

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 5, ANIMALS OF THE CODE OF ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG, MISSOURI AS FOLLOWS:

Section One. The following sections are hereby amended to read as follows, with the balance of Chapter 5 remaining in effect unaltered.

Sec 5-1. Definitions

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Animal shall mean any living vertebrate member of the animal kingdom, excluding man.

Animal shelter shall mean any premises designated by action of the city for the purpose of impounding and caring for all animals found running at large in violation of this chapter.

At large shall mean when an animal is off the property of its owner and not under the control of a competent person.

Dog shall mean any member of the canine (genus canis) family.

Euthanize shall mean the humane destruction of an animal.

Impound shall mean to take into custody any animal, by any humane means, for the purposes of confinement.

Kennel shall mean any commercial business engaged in breeding, buying, selling or boarding of at least three (3) dogs.

Livestock animal shall mean cows, horses, mules, hogs, goats, sheep, domestic fowl or other animals commonly associated with farming and agriculture.

Neutered shall mean altered to prevent conception.

Owner shall mean any person owning, keeping, harboring or otherwise having the care or control of an animal.

Under restraint shall mean when an animal is controlled by a leash, at

“heel” beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

Sec. 5-2. Impoundment for observation.

a) Any domestic animal that has bitten or scratched a person or other animal must be kept, at owner's expense, in a veterinary hospital or animal control shelter for a minimum of ten (10) days for observation. A report shall be rendered to the person bitten or scratched, or the owner of the animal bitten or scratched, of the condition of the confined animal concerning rabies. This report will also be rendered to any official that requires such a report. Any animal found to be rabid shall be disposed of as required by this chapter or applicable state law. If the animal is determined to not be rabid after ten (10) days, it may be redeemed by the owner as provided in section 5-50 and upon payment of all costs, or it may be adopted as provided in section 5-51 or 5-83 and upon payment of all costs, or it may be euthanized.

b) Any person who may show satisfactory proof of a current rabies vaccination for an animal that has bitten or scratched a person may quarantine that animal at their home, subject to all requirements of Section 5-46, but must obtain a report from a veterinarian within such ten days to be provided to the bite or scratch victim, and any government authority entitled to the same.

c) Bats and wild carnivorous mammals as well as crossbred animals, which are crossbred between wild animals and dogs or cats, that have bitten or scratched a person, will be killed and appropriate tissues sent to the state laboratory for rabies examination.

d) Upon receipt of a report of an animal bite or scratch, the City shall report the incident to the Johnson County Health Department as required by Section 322.140 RSMo.

Sec 5-41. Enforcement of article.

This article shall be enforced by employees of the City authorized to enforce the provisions of this chapter.

Sec 5-45. Restraint of dogs.

(a) *Required.* The owner of a dog shall keep their dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, without proper restraint.

(b) *Legal liability for a dog not under restraint.* The owner of any dog who fails to keep his or her dog under restraint shall be held liable for all damages caused by such dog.

(c) *Handling of when not under restraint; summary killing of dogs.* Any dog found running at large and which cannot be safely taken up and impounded, then any police officer or employee of the City authorized to enforce this Chapter is hereby authorized to use such force as may be necessary to capture such dog, including the actual killing of the dog.

(d) *Prosecution of owner when dog is at large.* Whenever a dog is at large, known to be owned, harbored, kept or fed at a certain residence or by a certain family, then the head of such residence or family, or any adult living there is hereby declared to be the owner of the dog and shall be charged with a violation of this section even though the dog is not captured; and the officer may, upon request, search the premises where he believes the dog is kept to attempt to verify that the dog is being kept by such person as owner.

(e) *Exceptions.* The provisions of this section shall not apply to any publicly or privately designated dog park, so long as such facility is fully enclosed.

Sec. 5-49. Impoundment.

(a) *Generally.* Any dog in violation of any section of this Chapter is subject to being “picked up” and impounded at an animal shelter facility at the expense of the owner.

(b) *Owner to be notified.* The owner of the dog, if known, shall be promptly notified. If unable to identify the owner or unable to locate owner, no liability shall be attached to the city or to any person involved with the capture or impoundment of such dog.

Sec. 5-50. Redemption.

(a) Any dog impounded under section 5-49 may be redeemed within the required lawful holding period by payment of any fees required by the Shelter housing the dog.

(b) If an impounded dog is unlicensed, its owner shall comply with the licensing section of this article.

Sec. 5-52. Disposition of unclaimed dogs.

Any dog left in an animal shelter more than five (5) days from the date of its impoundment and not adopted under section 5-51 may be disposed of in

any lawful manner by the Shelter housing the animal.

Sec. 5-76. Impoundment of animals evidencing neglect, abuse.

Any duly authorized public health official or police officer may impound any animal found outside of the owned or rented property of the owner or custodian of such animal when such animal shows evidence of neglect or abuse.

Sec. 5-77. Warrants for entry upon private property for inspection, impounding.

(a) Any duly authorized public health official, police officer or other officer of the City may seek a warrant from the appropriate court to enable them to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of this article has occurred. A person acting under the authority of a warrant shall not be liable for any necessary damage to property while acting under such warrant. All animals impounded pursuant to a warrant issued under this section shall be

(1) Placed in the care or custody of a veterinarian or an animal shelter. If no appropriate veterinarian or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose.

(2) If it is determined by a veterinarian that an animal impounded under a warrant is diseased or disabled beyond recovery for any useful purpose, that animal may be euthanized.

(b) The owner of any animal who has been convicted of animal neglect or animal abuse shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid, and may put up for adoption or euthanize such animal if such costs are not paid within ten (10) days after demand.

Sec. 5-82. Redemption.

An owner of an impounded animal which has been held by a shelter for more than five (5) days will be required to comply with all regulations and policies regarding adoption of animals.

Sec. 5-84. Disposition of unclaimed cats.

Any cat left in the animal shelter more than five (5) days from the date of its impoundment and not adopted under section 5-83 may be disposed of in any

lawful manner by the shelter housing the animal.

Section 2. The provisions of Section One of this Ordinance shall be incorporated into the Code of Ordinances.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Read two (2) times and passed by title this _____ day of _____, 2021.

Bryan Jacobs, Mayor

Attest:

Cindy Gabel, City Clerk