

Chapter 73 – Animals

(Chapter 73 was amended and replaced in its entirety by Ordinance No. 2354 (2013-11-12))

Subchapter A -- IN GENERAL

73.000 Construction of article provisions. The provisions of this article shall not be construed to prohibit the department, or any authorized law enforcement officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.

73.005 Exemption. The provisions of this article shall not apply to any federal, state or city law enforcement agency or dog specifically exempted pursuant to any other law, rule or regulation regarding the humane treatment of animals.

73.010 Severability.

A. If any provision of this article is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this article.

B. No provision of this article shall prevent the enforcement of existing animal control regulations of the City Code.

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

1. Animal: Every living vertebrate except a human being.
2. At large: An animal shall be "at large" when off the property of the owner and unleashed.
3. Cat: Any member of the feline (genus felis) family over six (6) months of age.
4. Director: The City Administrator or a duly authorized agent or employee.
5. Dog: Any member of the canine (genus canis) family over six (6) months of age.
6. Euthanasia: To put to death in a humane way.
7. Exposed to rabies: Any animal, whether vaccinated for rabies or not, which has had any physical contact with a rabid animal as determined by the Missouri Department of Health and Senior Services.
8. Ferret: Any member of the mustelid family whose size ranges from 1 to 5 pounds; a derivative from the Steppe and European polecats domesticated over 3,000 years ago by the Egyptians.

9. Harbor: To feed or shelter an animal at the same location for three or more consecutive days.
10. Impound: To take into custody any animal, for the purpose of confinement.
11. Kitten: Any member of the feline (genus felis) family under six (6) months of age.
12. Livestock: Any horse, cow, pig, hog, sheep or goat.
13. Microchip: A permanent radio-frequency identification (RFID) chip implanted under animal's skin and read by a chip scanner or wand.
14. Owner: In addition to its ordinary meaning, any person, who keeps or harbors an animal or professes to be owning, keeping or harboring an animal.
15. Provocation: Means that an animal may be provoked only if it bites a person over 7 years of age, immediately after the person who is bitten causes, or attempts to cause, the animal to experience physical pain. Provocation shall not exist if the person causing, or attempting to cause the animal physical pain is doing so as a result of a reasonable belief that the animal intends to cause the person or another person imminent injury.
16. Pup: Any member of the canine (genus canis) family under six (6) months of age.
17. Tag: Any object, regardless of shape or size, bearing a registration number and year, and the words "registered and vaccinated for rabies," issued by a practicing licensed veterinarian.
18. Trap: Any mechanical device or snare which seeks to hold, capture, or kill an animal.
19. Trapping: The setting or laying or otherwise using of a trap.
20. Vaccination-registration: The vaccination for rabies and issuance of an appropriate certificate, by a practicing licensed veterinarian.
21. Vicious Animal: Any animal which;
 1. Has caused death or serious injury to a person engaged in a lawful activity;
 2. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
 3. Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

4. Has been trained for fighting or is owned or kept for the purpose of fighting; or
5. Causes any person to have a reasonable fear of immediate serious physical injury.
6. Has been determined to be vicious by the Municipal Judge or pursuant to the procedures set forth in this chapter.
7. No dog may be deemed a vicious animal under this ordinance if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass, or other tort upon the premises occupied by the owner or keeper of the dog, or if a person at the time of such threat, injury or damage was teasing, tormenting, abusing or assaulting the dog, or was threatening or committing an assault or other bodily harm to the owner, the owner's or keeper's immediate family or their invitees; furthermore, dogs used by commissioned officers for law enforcement shall not be deemed vicious animals for purposes of this ordinance.

73.020. Keeping near dwellings. It shall be unlawful for any person to keep any livestock or fowl in an outdoor enclosure or pasture, the exterior boundary of which is within one hundred (100) feet of the dwelling house of another without the written permission of the owner or occupant of such dwelling house.

73.025 Minimum area of enclosures or pastures.

A. No person shall keep more than one livestock animal in an outdoor enclosure or pasture, unless such enclosure or pasture shall have an area of one-half acre for each livestock animal; provided that this area requirement shall not apply to the keeping of a suckling offspring of such animal.

B. It shall be unlawful for any person to keep or use within the corporate limits any pen, stall, place or enclosure in which hogs or swine shall be kept for more than 12 hours, except for the purpose of transportation or immediate use for the market.

C. The provisions of this section shall not apply to any lawfully operated stockyard, slaughterhouse, university or college or veterinary hospital or to a farm lawfully operating within an Agricultural District.

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

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

73.040 Confinement of females in heat. It shall be unlawful for the owner or the person in charge of any female dog or cat in heat to fail to keep such dog or cat confined to a roofed enclosure.

73.045 Hatcheries. Any person within the city, engaged in the business of hatching baby fowl by the use of incubators, who permits any odor to escape from such incubators that is offensive or annoying to persons residing within the vicinity of the place of business shall be deemed actively maintaining a nuisance. The provisions of this section shall not apply to a farm operating within a an Agricultural District.

73.050. Poisoning animals. It shall be unlawful for any person to feed or place so as to constitute a direct or obvious hazard to man or animal, or to offer or tempt any animal with, liquid, meat, or any food product which shall be proven to be toxic or lethal in the amount present to any man or domestic animal by competent medical or veterinary authority.

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

73.060. Loading, transferring, of livestock. It shall be unlawful for any person to unload or transfer livestock from one vehicle to another in any public place, street or thoroughfare or on any private premises, or for any person to park or stand any vehicle for such purpose on any street or thoroughfare or on any unenclosed private premises within the city for longer than four hours; provided, that nothing in this section shall prohibit loading, unloading or transferring livestock at any established and maintained stockyard, slaughterhouse or stable barn, or in any enclosed building. The provisions of this section shall not apply to a farm lawfully operating within an Agricultural District.

73.065 Breeding livestock. It shall be unlawful for any person to permit the breeding of livestock within the city, unless the same is in an enclosed shed or stable and entirely out of public view or hearing. The provisions of this section shall not apply to a farm lawfully operating within an Agricultural District.

73.070 Minimum Standards of Sanitation, Care, and Adequate Housing of animals. It shall be unlawful for the owner or person in charge of any animal to permit such animal to remain without sufficient food, water or shelter in accordance with the following:

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

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

C. No person shall keep a dog outdoors on any premises unless at least one of the following applies: either the dog has access to the owner's home through a dog door during all time spent outside; or the dog is under the supervision of a human being who can allow the dog access to the owner's home during all time spent outside; or the dog is at all times in the company of a human being; or the dog spends less than one hour per day outside; or the dog is provided full access to an enclosed building, dog house, or similar shelter at all times. The dog must have space outside its shelter to move around and relieve itself away from its confinement, and this space must be free of broken glass and similar potentially dangerous materials which could result in injury to the dog. Outside housing or enclosures shall allow protection against weather extremes. Floors of buildings, runs, and walls shall be of waterproof material to permit proper cleaning and disinfection.

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

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

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

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

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

73.080. Running at large.

A. It shall be unlawful for the owner or the person in charge of any animal to fail to keep any animal from running at large that is without either being in a securely fenced yard or secured with a leash, rope, chain, or under the owner's control at any time, at any place in the City.

B. It shall be unlawful for any person having charge or custody of any cattle, horses, swine, pigs, sheep, goats, reptile, poultry, or similar animal to permit such animal to run at large in the City of Holts Summit.

C. The provisions of Subsection A of this Section shall not apply to dogs being used in authorized field trials or dog shows, or while on the private property of others with the actual, implied, customary or constructive consent of the owner of such private premises; nor shall the provisions of prohibitions in Subsection A of this Section apply to bloodhounds or other dogs used for tracking or other lawful purposes in conjunction with police activities.

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

73.090. Vicious Animals.

A. Any person or entity owning, controlling, keeping, harboring, or maintaining a dog or other animal known to said person or entity to have previously displayed vicious propensities, shall, at all times, keep said dog or other animal from leaving the property owned, leased, or controlled by said person or entity and from going onto the property of others or upon the streets and highways of the City of Holts Summit, Missouri, unless said dog or other animal is physically under the control of said person or entity by the use of a chain, leash, or cage.

B. If City enforcement personnel shall be notified of a vicious or ferocious animal and upon investigation shall find such animal has been running at large, the enforcement personnel shall have full authority to seize the dangerous, ferocious, or vicious animal. Before seizing said animal, the enforcement personnel shall make as certain an identification as is practical under the circumstances, and shall determine if capturing the animal is reasonable. However, the enforcement personnel shall not place themselves in any position of danger of being attacked. Identification of the animal as dangerous, ferocious, or vicious shall include an independent appraisal of the disposition of the animal as is practical under the circumstances by the enforcement personnel. Should the enforcement personnel deem that destruction of the animal is necessary to protect lives and/or safety of any person in imminent danger same is hereby authorized.

C. Upon a conviction under this section, the municipal judge has the authority to order the destruction of the subject animal.

D. Any case filed under this section shall go to the top of the docket in the municipal court and shall have priority over other matters.

E. If the animal is seized under Subsection B and the City incurs costs associated with the seizure, the same shall be assessed upon a conviction under this section.

73.095. Authority to Contract for Animal Impounding. The Mayor is authorized and directed to make and enter into a contract on behalf of the City of Holts Summit for the confinement, impounding, care, release, euthanasia, and disposing of animals acquired pursuant to the provisions of this Chapter upon such terms as are approved by the Board of Aldermen.

73.100. Impoundment generally. All animals found running at large in the city are hereby declared to be a public nuisance and shall forthwith be impounded by the director and placed in the City animal shelter. When any animal is impounded as provided in this section, it shall be the duty of the director to make diligent inquiry for the owner thereof and, when such owner shall be found, to notify him, of impounded and the impoundment of such animal or fowl.

73.105. Redemption and adoption of impounded animals; disposition of unredeemed animals.

A. Unless otherwise specified in the Code of the City of Holts Summit, all impounded animals shall be held for a period of ten (10) days after which they may be placed for adoption or euthanized at the discretion of the Director. An animal may be euthanized immediately if:

1. Ownership of the animal has been assigned to the City by the animal's owner; or
2. In the judgment of the Director or designee, the impounded animal is a feral animal.

B. The owner of any impounded animal, or any other person with the written permission of the owner who is at least 18 years of age, may redeem such animal within the period specified in Sec. 73.105(A) above after impoundment by paying to the city an impoundment fee to be set by the Director for each calendar day of impoundment for the expense of keeping, feeding and sheltering such animal during the term of impoundment. In addition to the impoundment fee for each calendar day of impoundment the owner must pay any and all veterinary expenses incurred for such animal.

C. Impounded dogs or cats that do not bear proof of rabies vaccination at the time of impoundment shall not be released to the owner until payment of the required fee for vaccinating has been received by the City from the owner ensuring that the dog or cat has been vaccinated for rabies.

D. Adopters, shall be at least 18 years of age, pay the adoption fee and execute an adoption form agreeing to take all necessary steps to comply with the provisions of this chapter. The adoption fee for animals at the shelter shall be set by the Director.

E. All dogs and cats adopted from the animal shelter must be spayed or neutered. Adopters shall pay the fee as set out in paragraph (D) above. Adopters shall have the animal inoculated for rabies and spayed or neutered by a licensed veterinarian within the time specified on the adoption form. The City will pay part or all of the cost of rabies inoculation, spaying, or neutering for animals which are adopted from the City. To qualify, the owner of the animal adopted must take the animal to a veterinarian who has agreed to participate in the City program. The City will pay to the veterinarian an amount for each eligible service according to the fee schedule promulgated by the Director. The City Administrator is hereby authorized to execute agreements with veterinarians who wish to participate in the program.

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

73.115. Animal Identification.

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

B. Any vicious animal owned or kept by any person convicted of violating this ordinance shall provide proof to the director of permanent identification or marking. The municipal court shall have continued jurisdiction subsequent to conviction to enforce the provisions of this section.

C. Refusal to provide or submit proof that a vicious animal has permanent identification or a marking pursuant to this ordinance is a separate violation thereof.

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

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

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

73.130. Right of entry of director. The director or their designee shall have the right of entry to any property or premises within the city for the purpose of determining if the provisions of this chapter are being violated.

73.135. Penalty. Any person violating the provisions of this chapter, upon conviction shall be fined not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00), or shall be sentenced to a term of imprisonment of not more than three (3) months in jail, or shall be both fined and sentenced. Each day that the condition exists in violation of these provisions constitutes a separate offense. Upon conviction under this section the city enforcement personnel shall have the right to seize and impound the animal(s).

73.140 Costs for Euthanasia of an animal to be assessed against owner. The City of Holts Summit may assess the costs of euthanasia of an animal pursuant to this chapter and an administrative fee against the owner of the euthanized animal.

73.145. Microchip required. Each dog, cat or ferret that is not spayed or neutered shall have implanted a microchip approved by the Director. The owner shall keep current the information provided through the microchip and shall provide the Director with a copy of the microchip information.

73.150. Maximum number animals.

No occupant of any residential building or unit of a residential building shall allow more than six (6) dogs or cats, or combination of dogs and cats, to be kept within the residential building or unit.

73.160. Animal unattended in motor vehicle.

A. Endangering health of animal prohibited. A person may not leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.

1. There shall be a presumption that the health and safety of an animal is in danger if an animal is inside a motor vehicle and the temperature outside the motor vehicle is 80 degrees or greater, and the interior of the vehicle is not provided with conditioned air to maintain an internal temperature of 80 degrees Fahrenheit or less.

B. Use of reasonable means necessary to remove animal from vehicle. Except as provided in subsection (c) of the section, a person may use reasonable means necessary to remove from a motor vehicle an animal left in the vehicle in violation of the provisions of subsection (a) of the section if the person is:

1. A law enforcement officer;
2. A public safety employee of the State or the City;
3. An Animal Control Officer under the jurisdiction of the State or a local governing body;

C. Liability. A person described in subsection (b) of this section may not be held liable for any damages directly resulting from actions taken under the provision of subsection (b) of this section.

Subchapter B -- RABIES CONTROL

73.165. Vaccination of dogs cats and ferrets - Generally.

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

B. Puppies and kittens shall be confined to their owners' premises.

C. The rabies vaccination shall be valid for a period of one year from the date of vaccination.

73.170. Display of tag; replacement tag or certificate.

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

73.175. Animal bite or puncture procedure.

- A. The owner of any dog, cat or ferret that is not vaccinated ,which bites any person, or punctures the skin, shall be required to confine the animal under the supervision of a practicing licensed veterinarian, for a period of ten (10) days following the evening of the day of the bite, for clinical observation. All expenses thereof shall be borne by the owner of the animal.
- B. In the event the animal is vaccinated and proof is provided to the director, the animal may be confined for a period of (10) days at home at the discretion of the director or their designee.
- C. If such animal develops symptoms of rabies, it shall be euthanized, or if death shall occur while such animal is confined, for any reason, the head of such animal shall be removed by the veterinarian and submitted to any qualified official laboratory.
- D. . If at the end of such ten day period the animal is alive and healthy, it may be released to its owner; provided, that all other conditions of this chapter are fulfilled.

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

73.185. Animals exposed to rabies. The owner of any animal which has been exposed to rabies shall accept one of the following alternatives:

- A. If vaccination is not current, the animal shall be confined six (6) months under the supervision of a practicing licensed veterinarian and vaccinated one (1) month before release at the expense of the owner.
- B. If the animal has a current vaccination by a licensed veterinarian, the animal shall be revaccinated immediately and confined at home for forty-five (45) days;
- C. Immediate euthanasia.by a practicing licensed veterinarian at the expense of the owner

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

73.200. Enforcement; search and seizure.

A. Authorized city enforcement personnel shall be empowered to enforce the provisions of this chapter or any rule or regulation.

B. Persons authorized to enforce the provisions of this chapter or any rule or regulation shall have the authority to seek and execute search and seizure warrants.

C. Upon a conviction under this chapter, the municipal judge has the authority to order city enforcement personnel to seize and impound the animal(s) and offer said animals for adoption, as provided in Sec 73.105.

D. No person whose animal is seized under this section shall have the right to redeem the animal.