BILL NO. 201808

ORDINANCE NO. 91.00.01

AN ORDINANCE REPLACING CHAPTER 91 OF THE CITY OF HAWK POINT IN ORDER TO THE BETTER REGULATE ANIMALS FOR THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF HAWK POINT

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF HAWK POINT, LINCOLN COUNTY, MISSOURI, AS FOLLOWS:

Chapter 91 of the Code of the City of Hawk Point, Missouri, is hereby replaced with the following effective on the date of passage of this ordinance.

Chapter 91: Animals

91.01. Definitions of Terms. As used in this Chapter unless the context otherwise indicates.

1. Dog – the word "dog" shall mean both male and female members of the canine family.
2. Cat – the word "cat" shall mean both male and female members of the feline family.
3. Chickens and domestic fowl - the term "chickens or other domestic fowl" as used in this section shall include turkeys, guineas, ducks, geese or any other domestic fowl.
4. Owner – the word "owner" shall mean any person or persons, firm, association or corporation owning, keeping, caring for, feeding, harboring, possessing, or having management or care of an animal.
5. At large – The words "at large" shall mean off the premises of the owner, and not under the actual control of the owner or a competent person.
6. Competent person – the words "competent person" shall mean a human being that is actually capable of controlling and governing the animal in question.
7. Affected with rabies – The words "affected with rabies" shall mean manifesting any of the characteristic symptoms of rabies as described by a licensed veterinarian.
8. Exposed to rabies – The words "exposed to rabies" shall mean having been bitten by, fought with or come in contact with an animal affected with rabies.
9. Animal – The word "animal" shall mean any living animal, domestic or wild, excepting birds and fish.
10. Feral Cat – the word "feral cat" shall mean a wild or untamed feline.
11. City – the word "city" shall mean the City of Hawk Point, Missouri.

91.02. (A) *Dog license fee.* No dog or cat owner shall keep any dog or cat within the city after the first day of June, unless a license therefor has been first secured. Licenses shall be issued by the City Clerk for a fee of $5 per dog or cat. Every application for a license shall be accompanied by a certificate from a veterinarian licensed by the state, showing that the dog or cat has been given a vaccination against rabies in compliance with this chapter, or a statement from the

veterinarian that such inoculation is not medically necessary, for reasons stated therein. Licenses shall expire on May 31 next following their issuance.

(B) *Vaccination of dogs and cats.* No license shall be granted for a dog or cat which has not been vaccinated against rabies as provided in this chapter during the 90-day period preceding the making of an application for such license except that when a dog or cat is first licensed for an entire year hereafter, the license may be issued if the dog or cat has been vaccinated within a period of six months preceding the application for a license. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog or cat is vaccinated. A veterinarian who vaccinated a dog or cat to be licensed in this city shall complete in duplicate a certificate of vaccination. One copy shall be issued to the dog or cat owner for affixing to the license application, and one copy shall be retained in the veterinarian's files.

(C) *Dog or cat license term.* It shall be the duty of each owner of a dog or cat to pay the license fee imposed in division (A) above of this section, to the City Clerk on or before the first day of June in each year, or upon acquiring ownership or possession of any unlicenced dog or cat or upon establishing residence in the city. The City Clerk shall cause a notice of the necessity of paying such license fee to be printed in the official paper, one time before June 1 in each year.

(D) *Receipts and dog or cat tags.* Upon payment of the license fee, the City Clerk shall execute a receipt in duplicate, the original receipt going to the person who pays the fee with the duplicate retained by the City Clerk. The City Clerk shall procure a sufficient number of suitable metallic tags, and an appropriate tag shall be given to the owner when the fee is paid.

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

(F) *Duplicate dog or cat tags.* In case any dog or cat tag is lost, a duplicate may be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current year. A charge of $5 shall be made for each duplicate tag.

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

91.03. – Control Requirement. It shall be unlawful for any owner of any animal to allow the animal to be large.

91.04. – Concealing Animals. No person shall conceal an animal.

91.05. Right of entry. Police officers shall have the right of entry to any lots or lands for the purpose of inspecting any animal reported or reasonably believed to be in violation of this Chapter.

91.06. Rabid dogs or cats to be confined.

1. No owner of an animal affected with rabies or exposed to rabies, shall permit such animal anywhere within the City other than the property of the actual owner of such animal, and then only if such animal is so confined as to prevent its straying from the actual owner's property.
2. Every owner of an animal which has bitten a person, or which acts in a manner suggesting that it is or may be affected with rabies, shall quarantine such animal in a facility designated by the City of Hawk Point for a period of ten (10) days for observation.

91.07. Care of animals. The owner of an animal shall provide humane shelter from the heat, cold, rain, snow, or other conditions that could be harmful to the animal, shall provide adequate food and drink to maintain the animal in good health, and shall not treat the animal in a cruel and inhumane manner.

91.08. Annoying Animals. No owner of an animal shall allow frequent and habitual barking, yelping, or howling that disturbs persons living in the immediate area. No owner of an animal shall allow threat or fear to persons living in the immediate area or persons passing upon sidewalks, alleys or streets.

91.09. No Farm Animals. No one shall keep swine, cows, horses, goats, sheep, chickens or other domestic fowl of any kind within the City. Persons owning more than three contiguous acres shall be exempt from this section as long as the keeping of animals does not violate subdivision restrictions or constitute a nuisance. Persons under the age of eighteen temporarily keeping animals for 4-H or FFA purposes shall be exempt from this section so long as keeping the animals does not violate subdivision restrictions or constitute a nuisance.

91.10. Offensive or noxious smell from the keeping of animals. No owner of any animal shall keep any animal in a pen or other enclosure of any kind under such conditions that offensive or noxious odors or smells cause annoyance to persons living in the immediate area or persons passing upon sidewalks, alleys or streets.

91.12. Dangerous Animals.

A. Classification. The Board of Aldermen or its designated representative shall classify any animal with the following characteristics as a "dangerous animal" for purposes of this Chapter:

    1. Any animal which has inflicted a severe or fatal injury on a human on public. "Severe injury" means any physical injury resulting directly from an animal's bite, which results in broken bones or lacerations requiring stitches, or hospitalization. The victim receiving severe injuries as defined above, must

provide the Police Chief with a signed physician's statement documenting the injury and the treatment qualifying such as a severe injury, or sign an authorization for the release of such statement.

2. Any animal which has attacked or bitten a human or domestic animal, on property other than the property of the owner.
3. Any animal which, while on the owner's property, has attacked or bitten, a human other than the owner or a member of the owner's family who normally resides at the place where the animal is normally kept.
4. Any animal which, while off the owner's property, has killed a domestic animal, horse, chicken or other domestic fowl.
5. Any animal owned or harbored primarily, or in part, for the purpose of fighting or any animal trained for fighting.
6. Any animal which approaches a person upon the sidewalks, alleys, or streets, in a menacing fashion or apparent attitude of attack.
7. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or domestic animals.

B. Notice and Hearing.

1. Within five working days after classifying an animal as a "dangerous animal", the City shall notify the animal's owner of such classification, in writing. The notice shall identify the requirements and conditions for maintaining a dangerous animal as set forth in this Chapter. If the owner cannot be located, the animal may be immediately impounded, and notice shall be posted at the owner's last known address.
2. Appeal and Hearing. If the animal owner disputes the classification, then the owner has the option of submitting, within five working days of notice, a written request to the Board of Aldermen for a hearing to contest the classification. The City shall, within ten working days after receipt of a bona fide written request, conduct a hearing and render a decision.
3. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person or domestic animal. The confinement may be on the owner's premises or with a licensed veterinarian.
4. The City shall determine whether to declare the animal to be a "dangerous animal" based upon evidence presented at the time of the hearing. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence, and cross examine witnesses.
5. The City shall issue a decision after the close of the hearing and notify the owner in writing of the decision. The owner or possessor of the animal found to be a "dangerous animal" shall be required to maintain the animal as provided in this Chapter.

C. Owner's Responsibilities. Owners or keepers of an animal that has been declared a dangerous animal may maintain the dangerous animal only subject the following limitations requirements and conditions:

1. Registration. Within ten days of the designation or the acquisition of a dangerous animal, every owner or keeper of a dangerous animal in the City shall register said animal with the City on the "dangerous animal" registry. Failure to so register shall constitute a violation of this Chapter.
2. Collar. Any dangerous animal shall wear a bright orange collar with a large brightly colored metal tag attached so the animal can readily be identified as a dangerous animal.
3. Loose, unconfined or missing dangerous animal. The owner or keeper shall notify the Police Department immediately if a dangerous animal is loose, unconfined or missing, or has attacked a human or other animal.
4. Reporting requirements. The owner or keeper shall notify the City within twenty-four hours: a. Death or transfer of ownership. If a dangerous animal has died or has been sold or given away, or otherwise transferred in ownership or possession. If the animal has been sold, given away, or otherwise transferred in ownership or possession, the owner or keeper shall provide the City with the name, address and telephone number of the new owner or keeper, and, if the dog is kept within the City, the new owner or keeper must comply with the requirements of this Chapter. B. Birth. All offspring born of dangerous animals within the City must be removed from the City within two (2) months of their birth. C. New address. Of the new address of a dangerous animal owner or keeper should the owner or keeper move from one address within the City to another address within the City.
5. Confinement.
   a. All dangerous animals must be securely confined indoors or in a securely enclosed and locked pen, kennel or other structure, except when leashed and muzzled as provided herein. The pen, kennel or other structure must be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, kennel or other structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top attached to all sides. The pen, kennel, or other structure must be locked with a key combination lock when dangerous animals are confined within. The pen, kennel or other structure must have a secured bottom or floor attached to all sides; however, if it has no bottom secured to the sides, the sides must be embedded in the ground no less than twelve inches. The enclosure must also provide protection from the elements for the animal.
   b. The enclosure, when occupied by a dangerous animal, shall not be occupied by any other. If the dangerous animal is a female with offspring under two months of age, the offspring may occupy the same enclosure as the mother.

c. All structures erected to house dangerous animals must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

d. No dangerous animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

6. Signs. The owner or keeper shall display a sign on his premises that there is a dangerous animal on the property and which bears a symbol warning children of the presence of a dangerous animal. This sign shall be visible and capable of being seen from the public thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the pen, kennel or other structure housing the dangerous animal.

7. Leash and muzzle. A dangerous animal may only be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of competent person. The muzzle must not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any human or other animal.

8. Insurance. The owner or keeper of a dangerous animal shall present to the City proof that the owner or keeper has procured liability insurance in a single incident amount of at least on hundred thousand dollars ($100,000.00) for bodily injury/death/or damage to property which may result from the ownership, keeping or maintenance of such animal covering the twelve-month period during which licensing is sought. An effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner or keeper at all times. The policy shall contain a provision requiring the City receive ten days' written notice prior to any cancellation, termination,] or expiration of the policy.

9. Photographs. All owners or keepers of dangerous animals, must within ten days of such classification, provide the City with two color photographs (one showing the left profile and the other showing the right profile) of the animal, clearly showing the color, distinguishing markings, and approximate size of the animal.

10. Compliance, violations and penalties.

    a. It shall be unlawful for the owner or keeper of a dangerous animal within the City to fail to comply with requirements set forth in this Chapter. Any animal found to be in violation of this Chapter may, in addition to other penalties, be subject to immediate impoundment for the time necessary for the owner or keeper to show compliance with this Chapter. Owner shall be liable to City for all expenses of impoundment incurred by the City.

    b. Any person found guilty of violation any provision of the Section shall be punished as provided herein. In addition to any penalty as provided herein, the Court may order the registration of the subject dangerous animal revoked and the animal removed from the City. Should the owner or keeper refuse to

remove the animal from the City, the Court may find the owner or keeper in contempt and order the immediate impoundment and humane destruction of the dangerous animal. Each day that a violation of this Section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Section shall be liable to the City for all expenses of impoundment and/or humane destruction incurred by the City.

91.13. Other Restrictions on Animals.

1. Notwithstanding anything else herein, no person may own, keep, care for, feed, harbor, possess, or have management or care of more than four combination of animals on any premises within the City (excluding birds and fish). As way of clarification and not limitation, this Section is intended to prohibit keeping more than four pets of any kind on any given premises within the City, with the exclusion of birds and fish. Baby animals must be weaned and removed from the premises within eight weeks of birth.
2. Persons within the City are strictly prohibited from keeping, caring for, feeding, harboring, possessing, or having management or care of the following:
   a. Lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, lynx, bobcats, jaguarondi, hyenas, wolves, and coyotes;
   b. Primates, raccoons, skunks, and foxes;
   c. Deadly, dangerous, or poisonous reptiles;
   d. Non-domesticated cats, feral cats, wild cat hybrids, and wild dog hybrids;
   e. Any other animal which is considered exotic or endangered by other laws or regulations or animals that are inherently dangerous by nature.
3. It is declared a nuisance for any person or persons within the municipal boundaries of the City to have, maintain or provide food or shelter for feral cats. The City may use reasonable means to trap or capture feral cats.

91.99. Penalty. Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than $500.00, under such limits as may be imposed by the state statute.

Savings Clause.

Except as expressly set forth herein, nothing contained in this ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant, or otherwise nullify any other ordinance of the city, or the requirements thereof, whether or not relating to or in any manner connected with the subject matter hereof.

Severability Clause.

If any term, condition, or provision of this ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Alderman that it would have enacted this ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provisions which had been held invalid is no longer invalid, said provisions shall thereupon return to full force and effect without further action by the city and shall thereafter be binding.

Effective Date.

This ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved by the Board of Aldermen of the City of Hawk Point, Missouri, on this 6 day of August, 2018.

By: _____
Mayor

ATTEST:

By: _____
City Clerk