanliness to minimize the possibility  
305 of disease transmission.  
306

307 *Serious physical injury* means disfigurement, protracted impairment of health, or impairment  
308 of the function of any bodily organ.  
309

310 *Service animal* means any dog or other animal that is individually trained to do work or  
311 perform tasks for the benefit of an individual with a disability, including a physical, sensory  
312 psychiatric, intellectual, or other mental disability that is recognized under Title II or Title III of  
313 the ADA.  
314

315 *Special animal permit* means a permit issued by animal control listing specific animals allowed  
316 in a zoning district or other designated areas.  
317

318 *Stray* means any domestic or feral animal that is wandering at large or is lost.  
319

320 *Temporary animal permit* means a public event (by itself or part of a larger event) which is  
321 sponsored by a bona fide nonprofit organization or a governmental organization, and is planned  
322 for a time of less than four days and includes animals in its event. Animals are either provided  
323 approved temporary housing at the event or are removed daily to their usual approved  
324 occupancy. The term "temporary animal adoption event" means adoption events by approved  
325 releasing agencies.  
326

327 *Tether* means a rope, chain, or cable that is attached to a dog's collar or body harness for the  
328 purpose of restraining the dog.  
329

330 *Trap-Neuter-Return* shall mean the process of humanely trapping, sterilizing, vaccinating for  
331 rabies, ear tipping, and returning community cats to their original location.  
332

333 *Veterinarian* means a state-licensed professional who practices veterinary medicine.  
334

335 *Veterinary facility* means any Missouri licensed and regulated veterinary established  
336 maintained and operated by a state-licensed veterinarian for the purpose of practicing veterinarian  
337 medicine.  
338

339 *Vicious dog* means a dog that without provocation or justification bites or attacks a person and  
340 causes serious physical injury or death or is declared a vicious dog under this chapter.  
341

342 *Zoological park* means any facility operated by a person, partnership, corporation, or  
343 government agency, other than a pet shop or kennel, displaying or exhibiting one or more species  
344 of nondomesticated animals, which is accredited by the U.S. Department of Agriculture or the  
345 Association of Zoos and Aquariums.  
346

347 *Wild animal* means any animal living in a natural, undomesticated state.  
348

349 Wildlife means any living thing and especially mammals, birds, and fishes that are neither  
350 human nor domesticated. These animals may be defined by the Missouri Code of State  
351 Regulations.

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353  
354 Wildlife sanctuary means a non-profit organization, that operates a place of refuge where  
355 abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced exotic animals are  
356 provided care for their lifetime or released back to their natural habitat and, with respect to any  
357 animal owned by the organization, does not:

358  
359 (1) Conduct any activity that is not inherent to the animal's nature;

360  
361 (2) Use the animal for any type of entertainment;

362  
363 (3) Sell, trade, or barter the animal or the animal's body parts; or

364  
365 (4) Breed the animal for any purpose.

366  
367 Secs. 14-2 – 14-8. –Reserved.

368  
369 ARTICLE II --- ANIMAL CONTROL

370  
371 DIVISION 1. --- DOMESTIC ANIMALS

372  
373 Sec. 14-09. – Purpose.

374  
375 The City has undertaken to establish this article to protect the public health and safety of its  
376 citizens and to promote the general welfare of the citizens and animals residing within the City.  
377 Animal ownership is encouraged and welcomed within this City; however, strong emphasis is  
378 placed on responsible and safe ownership of animals. Animal owners are encouraged to respect the  
379 rights of their fellow citizens and also those of their animals. Primary responsibility is placed upon  
380 animal owners to properly train and/or secure their animals so as to prevent them from causing  
381 injuries and/or creating nuisances.

382  
383 Sec. 14-10. – Contracted services.

384  
385 The City may contract with an agency or agencies for the enforcement of code, issuance of  
386 permits, collection of fees, the housing of animals, an inspection of facilities, veterinarian services,  
387 etc. as deemed necessary.

388  
389 Sec. 14-11. – Animals within residential zoning districts.

390  
391 (a) The following animals only are allowed within residential districts as defined in Sec. 94-32:

392 (1) Dogs (excluding all canine/wild animal hybrids)

393 (2) Cats (excluding all feline/wild animal hybrids, except savannah cats and  
394 servals)

395 (3) Ferrets

396 (4) Caged birds (i.e. psittacine birds, such as parrots, parakeets, cockatoos, as  
397 well as canaries, finches, pigeons, chickens, and doves)

398 (5) Chickens

- 399                   (6)     Pocket pets, including: ferrets, rats, guinea pigs, mice, gerbils, hamsters, and  
400                   sugar gliders;  
401                   (7)     Non-Venomous amphibians (i.e. iguanas, bearded dragons, and frogs)  
402                   (8)     Non-Venomous fish  
403                   (9)     Non-Venomous arachnids (i.e. spiders and crabs)  
404                   (10)    Non-Venomous insects  
405                   (11)    Non-Venomous reptiles (except all species of anacondas)  
406                   (12)    Miniature pig or Potbellied pig

407  
408     **(b) Exceptions. The current owners of prohibited animals will be allowed to remain in the**  
409     **residential districts upon applying for and being issued a one-time special animal permit.**  
410     **The special animal permit shall be issued within six months of this article becoming**  
411     **effective, each animal shall be specifically listed on the permit. No additional animals will be**  
412     **allowed in the residence after the six months and no new animals will be allowed to be**  
413     **brought into the residence.**

414  
415     **Sec. 14-12. – Limitation on the number of dogs, cats, and ferrets.**

416  
417     **(a) It shall be unlawful and a public nuisance for any person in charge of a lodging**  
418     **establishment or nightly rental to keep or allow to be kept more than three (3) dogs, three**  
419     **(3) cats, or three (3) ferrets, or any combination exceeding three (3) in number - over the**  
420     **age of 120 days in a guest room.**

421  
422     **(b) It shall be unlawful and a public nuisance for any person in charge of a residence to keep**  
423     **or allow to be kept more than six (6) dogs, or six (6) cats, or six (6) ferrets, or any**  
424     **combination of such animals exceeding six (6) in number, over the age of 120 days at such**  
425     **residence unless the residence or all of the dogs, cats, and ferrets are kept there are within**  
426     **one or more of the following exceptions:**

427  
428             **(1) The residence is licensed as a commercial animal establishment.**

429  
430             **(2) The residence is zoned agricultural but is not licensed as a commercial animal**  
431             **establishment, in which case the number of dogs, cats, and ferrets shall not exceed**  
432             **fifteen (15) over the age of 120 days.**

433  
434     **(c) It shall be unlawful and a public nuisance for any person to keep or allow to be kept more**  
435     **than six (6) ferrets unless the residence is licensed as a commercial animal establishment**  
436     **or the individual in charge of the residence has a current special animal permit, in which**  
437     **case the number of ferrets shall not exceed ten (10), unless otherwise granted an exception**  
438     **pursuant to such permit.**

439  
440     **(d) When animals in excess of the limit established in subsection (a) or (b) or (c) of this**  
441     **section are found at a residence, lodging establishment, or nightly rental all of the animals**  
442     **found at the residence may be removed by animal control to be handled in accordance**  
443     **with section 14-101, except that the person in charge, if present, may designate and retain**  
444     **animals to come into compliance.**

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446     **~~Sec. 14-13. – Harboring cats.~~**

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448     **~~———— No person shall feed or harbor stray or feral cats except in connection with an approved~~**  
449     **~~animal adoption facility.]~~**

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**Sec. 14-13 Management of Cat Population**

**The utilization of trap, spay or neuter, and return practices as a means of controlling the outdoor cat population; provided, that all efforts shall be made to adopt out a trapped, tamable kitten.**

**A. Permitted Acts. The following actions shall be permitted as part of the Trap-Neuter-Return.**

- 1. Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and ear tipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, were applicable.**
- 2. An ear tipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped ear tipped cat will be released on site unless veterinary care is required.**
- 3. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning ear tipped community cats to their original locations.**
- 4. A person who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.**
- 5. Trap-Neuter-Return shall be the preferred disposition for impounded community cats.**

**Sec. 14-14. – Cats outdoors to be sterilized.**

**Any cat allowed to be outdoors and unsupervised for any period of time shall be spayed or neutered unless a licensed veterinarian states, in writing, that an animal is unfit to undergo the required surgical procedure due to an extreme health condition. Proof of spay or neuter must be maintained by the owner and available for review by animal control upon their request.**

**Sec. 14-15. – Limitation on breeding dogs and cats in the city.**

**No person in residential districts shall allow the birthing of more than one litter of dogs or cats per household in the city in any 12-month period.**

**Sec. 14-16. – Dogs at large are prohibited.**

**It is unlawful for any person owning, controlling, harboring, possessing, or having the management of care of any dog to allow the dog to be at large without the owner or person in charge having direct physical control over the dog. Every dog, when on any street, alley, park, school ground, or other public places in the city, which is not attached to a leash, the other end of which is securely held by a person, or every dog, when on private property within the city, which is either not attached to a leash the other end of which is securely held by a person and the leash is of sufficient length and the conditions are such that the dog cannot leave the premises, or which is not so confined by a fence or other device so as to prevent its straying from the premises, shall be deemed running at large.**

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**(a) Exceptions:**

- (1) Where specifically authorized by the city, such as in a dog park;**
- (2) Where the dog is a certified law enforcement canine;**
- (3) When the owner of the dog is present and the dog is on the owner's private property;**
- (4) Where an owner or person having in his possession a dog allows the dog to be at large on a property that does not provide the animal with access to a sidewalk, street, or common areas of apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.**

**(b) Any dog at large without the owner or person in charge having direct physical control shall be impounded by an animal control officer. In the event that an animal control officer is not available or the adoption facility is closed, a dog at large may be transported to a safe place by any person. Any person who transports a dog shall immediately notify the police and deliver the animal to an animal control or adoption facility within 48 hours provided, it has not been claimed by the animal owner.**

**Sec. 14-17 – Nuisance animals.**

**No person shall own or keep, handle, carry, transport or otherwise maintain any animal or bird which persistently makes loud barking, yapping, howling, baying, whining, crowing, meowing, or any other noise utterances, or produces a foul order creating a nuisance to any person in the vicinity.**

**Sec. 14-18 – Unsanitary Animal Enclosure.**

**No person shall confine or keep within the city, any animal or fowl in any unclean or filthy pen, shed, or other enclosure so as to be harmful to the animal or a nuisance to the community, or emits a noxious odor disturbing the peace and comfort of any person in the vicinity.**

**Sec. 14-19 – Roadside sale of animals.**

**(a) It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meets, flea market, parking lot sale, or similar event.**

**(b) This section does not apply to:**

- (1) An agent of a business that is licensed by the Missouri Department of Agriculture to operate a pet store;**
- (2) A tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals; or**
- (3) Sale, trade, barter, lease, rent, giving away, or display of a live animal on the residential property of said animal's owner.**

**Sec. 14-20 – Keeping of Miniature pig or Potbellied pigs.**

**Any person who owns, keeps, or maintains on his owned or leased premises a miniature**

553 pig or potbellied pigs, within the corporate limits of the city, shall conform to the following  
554 regulations.

555  
556 (a) No person shall own, keep or harbor at any one time more than one (1) miniature pig  
557 on residential premises owned or controlled by him/her within the City.

558  
559 (b) No person shall cause or allow a miniature pig to become pregnant.

560  
561 (c) The owner of a miniature pig shall trim and maintain all tusks in such a manner  
562 that no tusk shall appear outside of the mouth of the miniature pig when the mouth is  
563 closed.

564  
565 (d) The owner of a miniature pig shall be required to have a current rabies vaccination  
566 even though a vaccine may not be specifically formulated for swine.

567  
568 (e) The owner of a miniature pig shall have their miniature pig microchipped and they  
569 shall submit proof of microchipping by a licensed veterinarian as well as  
570 documentation evidencing the content of the microchip, as part of the special animal  
571 permit application.

572  
573 (f) Every owner of a miniature pig shall apply for a special animal permit with Animal  
574 Control once the animal reaches four months of age. Such registration shall be  
575 renewed and updated annually. Registration shall not be transferable from one  
576 miniature pig to another.

577  
578 Sec. 14-21 – Keeping of Chickens.

579  
580 Any person who owns, keeps, or maintains on his owned or leased premises chickens,  
581 within the corporate limits of the city, shall conform with the following regulations.

582  
583 ~~[No person shall keep or permit the keeping of more than eight (8) chicken hens on~~  
584 ~~their residential premises.]~~

585  
586 (a) The wings of the chicken's flight feathers shall be trimmed to ensure that they do not  
587 escape their yard or enclosure.

588  
589 (b) The chickens shall have access to feed and clean water at all times. The feed and water  
590 shall be unavailable to rodents, wild birds, and predators.

591  
592 (c) Chicken roosters are not permitted.

593  
594 (d) It shall be unlawful to engage in chicken breeding, the sale of chicken meat or byproducts,  
595 or fertilizer production. Unless otherwise prohibited by state or federal law, the sale of  
596 eggs from these chickens shall be permitted under this section.

597  
598 (e) Slaughter may occur provided that it is conducted in a sanitary manner, does not generate  
599 noise that creates a nuisance, and is not visible from adjacent properties or any public  
600 area or right-of-way.

601  
602 (f) Chickens shall be kept in a secured enclosure or fenced area at all times. Chickens shall  
603 be secured within a henhouse, coop/roosts during non-daylight hours.

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**(g) Chickens must be maintained in pens, houses, or coops/roosts must be kept in a neat and sanitary condition at all times. At a minimum, four square feet per chicken enclosure space and ten square feet per chicken of outside run space shall be provided.**

**(h) The pens, houses, coop/roost shall be well ventilated and provide protection from the weather and predators. The coop/roost must be cleaned on a regular basis so as to prevent offensive odors, the attraction of flies or vermin or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life and property by members of the neighborhood or other persons.**

**(i) All pens, houses, and coops shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhoods. Shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to shut and locked at night. Openings, windows, and vents shall be covered with predator and bird proof wire of less than one-inch openings**

**(j) All pens, houses, and coops shall be located.**  
**(1) On the rear of the parcel or premises;**  
**(2) At least forty (40) feet from any front property line;**  
**(3) At least ten (10) feet from any side property line; and**  
**(4) At least twenty (20) feet from any side street property line.**

**(k) The person owning or controlling the residential premises shall provide for the storage or removal of droppings. Stored droppings to be used for composting shall be fully covered or placed in an enclosure. No more than three cubic feet of manure shall be stored. All droppings not used for composting or fertilizing shall be removed and properly disposed of.**

**(l) Odors from chickens, chicken manure, or other chicken-related substances shall not be detectable at the property boundaries.**

**(m) Owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by animal control.**

**Sec. 14-22 – Fowl running at large.**

**No person owning any chickens, guineas, geese, ducks, turkeys, or other domestic fowl shall allow or permit the fowl to run at larger except on premises owned or controlled by such person.**

644 **Sec. 14-23. - Migratory bird feeding.**

645  
646 **No person shall feed or cause to be fed any migratory birds in areas of public property**  
647 **designated as “no feeding zones” as designated by the city administrator upon recommendation by**  
648 **animal control. Designated “no feeding zones” shall be signed accordingly and the designated**  
649 **area(s) shall be on file with the city clerk.**

650  
651 **Sec. 14-24. - Keeping of livestock.**

652  
653 **Livestock shall only be kept, maintained, or housed within a property zoned in an**  
654 **Agriculture (A) District or in a commercial animal establishment.**

655  
656 **Sec. 14-25. – Livestock running at large.**

657  
658 **It shall be unlawful for any person to permit, suffer or allow any swine, horses, mules,**  
659 **donkey, sheep, goats, or cattle to run at large within the city, or to herd or pasture such animals**  
660 **in or upon any street, park or other public grounds of the city. No person shall keep any such**  
661 **animals, or herd such animals, on any unenclosed land within the city unless securely tied or**  
662 **tethered so that the animals may not freely run at large therefrom upon the public lands or the**  
663 **lands of others.**

664  
665 **Sec. 14-26. - Keeping of bees.**

666 **(a) No person shall keep or permit the keeping of bees except as permitted herein. It is unlawful for**  
667 **any person to own, harbor, or possess a beehive or bee colony unless the provisions of this section**  
668 **are complied with, and a special animal permit is obtained from animal control.**

669 **(b) It shall be unlawful for any person or entity to keep, harbor, or allow any colony or colonies of**  
670 **any species of bee other than a "honey bee" on land that is not zoned for agricultural uses by**  
671 **the city.**

672 **(c) Each person or entity owning, allowing, or harboring a colony or hive on his, hers, or its property**  
673 **over which it has control, possession or title, shall make available on the same property as where**  
674 **the hive or colony is located at all times and during all seasons a useable water source within 20**  
675 **feet of the colony or hive such that bees will be discouraged from congregating at swimming**  
676 **pools, fountains, pet watering bowls, birdbaths or other water sources where the bees may come**  
677 **in contact with humans, birds or domestic pets.**

678 **(d) Each person or entity owning, allowing, or harboring a colony or hive shall provide satisfactory**  
679 **proof to the city, upon request, that they have completed a beekeeping training course offered**  
680 **by a beekeeping association, vocational school, college, university, or university extension**  
681 **program, or other equivalent training.**

682  
683 **(e) Notwithstanding compliance with various requirements of this article or other codes of the city,**  
684 **it shall be unlawful for any person or entity to keep, harbor, or allow any colony or colonies in**  
685 **such a manner or of such disposition as to cause any unhealthy condition, interfere with the**  
686 **normal use and enjoyment of human or animal life or interfere with the normal use and**  
687 **enjoyment of any public property or private property of others.**

688  
689 **(f) All hives shall have written on them in legible printing the name, phone number, and address of**  
690 **the person or entity owning such hive.**

691

692 (g) It shall be the duty of the person or entity on whose property the beehive or colony is physically  
693 located to remove said hive or colony any time the bees within same shall exhibit a propensity to  
694 sting without provocation any person, animal or bird; or the hive or colony is not maintained in  
695 compliance with this chapter or other city code.  
696

697 Sec. 14-27. – Animal at Large.  
698

699 No person owning any animal not otherwise listed shall allow or permit the animal to run  
700 at large, except on premises owned or controlled by such person.  
701

702 Sec. 14-28. – Prizes  
703

704 No person shall give or transfer a live animal as a prize ~~[, gift,]~~ or promotional incentive.  
705

706 Sec. 14-29. – Fighting animals; attending exhibitions unlawful.  
707

708 (a) No person shall cause, instigate or permit any dogfight, cockfight, or other combat between  
709 animals or between animals and humans; and any animal so used shall be seized, impounded,  
710 and assessed by a veterinary or certified animal behavioral specialist to determine if they can  
711 be humanely destroyed or adopted. In addition, no person shall place or attempt to place an  
712 animal in an enclosure or in any other place for the purpose to house or prepare for fighting or  
713 combat.  
714

715 (b) No person shall attend such an unlawful exhibition or be an umpire, judge, or spectator at  
716 such an exhibition.  
717

718 Sec. 14-30. - Authority of animal control officer or police officer to destroy certain animals.  
719

720 If in the course of the animal control officer or police officer’s normal duties they  
721 encounter an animal that in their professional opinion is rabid, seriously injured or cannot be safely  
722 captured and impounded then it shall be the duty of the officer to humanely destroy the animal,  
723 after reasonable attempts to locate and contact the animal’s owner has been made.  
724

725 Sec. 14-31. –Right of entry.  
726

727 Any animal control or any duly authorized law enforcement official, ~~[may,]~~ for the  
728 purposes of enforcing this chapter, ~~may make an application to~~ seek a ~~search~~ warrant from the  
729 municipal court of the city, or other appropriate courts, to enable them to enter private property  
730 in order to inspect, care for or impound abandoned, vicious, neglected or abused animals, or  
731 other animals found to be in violation of this chapter. All requests for warrants shall be  
732 accompanied by an affidavit stating the probable cause to support the belief that a violation of  
733 this chapter has occurred, and why the consent of the owner cannot be obtained prior to entry. A  
734 person acting under the authority of a warrant shall not be liable for any necessary damage done  
735 to the property when acting under such a warrant. (RSMO 578.018)  
736

737 Secs. 14-32 – 14-60. –Reserved.  
738

739 DIVISION 2. – LICENSES, VACCINATIONS, FEES, PERMITS, AND REPORTS  
740

741 Sec. 14-61. - Rabies vaccination.  
742

743 (a) It shall be unlawful for any dog, cat, ferret, or miniature pig owner to knowingly keep,  
744 harbor, or own any dog, cat, ferret, or miniature pig six months of age or more within  
745 the city unless the owner maintains a current vaccination against rabies for their dog,  
746 cat, ferret or miniature pig by a licensed veterinarian. The veterinarian giving such  
747 vaccination shall issue to the animal owner a rabies certificate with the veterinarian's  
748 name and contact information along with a rabies tag number.

749  
750 (b) The animal owner shall cause any dog, cat, ferret, or miniature pig to wear a current  
751 rabies tag if outside the confines of the residence, and the animal owner shall be able to  
752 produce the current rabies certificate upon request by any animal control officer or  
753 police officer.

754  
755 Sec. 14-62. – Animal license for dogs ~~[and cats]~~; fees.

756  
757 (a) It shall be the duty of every person owning, keeping, or harboring in the city any dog  
758 ~~[or cat to]~~ procure an animal license from the city. No animal license shall be issued  
759 without a current rabies certificate from a state-licensed veterinarian.

760  
761 (b) Animal licenses are based on a calendar year and the fees are listed in the city fee  
762 schedule. Fees may be established for a period of one year ~~or three years~~. Late fees may  
763 be assessed for licenses not purchased within 60 days.

764  
765 (c) Service dogs are exempt from the fee but still need to be licensed.

766  
767 (d) Animals owned by a nonprofit organization or governmental organization that are  
768 placed in foster care within the city are exempt from the fee but still need to be licensed.

769  
770 (e) No refund will be made for the license of animals deceased or otherwise removed from  
771 the city during the period of a license.

772  
773 (f) Licensing requirements under this section shall only apply to residents of the city.

774  
775 ~~(g) [No license shall be required for cats maintained within a feral cat colony.]~~

776  
777 Sec. 14-63. – Records of dog ~~[and cat]~~ registration.

778  
779 The city shall keep a record giving the name, address, and phone number of the animal  
780 owner or keeper of such licensed dog ~~[or cat]~~, the tag number, rabies vaccine certificate along with  
781 a general description of the dog ~~[or cat]~~.

782  
783 Sec. 14-64. – Animal license tags; replacement tags.

784  
785 At the time of issuance of the dog ~~[or cat]~~ license, a license tag showing the registration  
786 number and expiration date of the license shall be issued. A fee may be established for replacement  
787 tags.

788  
789 Sec. 14-65. – Counterfeiting, destruction of licenses or tags.

790  
791 The following acts are declared to be unlawful:

792  
793 (a) The counterfeiting of dog ~~[or cat]~~ licenses or tags; and

794  
795 (b) The willful and malicious destruction of dog ~~for eat~~ license tags.

796  
797 Sec. 14-66. – Wearing tag required for dogs.

798  
799 (a) No animal owner or keeper of a dog shall allow or permit such a dog to be outside the  
800 boundaries of the property of the animal owner or keeper, at any time other than when  
801 enclosed on all sides in a cage or covered run with a roof and bottom, without having  
802 attached to a collar about the neck of such animal (or to a secure body harness) the city-  
803 issued license tag, except when such a dog is being handled in the course of an organized  
804 dog training or exhibition program.

805  
806 (b) No person shall remove or cause to be removed the collar, body harness, or the license  
807 tag from any licensed dog without the consent of the animal owner or keeper.

808  
809 Sec. 14-67.—Special animal permits.

810  
811 A special animal permit, as allowed by code, may be issued by animal control. The permit  
812 shall be issued for the residential address of the animal owner. Prior to issuance of the permit, the  
813 following shall take place a visual inspection of all cages and pens shall be made to ensure the  
814 animal can't escape; the animal can be safely kept and maintained, and the cages and pens are  
815 species-specific. The special animal permit shall contain the following information:

- 816  
817 (a) Animal species and name of the animal;  
818 (b) Name of the owner of the animal;  
819 (c) Physical address of the owner;  
820 (d) Primary and secondary telephone number of the owner;  
821 (e) Secondary contact, including contact information for said contact; and  
822 (f) Primary veterinarian for the animal.

823  
824 If the animal is no longer being kept per the special animal permit, the animal owner shall  
825 inform animal control. Fees may be established for the permit.

826  
827 Secs. 14-68 – 14-100. –Reserved.

828  
829 DIVISION 3. – IMPOUNDMENT

830  
831 Sec. 14-101. - Impoundment of animals in violation.

832  
833 It shall be the duty of animal control finding any animal in the city contrary to the  
834 provisions of this article on view, to take such animal, and confine the animal in an animal shelter  
835 or city pound if in the opinion of the animal control officer the safety of the animal, the safety of the  
836 public or the preservation of the peace requires such a seizure.

837  
838 Sec. 14-102. - Notice of impoundment.

839  
840 After the impoundment of an animal under the provisions of this code, the animal control  
841 officer shall make best efforts to promptly notify the animal owner of its impoundment if the owner  
842 can be determined.

843  
844 Sec. 14-103. – Care of impounded animals.

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It shall be the duty of the animal control officer to ensure the impounded animals are housed in a sanitary condition and to ensure food and water are provided to impounded animals daily and that impounded animals will receive any necessary veterinarian care. The animal control officer on behalf of the city shall ensure humane treatment of the animals impounded and protect them from cruel treatment. The designated facility(s) shall maintain common industry operating procedures.

**Sec. 14-104. -- Adoption and impounding facilities.**

The animal impounded shall be kept in a Missouri Department of Agriculture approved adoption facility designated by the city. If no such facility exists for a specific type of animal, the city may periodically need to designate or contract with a special facility for the care and keeping of such impounded animals. The designated facility(s) shall maintain common industry operating procedures. The animal owner shall be required to pay all expenses related to the impoundment of the animal.

**Sec. 14-105. - Claiming impounded animals not impounded for rabies observation**

All adoption impounding facilities within the city or contracted by the city shall:

(a) Within seven consecutive days after the impounding of any animal, the animal owner may redeem such animal during normal business hours of the adoption facility, upon payment of all fees and expenses incurred including veterinary care and microchipping, of such animal and shall sign an affidavit swearing the animal is his personal property. If fees can't be paid in full, a payment plan or fee waivers or reductions may be allowed with the approval of the city on a case by case basis.

An animal whose owner is a resident of the city shall not be released unless the animal owner provides proof of a current animal license and rabies certificate as required by code. The animal owner may leave a deposit of \$50.00 which is returned when the animal owner provides proof of a current animal license or rabies certificate. Failure to provide proof within 14 days will be cause for the deposit to be forfeited and considered a violation of this chapter.

(b) If the owner of any animal impounded pursuant to the provisions of this article does not apply to the city and pay such fees as provided in this section within seven consecutive days from the time the animal is impounded, the animal control officer is hereby authorized to dispose of such animal in the most humane manner possible. At the end of seven consecutive days after impounding of any animal, all adoptable animals shall be available for adoption. Any competent person may adopt an animal. The adopter shall not be held responsible for incurred expenses and fees but shall pay all normal adoption fees. The animal control officer at his discretion may take the following actions as related to an unclaimed animal:

(1) If a domestic dog or cat, have the animal neutered, spayed, vaccinated for rabies, and placed up for adoption;

(2) If a healthy unadoptable feral cat, it shall be neutered, spayed, vaccinated, and released to a managed cat colony designated by the city or released to an area

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for collection;

- (3) If a domestic dog is unadoptable for safety reasons, the animal may be humanely euthanized by any method approved by the Humane Society of Missouri;
- (4) If an animal is unique due to its species, nature, or size, the animal may be sold;
- (5) If another species, it may be disposed of humanely by the animal control officer under the supervision of a licensed veterinarian.

Sec. 14-106. - Disposition of animals biting or attacking persons; rabies and zoonotic diseases.

- (a) If any individual is exposed to the possibility of rabies or other zoonotic diseases, the incident shall be immediately reported to animal control or the police department by the victim, hospital, health department, health care provider, animal owner, keeper, or harbinger of the animal.
- (b) Any animal which bites, injures, or attacks any person shall be placed immediately under observation for a ten-day period. The animal owner shall be immediately notified.
  - (1) A vaccinated animal where the owner can be identified shall be impounded with a licensed veterinarian of the owner's choice or securely confined by the owner for a period of ten days.
  - (2) A non-vaccinated animal or an animal that the owner of cannot be identified shall be impounded by the police department or animal control officer and placed in a contracted licensed kennel or with a licensed veterinarian for a period of ten days.
    - a. If within such period of ten days, such animal does not develop or manifest signs of rabies, it may be redeemed by the animal owner upon payment of all fees and expenses including veterinarian expenses. If the animal is not redeemed at the end of the ten-day period, appropriate actions shall be taken as directed by the veterinarian including being adopted.
    - b. If such animal does develop symptoms suggestive of rabies, it shall be the duty of the police department or the animal control officer to cause such animal to be examined by a licensed veterinarian and take appropriate action as provided by this chapter.
- (c) If a ten-day observation period is not appropriate for the species of the animal involved in the bite injury, or attack, animal control shall determine the necessary observation period or other necessary steps that need to be taken to ensure the health, welfare, and safety of the person(s) involved and the community.
- (d) It shall be unlawful for the animal owner, keeper, or person harboring the animal involved in the incident to release it from his custody to hide or conceal such animal or to take or allow such animal to be taken beyond the city limits unless so authorized by animal control.

947  
948 **(e) The animal control officer shall locate any animal that falls under the provisions of this**  
949 **section for observation and determination of the necessary observation procedures and**  
950 **outside plain view, the animal owner or guardian of said animal shall present said**  
951 **animal to an animal control officer for such a determination. A refusal to do so shall be**  
952 **a violation of this section. If an animal owner or guardian of said animal refuses to**  
953 **produce said animal and no exigent circumstances exist, the animal control officer shall**  
954 **contact the city attorney to request a search warrant based on probable cause that a**  
955 **person has been bitten or scratched by an animal and the animal control officer has**  
956 **been refused permission to search for and procure said animal.**

957  
958 **(f) When any such officer shall have impounded an animal pursuant to this section, it shall**  
959 **be the duty of the officer to notify the owner of such animal, if known as soon as**  
960 **possible. This animal shall be processed as any other impounded animal.**

961 **Sec. 14-107. – Disposition of suspected rabid animals that have not bitten a person or animal.**

962  
963 **Any animal that the animal control officer suspects to have contracted rabies that has not**  
964 **bitten or injured a person or animal shall be handled in accordance with the procedures prescribed**  
965 **by the Missouri Department of Health. All related costs shall be borne by the owner of the animal.**

966  
967  
968 **Secs. 14-108 – 14-125. –Reserved.**

969  
970 **DIVISION 4. – CARE OF ANIMALS AND ANIMAL ABUSE**

971  
972 **Sec. 14-125. – Animal neglect.**

973  
974 **(a) It shall be considered animal neglect if the animal owner does not maintain or provide any**  
975 **of the following:**

- 976  
977 **(1) A structurally sound, properly ventilated, sanitary, dry, and weatherproof**  
978 **shelter suitable for the species, age, and condition of the animal with access to**  
979 **shade from direct sunlight. The area where animals are kept must also be kept**  
980 **free from unsanitary conditions, vermin-harboring debris, junk, or any other**  
981 **dangerous protuberances which can provide an opportunity for injury or a**  
982 **danger to the animal’s health.**
- 983  
984 **(2) The animal shall be properly restrained or enclosed sufficiently to prevent their**  
985 **being at large.**
- 986  
987 **(3) Enclosures shall be species-specific according to the established standards of the**  
988 **Missouri Humane Society and dimensions appropriate to the height and weight**  
989 **of the animal and of a design that provides for sanitary drainage and public**  
990 **safety.**
- 991  
992 **(4) Wholesome foodstuffs are suitable for the species which are provided at suitable**  
993 **intervals in a sanitary manner in quantities sufficient to maintain good health in**  
994 **the animal, considering its age and condition. Feed shall be stored in a rat-proof,**  
995 **fly-tight box, container, or receptacle.**
- 996  
997 **(5) Animal waste is the responsibility of the animal owner. It shall be collected as**

998 frequently as necessary to maintain a sanitary condition and disposed of in a  
999 vermin-proof, fly-tight container.

1000  
1001 (6) Constant access or access in suitable intervals to a supply of clean, potable,  
1002 unfrozen water, provided in a sanitary manner and insufficient amounts for the  
1003 species to maintain good health in the animal. Access to stagnant bodies of water  
1004 is not allowed.

1005  
1006 (7) Normal and prudent attention to the needs of the animal, including all necessary  
1007 immunizations as determined by the licensed veterinarian, sufficient exercise  
1008 and rest to maintain good health, and the provision to each sick or injured  
1009 animal of the necessary veterinary care or humane death.

1010  
1011 (b) Animal control or their designee may at any time inspect, or cause to be inspected, any  
1012 premises and issue such an order as may be necessary to carry out the provisions of this  
1013 subdivision. No person shall deny access for inspections during reasonable hours.

1014  
1015 (c) An animal may be impounded during an investigation for possible violations of Sec.  
1016 578.012, RSMo. or for animal abuse or for failure to provide adequate care to animals.

1017  
1018 **Sec. 14-126. - Animal abuse.**

1019  
1020 (a) It shall be considered animal abuse to do any of the following:

1021 (1) Cruelly overwork an animal;

1022  
1023 (2) Cruelly drive or work the animal when it's unfit for labor;

1024  
1025 (3) Abandon an animal to die;

1026  
1027 (4) Beat, ill-treat, torment, or cause injury or unnecessary pain to an animal;

1028  
1029 (5) Carry or cause the animal to be carried, moved, or kept in or upon any vehicle  
1030 in a cruel or inhumane manner;

1031  
1032 (6) Impound, confine or cause to be impounded or confined in any place which  
1033 would cause injury or unnecessary pain to an animal;

1034  
1035 (7) Leave an animal in an unattended vehicle either without adequate ventilation or  
1036 in any manner which subjects the animal to extreme temperatures that are  
1037 dangerous or detrimental to the animal's health or welfare; or

1038  
1039  
1040 (8) Improper tethering.

1041  
1042 (b) Nothing in this section shall be construed so as to prevent a person from taking whatever  
1043 action is necessary to defend themselves, another individual, or an animal when endangered  
1044 by an unprovoked animal attack.

1045  
1046 (c) Removal and impoundment of animals. Any animal control officer or police officer shall  
1047 have the right to remove and impound animals from the animal owner or guardian, and  
1048 place said animal into the custody of animal control in cases where the health and safety of

1049 the animal is in immediate danger under the provisions of this section. If such removal is  
1050 necessary the animal control officer or police shall cite the offending animal owner or  
1051 guardian with a violation of this section and shall prepare a report, including photographic  
1052 evidence, detailing the issues causing the seizure.  
1053

1054 (d) *Hearing.* If such a removal occurs and the conditions requiring such a seizure cannot be  
1055 immediately remedied the animal control officer or police officer shall request through the  
1056 city attorney a hearing before the municipal court for a court order to determine probable  
1057 cause to maintain the seizure through the pendency of said case. Said hearing shall take  
1058 place as soon as practicable after the seizure of said animal before the municipal court but  
1059 in no circumstances longer than thirty days. Notice of the hearing shall be provided to the  
1060 owner of said animal at their last known address by the first class mail. Providing the court  
1061 finds probably case to retain the animal through the pendency of the case, said order can be  
1062 recalled for review and further determinations if the animal owner or responsible party  
1063 fails to appear at any subsequent court date or fails to comply with any related court  
1064 directive.  
1065

1066 (e) *Reports.* Before any final determination of the status of a seized animal is made by the court,  
1067 the animal control officer shall update their report with recommendations concerning if the  
1068 conditions creating the need for a seizure can be remedied, the requirements for remedy,  
1069 along with any follow-up requirements. The final report shall include recommendations by  
1070 the animal control officer if the animal can be returned to the owner, placed for adoption,  
1071  euthanized, or other alternative options. This report along with the procedure to appeal the  
1072 determination shall be sent to the owner of the animal by certified mail or hand delivered to  
1073 the animal owner, and a hearing on said final determination shall be held immediately  
1074 following a ruling in the accompanying charge for violation of this section.  
1075

1076 (f) *Appeal of determination.* All appeals of the determination shall be within ten days and  
1077 according to the provisions of Chapter 536, RSMo. relating to a contested case.  
1078

1079 (g) *Expenses.* Any expense incurred in such removal and impoundment is the responsibility of  
1080 the animal's owner. All expenses must be paid before the animal is released from custody to  
1081 the animal owner.  
1082

1083 (h) *Abandoned or no apparent owner.* The animal control officer or police officer shall make  
1084 every reasonable effort to determine the ownership of the animal if seized under the  
1085 provisions of this article. If no determination can be made as to ownership, no hearing as  
1086 provided for under this section shall be required. After seven consecutive days of the animal  
1087 being impounded and no responsible party is found the animal shall be considered  
1088 abandoned and handled as provided for in the article.  
1089

1090 Sec. 14-127. – Harming a law enforcement dog.  
1091

1092 It shall be unlawful to kick, strike, hit, beat, torment, or cause injury to a law enforcement  
1093 canine.  
1094

1095 Sec. 14-128. – Transporting an animal in a vehicle; Safety of animals in enclosed places;  
1096 Incapacitated or detained owner  
1097

1098 (a) *A person shall not transport an animal in a vehicle on public roadways unless*  
1099

1100 (1) *The animal is safely enclosed within the vehicle.*

1101  
1102 (2) If the animal is transported in an unenclosed vehicle, [including a convertible], pick-  
1103 up truck, flatbed truck, or motorcycle, the animal shall be confined in a manner that  
1104 prevents the animal from falling or jumping from the vehicle or otherwise being  
1105 injured. If tethering is used to secure the animals, then a non-choke type collar or  
1106 body harness must be used, such that the dog cannot reach past the edge of any of the  
1107 sides of the vehicle.

1108  
1109 (b) If the animal owner or person in control of the animal is arrested, deceased, detained or is  
1110 otherwise incapacitated, the animal may be impounded if no responsible party can be found  
1111 to take control of the animal.

1112  
1113 (c) Claiming an impounded animal under this section shall be done in the same manner as  
1114 claiming any impounded animal.

1115  
1116 (d) Disposal of unclaimed animals shall be in accordance with the current code.

1117  
1118 Sec. 14-129. – Rescue of animals left in a vehicle under dangerous weather conditions.

1119  
1120 Whenever any animal is found confined in a motor vehicle in a public place under  
1121 weather conditions that endanger its life by outside high temperatures or low temperatures, or  
1122 inadequate ventilation as determined by animal control or a police officer, animal control or a  
1123 police officer are hereby authorized to enter such vehicle and rescue such animal and thereafter  
1124 impound the animal in accordance with 14-101. A prominent written notice shall be left on or in  
1125 the vehicle advising that the animal has been removed and impounded at the animal shelter  
1126 under the authority of this section and impounded in accordance with 14-101. If animal control  
1127 or police are required to forcibly enter a vehicle to rescue the animal, and the vehicle can no  
1128 longer be secured, the police shall cause the vehicle to be towed. In no event shall animal control  
1129 or police be liable to the animal's owner for damage to the animal, nor liable to the vehicle's  
1130 owner for tow fees, storage fees, or damage to the vehicle when animal control or police act  
1131 pursuant to this provision to protect the health and safety of the animal.

1132  
1133 Sec. 14-130. - Abandonment of animals.

1134  
1135 It shall be unlawful for any person to willfully abandon any animal within the city.

1136  
1137 Sec. 14-131. - Tethering dogs.

1138  
1139 (a) Any dog permitted to be kept within the city shall not be chained, tied, fastened, or  
1140 otherwise tethered to any stationary or inanimate object or trolley system as a means of  
1141 confinement and restraint.

1142  
1143 (b) Exceptions

1144  
1145 (1) The dog is being tethered during a lawful animal event, veterinary treatment,  
1146 grooming, training, or law enforcement activity; or

1147  
1148 (2) The dog tethering is for a short period of time, not to exceed one hour in a  
1149 twenty-four (24) period.

1150

- 1151           (3) When a dog is tethered as allowed in either of the above exceptions, the dog  
1152 must be tethered by a non-choke type collar or a body harness to a tether that is  
1153 at least three times the body length of the dog measured from the dog's nose to  
1154 the back of the hindquarters and the tether shall be free from any objects that  
1155 could cause entanglement or strangulation. The tether shall be proportional to  
1156 the size and weight of the individual dog and shall weigh no more than one-  
1157 eighth of the dog's body weight.
- 1158
- 1159           (4) When a dog is tethered as allowed in the above exceptions, any person having  
1160 custody of such animal shall provide adequate shelter and adequate water for  
1161 this dog, as defined in this article.
- 1162
- 1163           (5) When a dog is tethered as allowed in the above exceptions, the dog may not be  
1164 restrained in a manner that allows the dog to move outside the person's  
1165 property or into the public right-of-way or public property.
- 1166
- 1167           (6) This section shall not apply to dogs used in law enforcement agencies in the  
1168 performance of their duties.
- 1169

1170 Sec. 14-132. – Confinement of dogs in season (estrus).

1171

1172           The animal owner keeper or person harboring any non-spayed female dog shall, during the  
1173 period that such animal is in season (estrus), keep it securely confined and enclosed within a building  
1174 or securely fenced yard except when out upon such person's premises briefly for urination and  
1175 defecation while on a leash or otherwise effectively physically restrained.

1176

1177 Sec. 14-133. – ~~[Frightening]~~, Shooting, killing, trapping, molesting, etc., song and insectivorous birds.

1178

1179           It shall be unlawful for any person to ~~[frighten,]~~ shoot at, wound, kill, take, capture,  
1180 ensnare, net, trap, or in any other manner molest or injure any robin, lark, whippoorwill, finch,  
1181 sparrow, thrush, wren, martin, swallow, snowbird, bobolink, red-winged blackbird, crow, raven,  
1182 oriole, kingbird, mockingbird, song-sparrow, or other songbird or insectivorous bird; or any bird  
1183 listed on the migratory bird treaty act; or in any manner molest or injure the nest, eggs, or young of  
1184 any such birds; or have in possession the nest, eggs, young, or body of any such bird.

1185

1186 Secs. 14-134 – 14-160. –Reserved.

1187

1188

1189 DIVISION 5. – DANGEROUS DOGS; VICIOUS DOGS

1190

1191 Sec. 14-161 – Determination of Status

1192

1193           (a) An animal control officer may find and declare a dog potentially dangerous, dangerous, or  
1194 vicious if the officer has probable cause to believe that the dog falls within the definition of  
1195 “vicious dog”, “dangerous dog” or “potentially dangerous dog”. The finding must be based  
1196 upon:

1197

- 1198           (1) The written complaint of a person who is willing to testify that the animal has  
1199 acted in a manner which causes it to fall within the definition of “vicious dog”,  
1200 “dangerous dog” or “potentially dangerous dog”; or
- 1201
- 1202           (2) Dog bite reports filed with the animal control officer, hospital, or health

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department as required by city ordinance or state law; or

(3) Actions of the dog witnessed by any animal control officer or law enforcement officer; or

(4) Any other substantial evidence that is admissible in court to support the finding.

(b) The declaration shall be in writing, and shall be served by the animal control officer:

(1) On the owner, if known, using one of the following methods:

a. Regular mail to the owner's last known address, or by certified mail directed to the owner at the owner's last known address; or

b. Personally; or

c. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation and posting a notice on the property of the owner;

(2) Where the owner is not known a publication in a newspaper of general circulation.

(c) The declaration shall contain the following information:

(1) The name and address of the owner of the dog if known and if not know the fact;

(2) A description of the dog;

(3) The whereabouts of the dog;

(4) The facts upon which the declaration is based;

(5) The restrictions placed upon the dog and when the owners is not know the intended disposition of the dog;

(6) The penalties for violation of the restrictions, including possibility of destruction of the animal and fine and imprisonment of the owner; and

(7) The availability of a hearing to contest the declaration by submitting a written request to the city attorney within fifteen days of receipt of the declaration or if notice is given by publication or posting within 15 days of the earlier date the notice first appears in the newspaper ~~off~~ or the property is posted.

(d) A dog may be declared dangerous under this section if the dog has within a twelve-month period attacked and killed a domestic animal on more than one occasion. For purposes of this subsection only, a domestic animal does not include any feral animal or does not apply where the attack was upon a domestic animal that was at large or upon a domestic animal that was tormenting or attacking the dog.

(e) Dogs shall not be declared dangerous, potentially dangerous, or vicious if the threat, injury, or

1255 damage was sustained by a person who, at the time, was committing a willful trespass or other  
1256 unlawful tort upon the premises occupied by the owner of the dog where the dog was present,  
1257 or was tormenting, abusing, provoking or assaulting the dog or has, in the past, been observed  
1258 or reported to have tormented, abused, provoked or assaulted the dog, or was committing or  
1259 attempting to commit a crime.

1261 (f) Notice. When notice is given by regular mail to the owner's last known address, notice is  
1262 effective on the third day after the notice was placed in the mail, postage prepaid, to the  
1263 owner's last known address. When notice is given by certified mail, notice is effective when  
1264 received; provided however, if certified mail delivery has been refused, notice is effective by  
1265 publication or posting and whenever notice is accomplished by publication or posting the  
1266 notice is effective and deemed received on the earlier of the day the property is posted of the  
1267 newspaper is published.

1268  
1269 Sec. 14-162 –Potentially Dangerous Dogs.

1270  
1271 (a) No person shall maintain a potentially dangerous dog without a license or otherwise in  
1272 violation of this section.

1273  
1274 (b) No person owning, harboring, or having the care or custody of a potentially dangerous  
1275 dog shall permit the dog to go at large or leave the owner's property unless the dog is  
1276 securely leashed and muzzled.

1277  
1278 (c) Spaying/Neutering. All owners of potentially dangerous dogs must spay or neuter the  
1279 dog and provide proof of sterilization to animal control within 14 days of the animal  
1280 control officer declaring the dog potentially dangerous.

1281  
1282 (d) In addition to any other penalty for a violation of this section, a court may revoke the  
1283 authority of a person to keep a potentially dangerous dog within the city.

1284  
1285 (e) The owner of a potentially dangerous dog may apply to animal control to have the  
1286 declaration waived after two (2) years upon meeting the following conditions:

1287  
1288 (1) The owner and offending dog has no subsequent violations of this chapter of the  
1289 code; and

1290  
1291 (2) The owner of the dog has complied with all the provisions of this act for a period  
1292 of two (2) years; and

1293  
1294 (3) The owner provides proof to animal control of successful completion of a  
1295 behavior modification program administered by a Certified Pet Dog Trainer  
1296 (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist,  
1297 certified through the American College of Veterinary Behaviorist (ACVB) or  
1298 equivalent training.

1299  
1300 If animal control or designee finds sufficient evidence that the dog owner has complied  
1301 with all conditions in this subsection, animal control shall rescind the potentially dangerous  
1302 dog declaration.

1303  
1304 Sec. 14-163 –Dangerous Dogs.

1305  
1306 (a) No person shall maintain a dangerous dog without a license or otherwise in violation of

1307 this section.

1308  
1309 **(b) No person shall maintain a dangerous dog in violation of this section.**

1310  
1311 **(c) Keeping of a Dangerous Dog. Once a dog has been declared dangerous, it shall be kept**  
1312 **in a secure enclosure subject to the following requirements:**

1313  
1314 **(1) No person having charge, custody, control, or possession of a dangerous dog**  
1315 **shall allow the dog to exit its enclosure unless such dog is securely attached to a**  
1316 **leash not more than four (4) feet in length and walked by a person who is both**  
1317 **over the age of eighteen and who has the physical ability to restrain the dog at**  
1318 **all times. No owner shall keep or permit a dangerous dog to be kept on a chain,**  
1319 **rope, or other types of leash outside its enclosure unless a person capable of**  
1320 **controlling the dog is in physical control of the leash.**

1321  
1322 **(2) It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog**  
1323 **to be outside of its proper enclosure unless it is necessary for the dog to receive**  
1324 **veterinary care or exercise. In such cases, the dog shall wear a properly fitted**  
1325 **muzzle to prevent it from biting humans or other animals. Such muzzle shall not**  
1326 **interfere with the dog's breathing or vision.**

1327  
1328 **(3) Except when leashed and muzzled as provided in this Section, a dangerous dog**  
1329 **shall be securely confined in a residence or confined in a locked pen or other**  
1330 **secure enclosure that is suitable to prevent the entry of children and is designed**  
1331 **to prevent the dog from escaping. The enclosure shall include shelter and**  
1332 **protection from the elements and shall provide an adequate exercise room, light,**  
1333 **and ventilation. The enclosed structure shall be kept in a clean and sanitary**  
1334 **condition and shall meet the following requirements:**

1335  
1336 **a. The structure must have secure sides and a secure top, or all sides must be at**  
1337 **least six (6) feet high:**

1338  
1339 **b. The structure must have a bottom permanently attached to the sides or the**  
1340 **sides of the sides must be embedded not less than one (1) foot into the**  
1341 **ground: and**

1342  
1343 **c. The structure must be of such material and closed in such a manner that the**  
1344 **dog cannot exit the enclosure on its own.**

1345  
1346 **(4) No dangerous dog shall be kept on a porch, patio, or in any part of a house or**  
1347 **structure that would allow the dog to exit such building on its own volition. In**  
1348 **addition, no such dog shall be kept in a house or structure when the windows or**  
1349 **screen doors are the only obstacle preventing the dog from exiting the structure.**

1350  
1351 **(5) All owners, keepers, or harborers of dangerous dogs shall display in a**  
1352 **prominent place on their premises a sign easily readable by the public using the**  
1353 **words "Beware of Dog".**

1354  
1355 **(6) The owner of a dangerous dog will be required to present to the city proof that**  
1356 **he/she has procured liability insurance or a surety bond in the amount not less**  
1357 **than one hundred thousand dollars (\$100,000) covering any damage or injury**  
1358 **that may be caused by such dangerous dog. The policy shall contain a provision**

1359 requiring that the city be notified immediately by the agent issuing it if the  
1360 insurance policy is canceled, terminated, or expires. The liability insurance or  
1361 surety bond shall be obtained prior to the issuing of a permit to keep a  
1362 dangerous dog. The dog owner shall sign a statement attesting that he shall  
1363 maintain and not voluntarily cancel the liability insurance policy during the  
1364 twelve (12) month period for which a permit is sought unless he ceases to own or  
1365 keep the dog prior to the expiration date of the permit period.  
1366

1367 (7) All owners, keepers, or harborers of dangerous dogs must within ten (10) days  
1368 of determination provided to animal control two color photographs of the  
1369 registered dog clearly showing the color and approximate size of the dog.  
1370

1371 (8) All owners, keepers, or harborers of dangerous dogs must within ten (10) days  
1372 of determination microchip the dog and provide the microchip information to  
1373 animal control to register the dog as dangerous.  
1374

1375 (9) All owners, keepers, or harborers of dangerous dogs must within ten (10) days  
1376 of determination spay or neuter the dog and provide proof of sterilization to  
1377 animal control.  
1378

1379 (10) No person shall sell, barter, or in any other way dispose of a dangerous dog  
1380 registered with the city to any person within the city unless the recipient person  
1381 resides permanently in the same household and on the same premises as the  
1382 owner of such dog, provided that the owner of a dangerous dog may sell or  
1383 otherwise dispose of a registered dog to persons who do not reside within the  
1384 city. The owner must disclose the dog's status as a dangerous dog to anyone to  
1385 whom the owner transfers custody or care of the dog.  
1386

1387 (11) The owner or keeper of a dangerous dog shall notify police departments  
1388 dispatch immediately if such dog escapes from its enclosure or restraint and is at  
1389 large. Such immediate notifications shall also be required if the dog bites or  
1390 attacks a person or domestic animal.  
1391

1392 (12) It shall be a separate offense to fail to comply with the restrictions in this  
1393 section. Any dog found to be in violation of this Section shall be subject to  
1394 immediate seizure and impoundment pursuant to 14-165. In addition, failure to  
1395 comply with the requirements and conditions set forth in this Ordinance shall  
1396 result in the revocation of the dog's license and the permit providing for the  
1397 keeping of such dog.  
1398

1399 (d) A dangerous dog owner may apply to animal control to have the declaration waived  
1400 after three (3) years upon meeting the following conditions:  
1401

1402 (1) The owner and offending dog has no subsequent violations of this article; and  
1403

1404 (2) The owner of the dog has complied with all the provisions of this act for a period  
1405 of three (3) years; and  
1406

1407 (4) The owner provides proof to animal control of successful completion of a  
1408 behavior modification program administered by a Certified Pet Dog Trainer  
1409 (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist,  
1410 certified through the American College of Veterinary Behaviorist (ACVB) or

1411 equivalent training.

- 1412
- 1413 (e) If animal control finds sufficient evidence that the dog owner has complied with all
- 1414 conditions in this subsection, and has sufficient evidence that the dog's behavior has
- 1415 changed, the animal control officer shall rescind the dangerous dog declaration.
- 1416

1417 Sec. 14-164 –Vicious Dogs.

1418

1419 It shall be unlawful to keep, possess, or harbor a vicious dog within the city limits.

1420

- 1421 (a) The provisions of this article shall not apply to a police dog being used to assist one or
- 1422 more law enforcement officers acting in an official capacity.
- 1423
- 1424 (b) The municipal court may order a dog euthanized that has been declared vicious.
- 1425
- 1426 (c) The owner of a dog that the municipal court declares to be vicious may appeal the
- 1427 determination to the circuit court within 15 days of declaration. If an appeal is timely
- 1428 filed, the order to destroy the animal is suspended pending the final determination
- 1429 from the circuit court except when the chief of police or his designee declares that the
- 1430 public health and safety require the immediate destruction of the animal as in the case
- 1431 of rabies.
- 1432
- 1433 (d) The owner of a vicious dog shall be liable for and shall pay all costs associated with
- 1434 impoundment, removal, or euthanasia of said animal. The owner shall pay any other
- 1435 associated costs
- 1436

1437 Sec. 14-165 –Immediate Impoundment.

1438

- 1439 (a) A dog suspected of being dangerous or vicious may be immediately impounded when
- 1440 animal control or their designee determines such immediate impoundment is necessary
- 1441 for the protection of public health or safety.
- 1442
- 1443 (b) If the owner of the dog impounded under subsection (a) of this section is not reasonably
- 1444 ascertainable at the time of impoundment, animal control shall immediately notify the
- 1445 owner by mail sent to the owner's last known address postage prepaid which upon the
- 1446 passage of three days be deemed complete or by personal service within five (5)
- 1447 business days after the dog's impoundment.
- 1448
- 1449 (c) The notice of impoundment shall inform the owner of the dog that the owner may
- 1450 request, in writing, a hearing to contest the impoundment. Upon receipt of the notice of
- 1451 impoundment either through personal service or by mail (receipt is complete three
- 1452 days after mailing to the last known address of owner postage prepaid), the owner has
- 1453 five (5) business days to request a hearing to the administrative hearing officer in
- 1454 accordance with the procedures set forth in chapter 30.
- 1455
- 1456 (d) Upon request by the owner of the dog for a hearing under subsection (c), a hearing
- 1457 must be held within ten (10) business days after receipt of the request. Notice of the
- 1458 date, time, and location of the hearing shall be provided by regular mail to the dog
- 1459 owner requesting the hearing. The impoundment hearing shall determine if the dog
- 1460 poses a risk to public health and safety preponderance of the evidence or if the dog
- 1461 could be released. If the administrative hearing officer determines the dog does not
- 1462 pose a risk to public health and safety, the dog shall be immediately released back to

1463 the owner pending further proceedings either administrative or judicial.

1464  
1465 (e) The owner must pay all of the cost of the impoundment and upon request must post  
1466 sufficient funds to cover the anticipated costs for continued impoundment. In the  
1467 alternative, the owner may propose a suitable facility where the dog could be contained  
1468 and maintained at the sole cost of the owners, and upon approval of animal control, the  
1469 dog may be impounded at that facility under the terms and conditions set by animal  
1470 control. Failure to post funds sufficient to pay for the costs of impoundment constitutes  
1471 a waiver of any rights the owner may have to a hearing under this section.

1472  
1473 (f) If the owner timely appeals an impoundment or seizure, the owner may also seek  
1474 review of animal control's determination of the boarding costs by filing an appeal to  
1475 the administrative hearing officer in accordance with the provisions of chapter 30  
1476 within five (5) days after the city issues a demand for prepayment. The administrative  
1477 hearing officer may make any decision animal control could have made such as  
1478 requiring the owner to prepay boarding costs retroactive to the initial boarding date of  
1479 the animal, posting a bond, or placing the animal in a suitable facility at the owner's  
1480 sole expense. The owner may ask the administrative hearing officer to review animal  
1481 controls decision regarding the prepayment of boarding costs as part of its review of  
1482 the underlying appeal.

1483  
1484 (g) If the owner is successful in appealing the decision to impound the dog, the city must  
1485 refund to the owner any costs paid for the impoundment.

1486  
1487 **Sec. 14-166 –Continuation of Dangerous Dog Declaration.**

1488  
1489 Any dog that has been declared dangerous or vicious by any agency or department of the  
1490 city, another municipality, county, or state shall be subject to the provisions of this chapter. The  
1491 person owning or having custody of any dog designated as potentially dangerous or dangerous by  
1492 any municipality, county, or state government shall notify animal control of the dog's address and  
1493 conditions of maintenance within ten (10) days of moving the animal into the city. The restrictions  
1494 and conditions of maintenance of any dog declared dangerous by this city, another municipality,  
1495 county, or state shall remain in force while the dog remains in the city. No dog declared a  
1496 potentially dangerous, dangerous, or vicious dog by any other designation agency or department of  
1497 another municipality, county, or state based solely on size, breed, a mix of breeds, or appearance  
1498 shall be subject to this section.

1499  
1500 **Sec. 14-167 –Reckless Dog Owner.**

1501  
1502 (a) Any person shall be declared a reckless dog owner if convicted of:

1503  
1504 (1) A violation of any section in Chapter 14 three (3) or more times in a 24 (twenty-  
1505 four) month period; or

1506  
1507 (2) A violation of this article two (2) or more times in any five-year period.

1508  
1509 (b) Animal control or designee shall issue a notification of the declaration of Reckless Dog Owner  
1510 to the person with the following:

1511  
1512 (1) Name and address of the person subject to the declaration, and;

1513  
1514 (2) The description, violation, and conviction that led to the declaration, and;

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(3) The name, description, and license number of all dogs subject to the effects of the declaration, and;

(4) Instructions on appealing the declaration of animal control.

(c) Once declared a Reckless Dog Owner, the city licenses of all dogs owned by the person shall be revoked, and the person shall not own, keep, possess, or harbor a dog for a period of five (5) full years from the date of the declaration.

(d) A person declared to be a Reckless Dog Owner may apply to animal control or designee to have the declaration waived after two (2) years upon meeting the following conditions:

(1) The person has no subsequent violation of Chapter 14; and

(2) The person has complied with all the provisions of this article for a period of two (2) years; and

(3) The person provides proof to animal control of successful completion of a program designed to improve the person's understanding of dog ownership responsibilities and based upon an interview with the supervisor of animal control establishes that understanding.

If animal control or their designee finds sufficient evidence that the person has complied with all conditions in this subsection, animal control or their designee may rescind the reckless owner declaration subject to conditions that can help to ensure no future violations. If animal control or their designee declines to remove the declaration, the person aggrieved may appeal to the administrative hearing officer in accordance with the procedures set forth in chapter 30 within thirty (30) days of that decision. Upon appeal, the person must provide proof that ownership of a dog in the future will be handled responsibly and not in violation of any law or ordinance.

Sec. 14-168 –Guard Dogs.

(a) No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by him or under his charge or control any guard dog without such dog being confined behind a fence from which it cannot escape, or within any part of a house or structure except when the windows are closed or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure, and such guard dog must not be used or maintained in a manner which, as determined by the animal control officer, endangers individuals on or off the premises guarded.

(b) Any guard dog, used in the city by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this article.

(c) It shall be the duty of the owner of all guard dogs residing in or used as such in the city to register such dogs annually with animal control.

(d) The owner of a potentially dangerous or dangerous dog may apply to animal control to put the dog into service as a guard dog. The owner must describe in a written application how the dog will be used and how the use may differ from any condition required for maintaining a potentially dangerous or dangerous dog. Animal control must review the

1564 application and either approve the proposed use and terms of use, deny the use of terms of  
1565 use, and may issue an order authorizing the use under terms established by animal control  
1566 or designee.

1567  
1568 Sec. 14-169 –Appeals.  
1569

1570 Any person aggrieved by a decision of animal control to declare a dog potentially  
1571 dangerous, dangerous, or vicious, or to declare a person a reckless dog owner, or to impound a  
1572 dog, or to have a dog euthanized may appeal the decision unless a different period is provided  
1573 under this division. A person aggrieved by a decision of animal control may appeal that decision to  
1574 the administrative hearing officer in accordance with the procedures set forth in chapter 30.  
1575

1576 Secs. 14-170 – 14-180. –Reserved.  
1577

1578 DIVISION 6. – EXOTIC ANIMALS.  
1579

1580 Sec. 14-181. - Intent.  
1581

1582 It is the intent of the City to protect the public against health and safety risks that exotic  
1583 animals pose to the community and to protect the welfare of the individual animals held in  
1584 private possession. By their very nature, exotic animals are wild and potentially dangerous and,  
1585 as such, do not adjust well to a captive environment.  
1586

1587 Sec. 14-182. – Definitions of Prohibited Exotic Animals.  
1588

1589 Exotic animal means those species of animals that are exotic to humans. Exotic animals  
1590 include, but are not limited to, any or all of the following orders and families, whether bred in the  
1591 wild or in captivity, and any or all hybrids. The animals listed in parentheses are presented  
1592 merely as examples and are not to be construed as an exhaustive list or limitation of the class,  
1593 order, family, subfamily, genus, or species described unless otherwise specified:  
1594

1595 (a) Class Mammalia:  
1596

1597 (1) Order Artiodactyla (such as hippopotamuses, giraffes, camels, deer) except  
1598 cattle, swine, sheep, or goats).  
1599

1600 (2) Order Carnivora:  
1601

1602 a. Family Felidae (such as bobcats, lions, tigers, cougars, leopards,  
1603 ocelots, servals, cheetahs, jaguars, lynx, caracals) except domestic  
1604 cats;

1605 b. Family Canidae (such as wolves, coyotes, foxes, jackals) except  
1606 domestic dogs;  
1607

1608 c. Family Ursidae (all bears).  
1609

1610 d. Family Mustelidae (such as weasels, skunks, otters, badgers,  
1611 martins, and minks) except ferrets;  
1612  
1613

- 1614 e. Family Procyonidae (such as raccoons and coatis);  
1615  
1616 f. Family Hyaenidae (hyenas);  
1617  
1618 g. Family Viverridae (civets, genets, mongooses);  
1619  
1620 h. Family Chiroptera (bats).  
1621  
1622 (3) Order Edentata (anteaters, armadillos, sloths).  
1623  
1624 (4) Order Lagomorphs (rabbits) except domestic breeds.  
1625  
1626 (5) Order Marsupialia (opossums, kangaroos, wallabies) except sugar glider.  
1627  
1628 (6) Order Perissodactyla (rhinoceroses, tapirs) except horses, donkeys or  
1629 mules.  
1630  
1631 (7) Order Primates:  
1632 a. Family Cercopithecidae (such as baboons); and  
1633  
1634 b. Family Hominidae (such as chimpanzees, gorillas, orangutans);  
1635  
1636 c. Family Strepsirrhini (such as lemurs).  
1637  
1638 (8) Order Proboscidea (elephants).  
1639  
1640 (9) Order Rodentia (squirrels, beavers, porcupines) except guinea pigs, rats,  
1641 mice, gerbils, or hamsters.

1642  
1643 (b) Class Reptilia:  
1644

- 1645 (1) Family Helodermatidae (venomous lizards);  
1646  
1647 (2) Family Hydrophiidae (venomous marine snakes);  
1648  
1649 (3) Family Crotalidae (rattlesnakes, fer-de-lance, water moccasins,  
1650 copperheads);  
1651  
1652 (4) Family Viperidae (such as old world vipers);  
1653  
1654 (5) Family Elapidae (such as coral snakes, cobras, mambas, etc.) all species;  
1655  
1656 (6) Family Natricinae (only keelback snakes);  
1657  
1658 (7) Family Varanidae (only water monitors and crocodile monitors);  
1659  
1660 (8) Family Iguanidae (only green iguanas and rock iguanas);  
1661  
1662 (9) Family Boidae (all species whose adult length has the potential to exceed  
1663 six (6) feet in length);  
1664  
1665 (10) Family Colubridae:

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- a. Dispholidus typus (boomslangs);
- b. Hydrodynastes gigas (false water cobra);
- c. Boiga dendrophila (mangrove snake); and
- d. Thelotornis kirtlandii (bird snake); and

(11) Order Crocodylia (such as crocodiles, alligators, caimans, gavials, etc.);

(12) Family Chelydridae:

- a. Macrolemys temmincki (alligator snapping turtle); and
- b. Chelydra serpentina (common snapping turtle).

(c) Class Amphibia:

(1) Family Dendrobatidae: Phyllobates terribilis; and

(d) Any hybrid of an animal listed in this section.

Sec. 14- 183 -- Prohibited exotic animals.

A person commits an offense if he owns, keeps, possesses, transports, controls, display or offer for sale any exotic animal within the city. For the purpose of this section, the term "exotic animals" shall be defined as listed in section 14-182.

Sec. 14-184 - Exemptions.

The provisions of this section shall not apply to:

- (a) Animal control or law enforcement agencies or officers acting under the authority of this article;
- (b) Licensed veterinary hospitals or clinics;
- (c) Any wildlife sanctuary as defined under this chapter;
- (d) Any licensed or accredited research or medical institution;
- (e) Any licensed or accredited educational institution;
- (f) Any lawfully operated circus or rodeo;
- (g) Any business holding a commercial animal establishment permit;
- (h) Any organization that is an accredited member of the Animal Zoo and Aquarium Association;

1717 (i) Any person or organization possessing a permit issued by the U.S. Department of  
1718 Agriculture, U.S. Fish and Wildlife Service, the Missouri Department of Agriculture,  
1719 or Missouri Department of Conservation;

1720  
1721 (j) In the temporary custody or control of a television or motion picture production  
1722 company during the filming of a television or motion picture production in this state;  
1723 or

1724  
1725 (k) A person temporarily transporting an exotic animal through the city if the transit  
1726 time is not more than twenty-four (24) hours and the animal is at all times maintained  
1727 within confinement sufficient to prevent the exotic animal from escaping.  
1728

1729 Sec. 14-185 - Confiscation and disposition of exotic animals.

1730  
1731 (a) Animal control may immediately confiscate any exotic animal if the animal is kept in  
1732 contravention of this article. The possessor is liable for the costs of placement and care for  
1733 the exotic animal from the time of confiscation until the time of return to the possessor or  
1734 until the time the animal has been relocated to an approved facility, such as a wildlife  
1735 sanctuary as defined under this article or an institution accredited by the American Zoo  
1736 and Aquarium Association (AZA).

1737  
1738 (b) If an exotic animal is confiscated due to the animal being kept in contravention of this  
1739 article, the possessor must post a security bond or cash with the city in an amount  
1740 sufficient to guarantee payment of all reasonable expenses expected to be incurred in  
1741 caring and providing for the animal, including but not limited to the estimated cost of  
1742 feeding, medical care, and housing for at least thirty (30) days. The security bond or cash  
1743 shall not prevent the animal control from disposing of the animal at the end of the thirty  
1744 (30) days unless the person claiming the animal posts an additional security bond or cash  
1745 with the city to secure payment of all reasonable expenses expected to be incurred in  
1746 caring and providing for the animal for an additional thirty (30) days, and does so prior  
1747 to the expiration of the first thirty-day period. The amount of the security bond or cash  
1748 shall be determined by the animal control or his designee and based on the current rate to  
1749 feed, provide medical care, and house the animal.

1750  
1751 (c) If a confiscated animal possessor cannot be located or if a confiscated animal remains  
1752 unclaimed, in the discretion of the animal control officer, the animal control officer may  
1753 contact an approved facility, such as a wildlife sanctuary as defined under this article or  
1754 an institution accredited by the American Zoo and Aquarium Association (AZA), allow  
1755 the animal to be sold, adopted or euthanized.

1756  
1757 (d) If the exotic animal cannot be taken up or recaptured safely, the animal control officer or  
1758 law enforcement officer may immediately euthanize the animal.

1759  
1760 (e) If proper and safe housing cannot be found, animal control or their designee may  
1761 immediately euthanize the animal.

1762  
1763 Sec. 14-186 – Exotic Primary Enclosures.

1764  
1765 A person commits an offense if he harbors or maintains an exotic animal unless the animal  
1766 is confined to a primary enclosure that meets the following minimum construction specifications:

1767  
1768 (a) Orders Rheiformes, Struthioniformes, and Casuariiformes: A fence of not less than six feet

- 1769 (6') in height, constructed of not less than eleven and one-half (11 1/2) gauge chain link fence  
1770 or its strength equivalent.  
1771
- 1772 (b) Family Ailuridae: a cage of not less than nine (9) gauge chain link or its strength equivalent.  
1773
- 1774 (c) Families Protelidae and Viverridae: A cage of not less than eleven and one-half (11 1/2)  
1775 gauge chain link or its strength equivalent.  
1776
- 1777 (d) Gibbons, monkeys, and other primates: a cage consisting of not less than nine (9) gauge  
1778 chain link or its strength equivalent.  
1779
- 1780 (e) Elephants, rhinoceros, and hippopotamus: a cage of steel bars, masonry block, or its  
1781 strength equivalent.  
1782
- 1783 (f) Order Marsupialia: a cage consisting of not less than eleven and one-half (11 1/2) gauge chain  
1784 link or its strength equivalent.  
1785
- 1786 (g) Order Perissodactyla (except rhinoceros) and Order Artiodactyla (except hippopotamus): a  
1787 fence of not less than eight feet (8') in height, constructed of not less than nine (9) gauge  
1788 chain link or its strength equivalent.  
1789
- 1790 (h) Order Chiroptera (bats): a cage with no openings that will allow passage of a sphere larger  
1791 than three-eighths inch (3/8"), excluding the door. Any door to such a cage shall have no  
1792 openings which will allow passage of a sphere greater than three-eighths inch (3/8") and  
1793 shall be kept secured when not in use.  
1794
- 1795 (i) All cages and fences constructed of chain link shall be well braced and securely anchored at  
1796 ground level and shall utilize metal corners, clamps, ties, and braces of equivalent strength  
1797 to other materials prescribed for cage construction for that order, family, or species.  
1798
- 1799 (j) Frames for cages and fences, including corners, braces, top, and bottom rails, shall be  
1800 securely bolted or welded to provide maximum strength.  
1801
- 1802 (k) Cages and fences shall be sufficiently strong to prevent escape.  
1803
- 1804 (l) Cages and fences shall be equipped with locks and locking mechanisms to prevent opening  
1805 by unauthorized persons.  
1806
- 1807 (m) All cages shall be covered at the top to prevent escape. In lieu of this requirement, facilities  
1808 provided for rhinoceros, elephants, and hippopotami may be constructed at sufficient  
1809 height and in such a manner to prevent escape.  
1810

1811 Sec. 14-187 – Transportation of Exotic Animals.  
1812

1813 It is unlawful to transport an exotic animal unless such animal is transported in a cage that  
1814 meets the minimum construction and strength requirements for primary holding facilities as  
1815 required in this section.  
1816

1817 Secs. 14-188 – 14-200. –Reserved.  
1818

1819 DIVISION 7. – COMMERCIAL

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**Sec. 14-201. - Applicability to existing establishments.**

**This division is applicable to all existing animal establishments, acts, displays, and events, except that private homes which become kennels by this division or by annexation, may keep the present number of animals and not be subject to any requirements as may be incurred by this division, provided all animals are permitted with animal control, that nonconforming use be registered with zoning, that minimum standard of health and sanitation are met, and that no new animals will be permitted without the kennel meeting all zoning, fire, building, and health codes as currently adopted by the city.**

**Sec. 14-202 – Commercial animal establishments standards for operation and treatment of animals.**

- (a) Any person operating a commercial animal establishment shall keep and maintain the animals, and all structures, pens or yards, tanks, ponds, or other holding areas in which the animals are kept, in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury and illness to these animals. All holding areas must be properly sanitized so as to keep the animals enclosed therein free of diseases.**
- (b) All such animals shall be provided with a constant supply of wholesome food and water, or, in lieu of this, the proprietor shall prominently and publicly post and shall follow a schedule for adequate feeding and watering. A schedule shall also be posted for cleaning and maintaining cages and other holding areas at the facility.**
- (c) Any animal that is infected or diseased with an infectious agent shall be immediately isolated in such a manner as to prevent the spread of disease to any other healthy animals, and it shall be treated immediately to prevent further condition deterioration or euthanized, and if the owner or keeper fails or refuses to provide for such treatment or euthanasia animal control may remove each such animal to an animal shelter for disposition as provided by this chapter.**
- (d) Any person operating a retail commercial animal establishment shall not sell or offer for sale any dangerous or prohibited animal as defined by section 14-182. Retail commercial animal establishments shall not sell any reptiles, offer any reptiles for sale, or offer any reptiles as a gift or promotional consideration unless a notice regarding the public health risks of salmonellosis from such animals and safe-reptile handling practices is prominently posted or displayed at each location in the establishment where the reptiles are displayed, housed or held.**

**Sec. 14-203 – Commercial animal establishments permits.**

- (a) Required; application.**
  - (1) All commercial animal establishments operated and located within the city must obtain a permit from animal control. This permit is a prerequisite to the issuance of an occupational license for such an establishment. All permits issued under this section must be renewed annually. Application forms therefor shall be provided by animal control or finance.**
  - (2) The permit period shall begin May 1 and shall run for one year. Renewal applications for permits shall be made thirty (30) days prior to and up to sixty**

1871 (60) days after May 1. Application for a permit to establish a new commercial  
1872 animal establishment under the provisions of this division may be made at any  
1873 time. Temporary animal events shall require a temporary permit from animal  
1874 control, which is valid for four days. At the discretion of the licensing authority,  
1875 temporary animal adoption event permit fees may be waived for nonprofit and  
1876 governmental agencies.

1877  
1878 (3) No person shall be issued a permit for a temporary animal adoption event  
1879 without making provisions for the sterilization of all animals sold, released for  
1880 adoption, or purchased from any public or private shelter or animal control  
1881 agency operated by a humane society, or by city or county, or other political  
1882 subdivision.

1883  
1884 (4) If there is a change in ownership of a commercial animal establishment, the new  
1885 owner may have the current permit transferred to his name upon application.

1886  
1887 (5) No commercial animal establishment shall train any dog to be used as a guard or  
1888 sentry dog without possessing a valid license. This section shall not apply to the  
1889 city/county government or any of its agencies. The application for a guard or  
1890 sentry dog training license shall state the name and address of the owner and  
1891 trainer, the location of the facility, and the maximum number of dogs to be  
1892 housed at the training facility.

1893  
1894 (6) Every facility regulated by this division shall be considered a separate enterprise  
1895 requiring an individual permit.

1896  
1897 (7) All facilities shall be in compliance with zoning, building, fire, health, and other  
1898 current codes as adopted by the city.

1899  
1900 (8) Failure to obtain a permit before opening any facility covered in this division  
1901 shall be considered in violation.

1902  
1903 (b) Prerequisites for issuance. A permit shall not be issued unless:

1904 (1) The applicant provides the complete information requested on the application  
1905 form, including but not limited to the names of the owner and applicant, the  
1906 type of business proposed, previous business of the applicant of the same or  
1907 similar nature operated, background, qualifications, and experience of the  
1908 applicant or operator, and any other information required for animal control to  
1909 make an objective judgment as to whether the applicant is qualified to operate  
1910 the business in a safe and humane manner.

1911  
1912 (2) The applicant provides proof that the establishment meets zoning, building, and  
1913 fire code requirements.

1914  
1915 (3) The applicant provides proof that the establishment has complied with any and  
1916 all federal government, state government, county government, and city  
1917 government agencies that have regulating and licensing authority by  
1918 promulgating any relative regulations, statutes, or guidelines.

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(4) The applicant provides an adequate written program of veterinary care outlining inoculation, worming, and other necessary care, treatment, or euthanasia to prevent the exchange, barter, sale, rental or hire of such animals which are diseased or unfit.

(c) Inspections. Prior to authorizing a new permit or renewing an existing permit, animal control will inspect the proposed or existing business premises as to their suitability for their intended use. Such inspection will include but shall not be limited to holding areas, primary enclosures, waste disposal methods, food and bedding, vermin control, heating and ventilation, and isolation facilities. All such facilities where animals are kept are subject to comply with the needs of animals as outlined in sections 14-125 and 14-186. Such permit shall not be renewed unless animal control finds that the permit holder has operated his or her business in a safe and humane manner in the previous permit period.

Sec. 14-203. - Permit required for commercial animal establishments, animal shelters, temporary animal events, temporary animal adoption events, and pet shops; issuance.

(a) No person shall operate a commercial animal establishment or animal shelter, or have or hold a temporary animal event or animal adoption event from any outdoor location without first obtaining a permit in compliance with this division.

(b) The licensing authority shall promulgate regulations for the issuance of permits and shall include requirements for the humane care of all animals and for compliance with provisions of this division and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(c) No person or entity shall operate a pet shop or any other facility or event where animals are bought, sold, exchanged, offered for retail sale or adoption to the general public without the required state department of agriculture pet shop license, and city business license.

(d) No person shall be issued a permit for a temporary animal adoption event without making provisions for the sterilization of all animals sold, released for adoption, or purchased from any public or private shelter or animal control agency operated by a humane society, or by city or county, or other political subdivision.

(e) Failure to obtain a permit before opening any facility covered in this division shall be considered in violation.

Sec. 14-204 - Denial or revocation of a permit.

It shall be grounds for permit revocation or denial for an owner, proprietor, manager, or employee to fail to meet the standards set forth in section 14-202 of this section, to falsify information requested in the application, or to refuse or deny access to animal control or designee for the purposes of inspection or complaint investigation with reference to granting, renewing, suspending or revoking a commercial animal establishment permit. Animal control shall make any denial, suspension, or revocation of a permit in writing to the applicant or permit holder, stating the reasons for such action. The applicant or permit holder shall have ten days after receipt of such denial, suspension, or revocation in which he may appeal from such denial, suspension or revocation to the administrative hearing officer in accordance with the procedures

1971 set for in chapter 30. Appeal by a permit holder shall stay suspension or revocation of the permit  
1972 pending final disposition of the appeal.

1973  
1974 (a) After an application is filed pursuant to section 14-202, animal control or their designee  
1975 shall inspect the facility prior to issuing the permit. Animal control or their designee may  
1976 revoke any permit or license if the person holding the permit or license refuses or fails to  
1977 comply with this division, the regulations promulgated by the licensing authority, or any  
1978 law governing the protection and keeping of animals.

1979  
1980 (b) Any person whose permit or license is revoked shall, within ten days thereafter, humanely  
1981 dispose of or make suitable arrangements for all animals owned, kept, or harbored.

1982  
1983 (c) It shall be a condition of the issuance of any permit or license that animal control or their  
1984 designee shall be permitted to inspect all animals and the premises where animals are  
1985 kept at any time and shall if permission for such inspection is refused, revoke the permit  
1986 or license of the refusing owner.

1987  
1988 (d) If the applicant has withheld or falsified any information on the application, animal  
1989 control or their designee shall refuse to issue a permit or license or may revoke after  
1990 issuance.

1991  
1992 (e) No person who has been convicted of cruelty to animals shall be issued a permit or license  
1993 to operate a commercial animal establishment.

1994  
1995 (f) Any person having been denied or revoked a license or permit may not reapply for a  
1996 period of one-hundred and eighty (180) days.

1997  
1998 Sec. 14-205 – Commercial Animal establishment operator responsibilities.

1999  
2000 An operator shall ensure that:

2001  
2002 (a) The buildings and grounds at all locations where animals are shall be kept clean and in  
2003 good repair, shall not become accumulated with trash and the interior building surfaces  
2004 shall be maintained so that they are substantially impervious to animal wastes and may be  
2005 readily sanitized.

2006  
2007 (b) All animal housing facilities shall be constructed and maintained in such a manner as to  
2008 protect the animals inside from injury, prevent the animals inside from escaping and  
2009 restrict the entrance of other animals. In addition, all animal housing facilities shall have  
2010 adequate and reliable sources of electrical power and potable water available.

2011 Sec. 14-206 – Commercial Animal indoor enclosures.

2012  
2013 (a) An operator shall provide all animals with enclosures located indoors, except animals that  
2014 are acclimated to the outdoor environment, and ensure that the interior of a housing  
2015 facility for indoor enclosures is constructed and maintained in such a manner as to be  
2016 substantially impervious to moisture as required by species and to facilitate regular  
2017 cleaning. In addition, an operator shall provide a suitable method to eliminate excessive  
2018 water from the interior of a housing facility for indoor enclosures. All drains must be  
2019 constructed and maintained in such a manner as to avoid foul odors. Any closed system  
2020 for drainage must be equipped with traps that prevent the release of sewage into the

2021 housing facility.

2022  
2023 (b) All indoor enclosures shall be constructed and maintained in such a manner as to protect  
2024 the animals inside from excessive illumination while providing an ample amount of light,  
2025 by natural or artificial means or both, of a sufficient distribution and intensity to allow  
2026 for routine inspection and cleaning. The indoor enclosure shall also provide a sufficient  
2027 amount of heat when necessary to protect the animals inside from cold and to maintain  
2028 their health and comfort. The ambient temperature of an indoor enclosure in which one  
2029 or more animals are kept must not be allowed to fall below fifty degrees (50) Fahrenheit  
2030 unless each animal is acclimated to a lower temperature. In addition, all indoor enclosures  
2031 shall be provided with adequate ventilation at all times to maintain the health and  
2032 comfort of the animal(s) inside as required by species. The system of ventilation must  
2033 provide fresh air by means of windows, doors, vents, or air conditioning and be designed  
2034 to maintain drafts, odors, and the condensation of moisture at a minimum. If the ambient  
2035 temperature reaches eighty-five (85) degrees Fahrenheit or greater, air conditioning,  
2036 exhaust fans, and vents, or other auxiliary ventilation must be provided.

2037  
2038 Sec. 14-207 – Commercial Animal outdoor enclosures.

2039  
2040 If animals are kept outdoors, an operator shall provide a suitable method for the rapid  
2041 drainage of surface water from the area where each animal is kept. An operator shall also  
2042 provide a sufficient amount of shelter to ensure the animal remains dry from rain and snow and  
2043 protected from wind when a high wind warning has been issued by the National Weather Service  
2044 or which creates a wind chill of less than fifty degrees (50) Fahrenheit unless each animal is  
2045 acclimated to a lower temperature. In addition, an animal shall have enough shade to protect  
2046 itself from any direct sunlight that is likely to cause overheating or discomfort and remain warm  
2047 when the atmospheric temperature falls below fifty degrees Fahrenheit. If the ambient  
2048 temperature falls below the temperature to which an animal is acclimated, the operator shall  
2049 provide such an additional amount of clean bedding material or other protection as necessary for  
2050 the animal to remain warm. After considering the ambient temperature, the operator shall  
2051 provide each animal with a sufficient amount of food and water necessary to sustain it in a  
2052 healthy condition at that temperature.

2053  
2054 Sec 14-208- Commercial Animal primary enclosure—Construction and maintenance requirements.

2055  
2056 An operator shall ensure that a primary enclosure is constructed and maintained in such  
2057 a manner as to protect the animals inside from injury, prevent the animals inside from escaping,  
2058 keep other animals out and allow the animals inside convenient access to food and water. In  
2059 addition, an operator shall enable animals inside to remain clean and dry as required by species  
2060 and provide sufficient space for each animal inside to turn about freely and to stand, sit and lie in  
2061 a comfortable, normal position as appropriate for the species.

2062  
2063 Sec 14-209- Commercial animal primary enclosure—floor space.

2064  
2065 An operator shall ensure that a primary enclosure in which each animal that is at least six  
2066 weeks old is kept has a minimum amount of floor space which is calculated by finding the  
2067 mathematical square of the sum of six inches plus the length of the animal measured from the tip  
2068 of its nose to the base of its tail and dividing that amount by one hundred forty-four, to arrive at  
2069 the minimum amount of square footage required for the floor space per animal.

2070  
2071 Sec 14-210- Commercial animal compatibility of animals in enclosures.

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If animals are kept in enclosures together, an operator shall ensure that animals placed with other animals are compatible. Any animal that displays a vicious disposition shall not be placed together with any other animal. A female animal shall not be placed together with any intact male animal during periods of estrus, except for supervised breeding. Furthermore, an immature animal shall not be placed together with an adult animal, except with its mother or when permanently maintained in a breeding colony.

Sec 14-211- Commercial animal water and feeding requirements.

- (a) An operator shall ensure that clean potable water is accessible to the animal at all times except as directed by a veterinarian to provide adequate care. Each animal shall be fed at least once each day, except as otherwise required to provide adequate care. The food provided to an animal must be wholesome, palatable, free from contamination, and of sufficient quality and nutritive value to meet the normal daily requirements for the animal, based upon its condition and size. Supplies of perishable food must be adequately refrigerated or properly stored to prevent spoilage.
- (b) Containers of food shall be durable, except that disposable receptacles may be used if they are discarded after each feeding and located so as to be accessible to the animals. The containers shall also reduce to a minimum any contamination from excreta. Containers of food and water shall be kept clean and self-feeders must not be used for the feeding of dry food unless they are cleaned regularly to prevent molding, deterioration, and the caking of food.

Sec 14-212- Commercial animal pest control requirements.

- (a) An operator shall ensure that insects, ectoparasites, and avian, mammalian, and reptilian pests are kept under control. An operator shall also ensure that supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin. All excreta must be removed regularly from enclosures during business hours to prevent contamination and to reduce minimum odors and the risk of disease.
- (b) An enclosure must be disinfected at least once daily and before placing another animal in the enclosure. If a hosing or flushing method of cleaning is used, all animals must be removed from the enclosure and adequate measures must be taken to protect the animals in other enclosures from being contaminated with water and other wastes.
  - (1) Pens or runs with hard surfaces, and cages and rooms, shall be sanitized at least once every two weeks by:
    - a. Washing them with water of a temperature not less than one hundred twenty degrees Fahrenheit and with soap or detergent;
    - b. Washing all soiled surfaces with a safe and effective disinfectant; or
    - c. Cleaning all soiled surfaces with live steam.
  - (2) Pens or runs with gravel, sand, or dirt surfaces shall be cleaned as often as necessary by removing and replacing the soiled gravel, sand, or dirt.

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(c) Sewage, solid wastes, soiled bedding, dead animals, and debris must be removed from housing facilities regularly during the business day and disposed of properly. Enclosures not in use must be cleaned, washed, and disinfected at least once every two weeks to prevent any accumulation of debris or excreta and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans. Facilities for disposal shall be maintained in such a manner as to reduce minimum odors and the risk of disease or infestation by vermin. Adequate facilities, such as washrooms, basins, or sinks, shall be provided for the cleanliness of persons handling animals.

Sec 14-212- Commercial animal disease control program.

An operator shall, with the approval of a veterinarian, establish and maintain a program to control disease and care for the health of animals. As part of this program, an operator shall ensure that:

- (a) Each animal is observed daily by the person directly responsible for its care, or by someone else under that person's direct supervision.
- (b) Blind, lame, injured, ill, or diseased animals are provided with the appropriate veterinary care that is consistent with the purposes for which an animal is being kept or humanely euthanized.
- (c) Any animals under quarantine or being treated for a communicable disease are kept separate from other animals.

Sec 14-213- Commercial animal safety plan

An operator shall have on property a written response plan for the escape of any dangerous or exotic animals in their care. The plan shall include the methods and procedures that will be utilized in the event of an escaped dangerous animal from the facility. This plan shall be made available to animal control upon their request or annual inspection.

Secs. 14-214 – 14-300. –Reserved.

DIVISION 8. – REPTILES

Sec. 14-301. - Habitat

All reptiles held as pets or specimens must be contained within secure habitats designed to prevent escape.

Sec. 14-302. – Transport and Handling

- (a) Reptiles being transported shall be contained within escape-proof containers.
- (b) Reptiles shall not be handled openly in a public place unless the handler is conducting an educational meeting or is demonstrating a reptile for sale within a commercial animal establishment.

Sec. 14-303. – Release of Reptiles

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- (a) Reptiles not indigenous to Missouri shall not be released or abandoned.
- (b) Any species of reptile not indigenous to Missouri that are secured by or forfeited to animal control shall be released to a reptile rescue organization for proper disposition, or euthanized if deemed necessary by animal control.
- (c) Any species of reptile indigenous to Missouri that is secured by or forfeited to animal control may be released to the wild within the discretion of animal control.

**Sec. 14-304. – Reptile species not prohibited**

The families of reptiles listed in this paragraph may lawfully be possessed or housed, as these reptiles pose no life-threatening hazards to humans, provided that the reptiles are also owned in accordance with any and all state, federal, and Convention of International Trade of Endangered Species (CITES) regulations that may apply:

- (a) The following Families of the Order Squamata Suborder Sauria: Family Gekkonidae (geckos); Family Agamidae (Agamas); Family Iguanidae (anoles, swifts and iguanas); Family Cordylidae (sungazers and girdled lizards); Family Anguidae (alligator lizards, galli wasps, and glass lizards); Family Lacertidae (wall lizards); Family Anniellidae (legless lizards); Family Teiidae (tegus, racerunners); Family Chamaeleonidae (chameleons); Family Scincidae (skinks); Family Xenosauridae (crocodile lizard);
- (b) The following Families of the Order Squamata, Suborder Ophidia: Family Leptotyphlopidae (blind and worm snakes); Family Colubridae, sub family Colubrinae, (garter, water, gopher, bull, hognose, ringneck green snakes, ratsnakes, kingsnakes, cornsnakes and racers);
- (c) The following Families of the Order Testudines: Family Kinosternidae (musk turtle); Family Platysternidae (big-head turtle); Family Emydidae (painted, sliders, box turtle, pond turtle, etc.); Family Testudinidae (tortoise); Family Trionychidae (soft-shelled turtle); Family Pelomedusidae (flat-headed turtle); and Family Chelidae (side-necked turtle).

**Secs. 14-304 – 14-350. –Reserved.**

**DIVISION 9. – MISCELLANEOUS**

**Sec. 14-351. - Depositing carcass of a dead animal.**

- (a) No person or owner shall place or leave the carcass of any dead animal in any street, alley or lot, or allow the carcass to remain on his or anyone else's property.
- (b) The owner of any animal which has died from any cause shall dispose of the body within twenty-four (24) hours after knowledge of such death. The animal shall be buried no closer than four (4) feet to the natural surface of the ground or disposed of by the County, a private veterinarian, or a disposal plant licensed under Chapter 269, RSMo.

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**(c) Deer are an exception as long as they are hung to the side or back of the house and are removed within 48 hours.**

**Sec. 14-352. - Exposure of poisons liable to be eaten by animals**

**No person shall feed or place so as to constitute a direct or obvious hazard to man or animal or shall offer or tempt any dog or pet animal with any liquid, meat, or food product which shall:**

- (a) Cause prostration, convulsion, pain, or suffering as a prelude to death;**
- (b) Cause death; or**
- (c) Be proven to be toxic or lethal in the amount present to any man or domestic animal by competent medical or veterinary authority.**

**Sec. 14-353. – Traps.**

**(a) It shall be unlawful to use or set a leg-hold, snare, instant kill-body-gripping trap, or trap which can cause pain, injury, or suffering to any animal, except for any mouse or rat snap-type or glue board used for rodent control or any poison. A leg-hold, snare-type, or body-gripping trap is any trap which grasps the leg or any portion of such animal and which can injure, harm, or cause pain and suffering to the animal.**

**(b) Exceptions. The provisions of subsection (a) of this section shall not prohibit:**

- (1) The taking of wildlife by use of the devices or methods described in subsection (a) of this section by federal, state, county, or municipal departments of health for the purpose of protecting human health or safety;**
- (2) The use of the devices or methods described in subsection (a) of this section for controlling:**
  - a. Wild or domestic rodents, except beaver or muskrat;**
  - b. Wild or domestic birds as otherwise authorized by law;**
- (3) The use of nonlethal snares, traps specifically designed not to kill, or nets to take wildlife for scientific research projects, for falconry, for relocation, or for medical treatment pursuant to regulations established by the Missouri Department of Conservation;**

**(c) It shall be unlawful to use any box-type humane trap that does not injure or cause any suffering to any animal for the trapping of animals unless:**

- (1) A person may set up on his own property humane traps used to capture dogs, cats, and other small animals. Humane care shall be provided for any trapped animals, including the provision of food, water, and protection from extremes of the environment including heat, cold and precipitation.**
- (2) The trap is checked or examined for the presence of a live animal at least every**

2273 twelve (12) hours and the animal is removed within two (2) hours of being  
2274 notified that there is an animal in the trap; Trapped animals must be sheltered  
2275 and shall be checked at least once every two hours or every eight hours if left  
2276 overnight by the individual setting the trap.

2277  
2278 (3) The trap contains the name and telephone number of the person setting the trap.

2279  
2280 (4) Animal control will not retrieve any animals caught in traps set by any person on  
2281 private property.

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2283 (d) The provisions of this section shall not apply to the taking of wildlife with firearms,  
2284 fishing equipment, archery equipment, or other implements in hand as authorized by law.

2285  
2286 (e) It shall be the duty of every police officer or animal control officer to confiscate and destroy  
2287 any trap found set within the city other than a box-type humane trap, and to confiscate any  
2288 humane box-type trap which does not have the name and telephone number of the person  
2289 setting the trap.

2290  
2291 (f) No person shall release or remove an animal from a trap set by animal control or his  
2292 designee.

2293  
2294 (g) It is a defense to prosecution under this section that the trap was designed to kill common  
2295 rodents, including but not limited to rats, mice, and gophers. A person shall not place a  
2296 rodent trap on his property in such a manner as is likely to trap animals other than  
2297 common rodents.

2298  
2299 Sec. 14-354. – Elimination of pests

2300  
2301 It shall be unlawful to eliminate in any manner squirrels, starlings, pigeons, or any other  
2302 known pests (non-domestic animals) not protected by the Missouri Department of Conservation.

2303  
2304 Sec. 14-355. – Filing of false claims of ownership.

2305  
2306 A person commits an offense if he knowingly initiates, communicates, or circulates a claim  
2307 of ownership for an animal with animal control that he knows is false or baseless.

2308  
2309 Sec. 14-356. – Defecation – Removal and Disposal Required;

2310  
2311 (a) An owner or person who has care, custody, or control of an animal commits an offense if, he  
2312 permits or by insufficient control allows an animal to defecate on private property not his  
2313 own or on property located in a public place without immediately removing and disposing  
2314 of the defecation material in a sanitary and lawful manner.

2315  
2316 (b) An owner or person who has care, custody, or control of an animal commits an offense if, he  
2317 permits or by insufficient control allows an animal to enter or remain on private property  
2318 not his own or on property located in a public place without having in his possession  
2319 materials or implements that, either alone or in combination with each other, can be used  
2320 immediately in a sanitary and lawful manner to remove and dispose of defecation the  
2321 animal may deposit on such property.

2322  
2323 (c) It is an affirmative defense to prosecution under this section that:

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- (1) The animal is a law enforcement canine under the supervision of a police officer in the performance of his official duties; or
- (2) The animal is a “service dog” performing duties of assisting the disabled.
- (3) The owner of the private property has given consent or permission for the animal to defecate on his property.

Secs. 14-357 – 14-400. –Reserved.

**Appendix A - Fee Schedule**

<b>Code Section</b>	<b>Description</b>	<b>Fee</b>
<b><u>Chapter 14 - Animals</u></b>		
<b><u>Commercial animal establishment permits:</u></b>		
	<u>New Construction / remodel</u>	<u>\$350.00</u>
	<u>Existing establishment / new owner</u>	<u>\$200.00</u>
<b><u>Permits:</u></b>		
	<u>Housing wild animals permit</u>	<u>\$300.00</u>
	<u>Housing all other animals permit</u>	<u>\$100.00</u>
	<u>Re-inspection (excluding temporary permits) for each re-inspection after routine inspection or complaint with action</u>	<u>\$100.00</u>
	<u>Temporary animal establishment permit (maximum of four days)</u>	<u>\$25.00</u>
	<u>Temporary animal establishment permit (maximum of four days) for verified 501c organizations</u>	<u>\$0.00</u>
	<u>Special Animal Permits</u>	<u>\$25.00</u>
<b><u>Animal Impound Fees:</u></b>		
	<u>Impound fees- covers the first seven days</u>	<u>\$80.00</u>
	<u>Impound fees - after seven days</u>	<u>\$10.00 a day</u>
	<u>Rabies Vaccination (if required)</u>	<u>\$30.00</u>
	<u>Euthanizing</u>	<u>\$55.00</u>
	<u>Microchipping</u>	<u>\$10.00</u>
<b><u>Animal License Fee:</u></b>		
	<u>One-year <del>annual</del> or Three year license (Unaltered Pet)</u>	<u>\$20.00</u>
	<u>One-year <del>annual</del> or Three year license</u>	<u>\$10.00</u>

	<u>(Altered Pet)</u>	
	<u>*Free for senior citizen (age 65 or over)</u> <u>[Altered Pet only]*</u>	<u>\$0.00</u>
	<u>Replacement Tag</u>	<u>\$5.00</u>
	<u>Late fee for each license</u>	<u>\$20.00</u>
	<u>Guard Dog</u>	<u>\$50.00</u>
	<u>Potentially dangerous dog (initial)</u>	<u>\$100.00</u>
	<u>*Annual renewal*</u>	<u>\$75.00</u>
	<u>Dangerous dog (initial)</u>	<u>\$250.00</u>
	<u>*Annual renewal*</u>	<u>\$100.00</u>
	<u>Special Animal Permit per animal</u>	<u>\$25.00</u>
	<u>Special Animal Permit for verified 501c organizations.</u>	<u>\$0.00</u>
	<u>Special Animal Permit per bee colony</u>	<u>\$25.00</u>

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NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

Section 3: Severability Clause. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or major sections, sentences, clauses or phrases be declared invalid.

Section 4: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor. The changes to Appendix A that apply to animal license fees will go into effect no earlier than January 1, 2022.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
E. Edd Akers]  
Larry D. Milton  
Mayor

ATTEST:

APPROVED AS TO FORM:

 #5187

2368 \_\_\_\_\_  
2369 Lisa K Westfall  
2370 City Clerk

3/1/21

\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney