

## Chapter 210

### ANIMALS AND FOWL

Cross Reference — As to nuisances generally, ch. 225.

#### ARTICLE I

##### In General

###### **Section 210.010. Keeping Hogs.**

[R.O. 2012 §210.010; CC 1979 §4-2; Ord. No. 898 §1, 11-8-1927]

Any person who shall keep or cause to be kept within the corporate limits any hog shall be guilty of an ordinance violation.

###### **Section 210.020. Fowl Running At Large.**

[R.O. 2012 §210.020; CC 1979 §4-4; Ord. No. A-1923 §3, 4-26-1962]

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

###### **Section 210.030. Herding, Picketing or Lariating Horses, Cattle, Etc.**

[R.O. 2012 §210.030; CC 1979 §4-5; Ord. No. 773 §16, 12-2-1924]

Any person who shall herd, picket or lariat, or shall authorize any other person to herd, picket or lariat, any horse, cattle, mule, ox, cow, heifer, calf, goat or kid, sheep or lamb within the corporate limits, at or near enough to stand on, over or across any sidewalk, street, avenue or alley thereof, shall be deemed guilty of an ordinance violation.

###### **Section 210.040. Animal Abuse and Neglect.<sup>1</sup>**

[R.O. 2012 §210.040(C — D); Ord. No. A-6533 §3, 7-18-1997; Ord. No. 8003 §1, 10-20-2010]

A. A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly

---

<sup>1</sup>1. Note — Under certain circumstances this offense can be a felony under state law.

---

exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;

2. Purposely or intentionally causes injury or suffering to an animal; or
3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

B. *Animal Neglect Or Abandonment.*

1. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.

2. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.

3. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment not to exceed fifteen (15) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment not to exceed ninety (90) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.

4. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:

- a. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
- b. The disposal of any dead or diseased animals within the person's custody or ownership;
- c. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
- d. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

C. *Disposal Of Unredeemed Animals.* When the impounded animal is not claimed by its owner and all impoundment costs satisfied within five (5) days from the date of impoundment, such animal may be sold at public or private sale for fair consideration to a person capable of providing care consistent with this Section, with the proceeds of that sale applied first to discharge of the lien, and the balance to be paid over to the owner. If no purchaser is found, the animal may be disposed of in a humane manner at the discretion of the Animal Control Officer.

D. *Violation Of This Section.* Any person who shall violate the provisions of this Section or who shall interfere with the Animal Control Officer or his/her authorized representative in the performance of his/her duties, as set forth in this Section, shall be subject to summons to Municipal Court and upon conviction shall be punished as provided in Section 100.080 of this Code.

**Section 210.045. Removing Animal From Custody of Animal Control Officer.**

[R.O. 2012 §210.045; Ord. No. A-6533 §3, 7-18-1997]

It shall be unlawful for any person to remove from the custody of the Animal Control Officer by force, deceit or otherwise, any animal which has been impounded by such officer.

**Section 210.050. Tampering With Traps, Cages, Animal Carriers, Etc., or Interfering With Duty of The Animal Control Officer.**

[R.O. 2012 §210.050; Ord. No. A-6533 §3, 7-18-1997]

It shall be unlawful for any person to tamper with, alter or otherwise damage any trap, cage, animal carrier or other animal control equipment or to interfere with any Animal Control Officer in the performance of his/her duty.

**Section 210.060. Bullbaiting and Cockfighting — Penalty.**

[R.O. 2012 §210.070]

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock or other creature, except dogs, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him/her or under his/her control to be so kept or used, shall, on conviction thereof, be guilty of an ordinance violation.

**Section 210.070. Stopping, Leaving, Etc. — Animals or Animal-Drawn Vehicles Upon or Across Street Crossings or Footways.**

[R.O. 2012 §210.090; CC 1979 §4-9; Ord. No. 264 §6, 8-17-1917]

It shall be unlawful for any person in the City to leave, place or stop, or cause to be left or placed or stopped, any horse, mule, ass or other beast of burden, or any hack, coach, carriage, wagon, cart, dray, sleigh, sled or other animal-drawn vehicle of any kind in, upon or across any street crossing or footway.

**Section 210.080. Keeping Fowl Near Dwelling, Church or School — Permitting Accumulation of Manure in Pen Where Fowl Kept.**

[R.O. 2012 §210.150; CC 1979 §4-17]

No person shall keep chickens, ducks, geese, turkeys, pigeons or other fowl in an enclosure which is less than one hundred (100) feet from any dwelling, church or school, nor shall any person permit the accumulation of manure in such pen.

ARTICLE II

**Animals Running At Large Generally**

**Section 210.090. Animal Control Officer.**

[R.O. 2012 §210.170; CC 1979 §4-19; Ord. No. 309 §2, 7-2-1918]

For the purpose of enforcing the provisions of this Article, the Mayor is hereby empowered to appoint an Animal Control Officer, whose appointment shall be confirmed by the Council and whose duty it shall be to assist the Chief of Police in impounding stock found running at large, in violation of this Article.

**Section 210.100. Refusal To Deliver Animal To Animal Control Officer.**

[R.O. 2012 §210.175; Ord. No. A-6533 §2, 7-18-1997]

It shall be unlawful for any person to refuse to deliver to the Animal Control Officer any animal, fowl or reptile, when requested to do so under the provisions of this Chapter.

**Section 210.110. Maintenance and Control of Pound.**

[R.O. 2012 §210.180; CC 1979 §4-20; Ord. No. 309 §3, 7-2-1918]

It is hereby made the duty of the Animal Control Officer to at all times have in suitable repair a pound within the City, and he/she shall have control of the same.

**Section 210.120. Disposition of Animal When Owner Unknown.**

[R.O. 2012 §210.195; Ord. No. A-6568 §1, 9-3-1997]

If an animal is lawfully taken into custody by the Animal Control Officer or an Officer of the Monett Police Department and the owner of said animal is unknown, the Animal Control Officer or an Officer of the Monett Police Department is hereby authorized, at his/her discretion, to cause said animal to be humanely euthanized.

ARTICLE III

**Dogs**

**Section 210.130. Definitions.**

[R.O. 2012 §210.200; CC 1979 §4-24; Ord. No. 825 §8, 4-17-1926; Ord. No. A-6533 §1, 7-18-1997; Ord. No. A-6790 §1, 2-10-1999]

The following terms, when used in this Article, shall have the meanings as set out herein:

AT LARGE — Any dog shall be deemed to be "*at large*" when it is on or off the property of its owner or keeper and not restrained by a competent person.

COMPENDIUM OF ANIMAL RABIES CONTROL — The current edition of a document by that name published by the National Association of State Public Health Veterinarians, which serves as the standard for rabies vaccine, treatment and policy.

COMPETENT PERSON — Any owner or keeper of any dog or other animal capable of physically restraining if necessary any dog or other animal in their care. The animal in their care must be

immediately responsive to their commands to heel. The parent or guardian of a minor child or disabled and/or incapacitated person is responsible for the adequate care of any animal owned by, or in control of, or harbored by such child or disabled and/or incapacitated person.

DOG — The word or term "*dog*", whenever used in this Article without qualification, shall have reference to a canine of either sex.

IMPOUND — To apprehend, catch, trap, net, snare, dart, or, if necessary in the opinion of the Animal Control Officer or Police Officer due to an emergency situation euthanize any animal by an Animal Control Officer, Police Officer, or other authority authorized by the Chief of Police or his/her designee.

RESTRAINT — A dog is under "*restraint*" if it is within a secure, fully enclosed or fenced area; or under a hand-held leash (not to exceed ten (10) feet) at "heel" of a competent person, or secured by a chain or cable sufficient to prevent said dog being at large, or within a vehicle capable of preventing said dog's escape; or secured by a leash or other means on a vehicle (such as open bed of a truck) such that the dog cannot reach past the edge of any of the sides of the vehicle.

#### **Section 210.140. Running At Large — Prohibited.**

[R.O. 2012 §210.210(A); CC 1979 §4-25; Ord. No. A-1627 §1, 8-6-1958; Ord. No. A-6533 §3, 7-18-1997]

Every owner shall keep his/her dog under proper restraint to prevent the dog from being at large.

#### **Section 210.150. Dangerous Dogs or Other Animals.**

[R.O. 2012 §210.220; CC 1979 §4-26; Ord. No. 825 §10, 4-17-1926; Ord. No. A-6533 §3, 7-18-1997; Ord. No. 7532 §1, 4-27-2005]

A. No person shall own, keep, harbor or allow to be in or upon his/her premises any dangerous dog or other animal unless it is confined in accordance with the provisions of this Section. A dog or other animal shall be considered dangerous by virtue of:

1. Having inflicted a severe or fatal injury on a human being on public or private property. "*Severe injury*" means any physical injury resulting directly from an animal's bite or strike which results in death, broken bones, lacerations requiring stitches, or hospitalization. The victim receiving severe injuries must provide the Animal Control Officer a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement;
2. Having killed a domestic animal, livestock or poultry, without provocation, while off the owner's property;
3. Owning or harboring primarily or in part for the purpose of fighting or any animal trained for fighting;
4. Having bitten in an aggressive manner a human being, without provocation, on public or private property other than the property of the owner;
5. Having bitten in an aggressive manner while on the owner's property, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept, excluding dog bites under Subsection

(F)(9) of this Section;

6. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by the animal; or

7. Possessing a known propensity, tendency or disposition to attack unprovoked, in the opinion of the Animal Control Officer or Police Officer, to cause injury or to otherwise threaten the safety of human beings or domestic animals.

B. A dog or other animal may be declared dangerous if:

1. A written complaint (citation) is signed by the individual attacked or their legal guardian or by the Animal Control Officer or his/her representative, and

2. A conviction of the owner of the dangerous dog or other animal occurs in the Municipal Court of the City of Monett, or

3. In the absence of a bite, when sufficient evidence is presented to show the dog or dogs displaying characteristics such as habitually snapping, charging, growling, or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet if afforded the opportunity, or if in the judgment of the court it causes any person to have a reasonable fear of immediate serious physical injury.

C. Any dog or other animal having a dangerous complaint initiated against such animal shall be securely impounded at any approved location by the Animal Control Officer until determination of guilt occurs in the Monett Municipal Court. The owner of such dog or other animal shall be responsible for all costs incurred per Section 210.230 of this Code while said animals is impounded. Any animal not reclaimed (if allowed) by its owner within five (5) days after judicial action is completed shall be disposed of pursuant to Section 210.040(C) of this Code.

D. Any person charged with a violation of this Section who, having been duly notified, fails to appear in Municipal Court shall, upon order of the court, waive their right to redeem their dog or other animal. The dog or other animal shall be disposed of pursuant to Section 210.040(C) of this Code.

E. Any dog or other animal deemed dangerous under the Code shall not be sold or given away without the permission of the Animal Control Officer.

F. Upon conclusion of the determination of dangerous by the court, the following sanctions may be imposed upon the owner of said dog:

1. Dangerous animals shall be securely confined indoors or in a securely enclosed and locked kennel or cage. The kennel or cage shall be of adequate size for the animal kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. The sheltering house shall be adequate for the size of the animal with the fenced enclosure being a minimum of one hundred (100) square feet. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply. The kennel or cage must be constructed with nine (9) gauge steel chain link. Such kennel or cage must have secure sides, a secure top and secure bottom or floor attached to the sides, or the sides must be embedded in the ground. In addition, the kennel or cage must have a double blind entrance and must be locked with a key or combination lock when such dog or dogs are within the structure. Any such kennel or cage must be located at least ten (10) feet

from any property lines and must comply with all zoning and building regulations of the City. Kennels for dangerous dogs must be sufficient for the breed.

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

3. No person shall permit a dangerous animal to go outside its kennel, cage or secure structure unless that person has the animal securely leashed on a leash no longer than four (4) feet in length and that person has physical control of the leash. Such animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Additionally, all such animals on a leash outside the animal's kennel, cage or secure structure must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

4. A sign or signs shall be conspicuously posted upon the kennel or cage of any dangerous animal with the letters in English at least two (2) inches high containing a warning to "BEWARE OF THE DANGEROUS ANIMAL" or words of similar impact.

5. All owners, keepers or harborers of any dangerous animal must maintain in effect public liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons which may result from the ownership, keeping or maintenance of such animal. All owners, keepers or harborers of dangerous animals shall present to the Animal Control Officer a statement certifying that they have the required insurance policy in effect. Such insurance policy shall provide that no cancellation of the policy will be made unless thirty (30) days' written notice is first given to the Animal Control Officer.

6. The owner of such dangerous dog or other animal must register said animal with the Animal Control Officer with the annual fee to be set at fifty dollars (\$50.00). The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and identifying marks of the animal, the location of where the animal will be kept and other such information the Animal Control Officer may require. A registration number for future identification will be issued. Photographs will be taken of the animal for identification purposes. A microchip identification device properly implanted according to manufacturer's guidelines, by a licensed veterinarian, may be required at the owner's expense.

7. The owner of said dog or other animal shall arrange for the spaying or neutering of said animal at the owner's expense. This sanction may be imposed to help relieve the aggressive nature of the animal, the desire to wander and prevent future offspring with dangerous tendencies.

8. Any dog or other animal that inflicts a severe or fatal injury on a human being on any public or private property may be deemed an imminent threat to the public and ordered humanely euthanized by the court.

9. No dog shall be declared dangerous pursuant to any part of the Section if the threat, injury or damage caused by such dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or was tormenting, abusing or assaulting the dog or has in the past been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall any dog be declared dangerous if it was responding to pain or

injury or was protecting itself, its kennel or offspring. Dogs utilized as part of a K-9 Police dog program by a Police official are exempted while performing duty.

10. Upon conviction of any person of a violation of the requirements of these sanctions, the Municipal Judge may, in addition to the usual judgment upon conviction, order the Animal Control Officer to forthwith take up and humanely euthanize such animal.

11. Upon conviction of any animal being dangerous, a penalty of up to five hundred dollars (\$500.00) and/or ninety (90) days in jail may be imposed in addition to any above sanctions.

12. Sanctions imposed by the court are to be implemented to the Animal Control Officer's satisfaction within seven (7) days after the court ruling or the dog or other animal may not be reclaimed and may be disposed of pursuant to Section 210.040(C) of this Code.

G. Monett City utilities is authorized to request a relocation hearing before the Monett City judge upon verification by the Animal Control Officer or upon written complaint to the Animal Control Officer by any citizen of the City of Monett including, but not limited to, City employees. The owner or person having possession of the alleged dangerous animal shall be served notice of the allegation of having a dangerous animal in his or her possession and shall be given notice of the hearing and given an opportunity to appear and answer the charges. Upon verification by the Animal Control Officer that the dangerous animal no longer is in the City limits of the City of Monett, the charges shall be dismissed. Otherwise a hearing shall be held before the City judge and upon a finding by the City judge that the allegations are true and correct, the City judge may make orders including, but not limited to, ordering relocation of the utility meter to a City pole outside the yard on the perimeter of the location of the dangerous animal. In addition thereto, the City judge may impose a fine not in excess of five hundred dollars (\$500.00). The cost of this action and the cost of relocation of the City utility meter shall be charged to the person making use of the public utility and if not paid, the City may discontinue any present or future service of City utilities. Appeal may be taken to the Associate Circuit Court of Lawrence County, Missouri, by trial de novo within ten (10) days of the signing of the order by the City judge. After that time, the order becomes final.

H. The Animal Control Officer upon notification of a citizen of the City of Monett, not excluding City employees, of the location of a dangerous animal and after five (5) days from the notice to the residence shall have authority to enter upon the premises with a court order issued by the Municipal Judge of Monett and remove the dangerous animal to the City pound. The owner or custodian of the dangerous animal shall be charged fifteen dollars (\$15.00) per day of confinement of the dangerous animal before the dangerous animal may be released to the owner or custodian. Before the dangerous animal may be released to the owner or custodian, the owner or custodian must show valid vaccination and registration of the animal. Should the dangerous animal be retained for thirty (30) days, it may be humanely euthanized without further notice.

#### **Section 210.160. Vaccination For Rabies — Tag.**

**[R.O. 2012 §210.230; CC 1979 §4-27; Ord. No. A-1627 §2, 8-6-1958; Ord. No. A-6533 §3, 7-18-1997]**

All persons who are the owners of any dog over four (4) months of age within the City shall have such animal vaccinated by a licensed veterinarian so as to provide immunity from rabies annually. All dogs receiving said vaccination shall receive a tag as specified in the current Compendium of Animal Rabies Control.



**Section 210.170. Tags, Collar or Harness Required On Dogs.**

**[R.O. 2012 §210.231; Ord. No. A-6533 §3, 7-18-1997]**

No owner or keeper of any dog over the age of four (4) months shall allow or permit such dog to be in any place in the City at any time without a collar, or harness, having attached thereto, the rabies tag required by Section 210.160.

**Section 210.180. Certain Animals To Be Quarantined.**

**[R.O. 2012 §210.234; Ord. No. A-6533 §3, 7-18-1997]**

Every animal which bites or scratches a person or which is suspected of having being exposed to rabies shall be promptly reported to the Police Department and/or the Animal Control Officer and may thereupon be securely quarantined at the direction of the Animal Control Officer for a period of ten (10) days from the date of confinement. Such animal shall be quarantined at the shelter designated as the City pound or veterinary hospital or at the home of the owner upon such conditions as the Animal Control Officer shall impose, and the expense of such quarantine shall be paid by the owner of such animal if his/her identity is known.

**Section 210.190. Duty To Surrender.**

**[R.O. 2012 §210.235; Ord. No. A-6533 §3, 7-18-1997]**

The owner, upon demand made by the Department of Public Health and Welfare, shall forthwith surrender any animal which has bitten or scratched a human or which is suspected as having been exposed to rabies for supervised quarantine, the expense of such shall be borne by the owner.

**Section 210.200. Procedure When Quarantined or Rabid Animal Dies.**

**[R.O. 2012 §210.236; Ord. No. A-6553 §3, 7-18-1997]**

When an animal under quarantine has been diagnosed as being rabid or suspected by a licensed veterinarian, or the Animal Control Officer or his or her representative, as being rabid and dies while under such observation, the head of such animal shall be sent to the State Health Department for pathological examination and the proper health office shall be notified of reports of human contacts, and the diagnosis made of the suspected animal.

**Section 210.210. Procedure When Animal Is Bitten By Rabid Animal.**

**[R.O. 2012 §210.237; Ord. No. A-6553 §3, 7-18-1997]**

- A. Any animal bitten or scratched either by a wild, carnivorous mammal or a bat that is not available for testing, should be regarded as having been exposed to rabies.
- B. *Dogs And Cats.* Unvaccinated dogs and cats exposed to a rabid animal (or wild animal not available for testing or quarantine) should be euthanized immediately. At the owner's option, the animal should be placed in strict isolation for six (6) months and vaccinated one (1) month before being released. Animals with expired vaccinations will be evaluated on a case-by-case basis. Dogs and cats that are currently vaccinated should be re-vaccinated immediately, kept under the owner's

control, and observed for forty-five (45) days.

**Section 210.220. Impoundment Authorized.**

**[R.O. 2012 §210.240; CC 1979 §4-28; Ord. No. A-1627 §3, 8-6-1958; Ord. No. A-6553 §3, 7-18-1997]**

A. Any animal found in violation of the provisions of this Chapter, or any animal abandoned, may be seized and impounded by any Police or Animal Control Officer. Impoundment shall be in any animal shelter designated by the City Council.

B. In order to impound an animal in violation of this Code, employees of the City of Monett shall have the authority to enter upon private property while pursuing said animal and they shall have the authority to pen gates, cross fences and take whatever steps that are necessary to impound the animal except that nothing contained herein shall be construed to authorize the City employee to enter into a dwelling without consent of those in lawful control of the dwelling, or authorized by a court of law.

**Section 210.230. Fees.**

**[R.O. 2012 §210.241; Ord. No. A-6533 §3, 7-18-1997; Ord. No. A-7048 §1, 7-13-2001; Ord. No. 8645, 2-20-2019]**

A. The following fees shall be charged for the impoundment of any animal under the provisions of this Article:

1. A fee of ten dollars (\$10.00) for the redemption of any animal.

B. Whenever any animal is impounded, an additional fee of five dollars (\$5.00) shall be charged for each day, or fraction thereof, of impoundment for feeding such animal.

C. In addition to the fees above described in this Section, there shall be an additional fee of twenty dollars (\$20.00) for any animal impounded that is subject to licensing as required by this Chapter that does not have a current license.

D. The owner of any animal required to be quarantined shall be required to pay a charge of five dollars (\$5.00) per day or fraction thereof for feeding such animal, but the owner shall not be required to pay the impoundment fee described in Subsections (A) and (B). However, the owner shall be responsible for fees as set forth in Subsection (C) above as necessary.

E. Owners of impounded animals may retrieve or otherwise obtain the release of the animals from impoundment only after they have made payment of impoundment and all other charges.

F. If a financial hardship exists on the owner of an impounded animal, the first impoundment fee of ten dollars (\$10.00) may be waived at the discretion of the Animal Control Officer if the following conditions apply:

1. The animal is current on license and vaccination;
2. No previous violations for City Code or written warnings have occurred with the owner or any animal in the owner's possession; or
3. The animal was impounded for being at large.

G. There shall be a fee of twenty dollars (\$20.00) charged to the owner of any animal that is voluntarily surrendered to the Animal Control Officer.

H. There shall be a fee of fifty-five dollars (\$55.00) charged for the adoption of any animal from the Monett Animal Shelter.

### **Section 210.240. Domestic Animal Confinement License Required.**

**[R.O. 2012 §210.242; Ord. No. A-7386 §1, 1-27-2004]**

A. No person shall keep, harbor or permit on property owned or leased by him or her within the City of Monett, more than four (4) domestic animals without first obtaining a domestic animal confinement license from the City Clerk of the City of Monett. Any person keeping, harboring or permitting more than four (4) domestic animals on property owned or leased by him or her shall, upon demand made by the City Animal Control Officer, immediately produce for inspection by said Animal Control Officer, such licensure as permits the presence of such animals on the premises. Violators of this Section shall be deemed guilty of an ordinance violation. The City Animal Control Officer is authorized to immediately impound animals kept in violation of this Section.

*Exceptions:* The following exceptions shall apply to the requirement for domestic animal confinement licensure, but only if the person is not engaging in the business of selling domestic animals:

1. Veterinary clinics operated by licensed veterinarians.
2. Animal grooming parlors which do not keep animals on the premises overnight.
3. The municipal dog pound or other animal confinement facility maintained by the City.
4. Owners of a female domestic animal which has had a litter, for a period not to exceed ten (10) weeks after the birth of the litter.
5. Owners of household domestic animals, aquarium fish or terrarium animals, the harboring of which is not otherwise prohibited by this Code, so long as the animals remain within the dwelling house of the owner at all times, and so long as the same do not become a nuisance, by reason of smell, noise or spread of vermin, to persons who do not dwell in the house.
6. Owners of cattle, sheep, horses, donkeys, mules or goats, and the premises is located in an area zoned agricultural, whether or not the owner is engaged in the business of selling animals, so long as the premises are securely fenced; provide sufficient food, water and room for the animals, and the operation does not cause a nuisance to others in the area by reason of noise, odor or vermin.

B. Persons owning, keeping, harboring or permitting on premises owned or leased by him or her, more than four (4) domestic animals, and not otherwise being excepted from the provisions of this Section, shall:

1. File, prior to bringing the animals to the premises, an application for a domestic animal confinement license on a form provided by the City Clerk. The City Clerk shall present the application to the City Building Inspector and the City Animal Control Officer who shall certify in writing to the City Clerk whether the proposed facility meets the requirements of all State laws and City ordinances. The City Building Inspector and the City Animal Control

Officer may require building and operational plans sufficient to allow such officers to verify that the proposed facility meets City and State requirements. Upon certification by such officers that the facility meets such requirements, the City Clerk shall issue a domestic animal confinement license to said applicant upon the payment of an annual inspection recoupment fee of five hundred dollars (\$500.00) to the City.

2. Maintain the facility premises in a clean, humane and sanitary condition at all times and shall not cause or allow offensive odors to emanate from the premises. "*Clean, humane and sanitary condition*" includes, but is not limited to:

a. Providing means, approved by the City Building Inspector, for flushing all animal wastes into the City sewage system not less often than twice daily. Such flushing shall be conducted in such manner that no waste residues or odor therefrom are detectable by ordinary inspection.

b. Providing proper food, water, shelter and veterinary care to the animals and taking all necessary precautions against the spread of pests and diseases among the animals.

c. Providing separate compartments and separate outdoor runways for all animals so that the animals do not come into physical contact with other animals except when breeding and except in cases of mothers and their young. All inside and outside spaces accessible to animals shall be completely cleaned at least twice per day. The breeding shall not be done in public view.

d. Renew said license annually on the anniversary date of the original license. No license shall be renewed unless the City Building Inspector certifies to the City Clerk that such facility meets the requirements of this Section.

C. Domestic animal confinement facilities may be established or maintained only in areas zoned industrial, light industrial or agricultural under the zoning ordinances of the City. If any domestic animal confinement facility is licensed to operate within two hundred (200) feet of a residence, except the residence of the keeper of the facility, the animals shall be continuously confined within the facility building and not allowed outside the same.

D. Facility operators shall take all necessary steps to prevent the creation of excessive noise in operation of the facility.

E. Violation of this Section shall be deemed an ordinance violation. Violation of this Section or of any other ordinances of this City relating to the premises and operation shall be cause for revocation of the facility license and impoundment of the animals by the City Animal Control Officer.

F. For purposes of this Section, "*domestic animals*" is defined to mean domestic dogs, cats, rabbits, birds and no others, except that in areas zoned agricultural, the term shall also include all other animals specifically permitted by zoning ordinance in such areas. Confinement of all other animals, more than four (4) in number outside a dwelling house is prohibited. This Section shall not be construed as permitting harboring within the City of domestic animals or wild animals which are otherwise prohibited by this Code.

## **Section 210.250. Harboring Wild Animals Prohibited.**

**[R.O. 2012 §210.243; Ord. No. A-7385 §1, 1-27-2004]**

A. It shall be an ordinance violation to harbor, within the City, any wild animal.

B. "*Wild animal*", for purposes of this Section, means all birds, mammals, marsupials, reptiles, fish, and other aquatic and amphibious forms, and all other animals not designated as domestic under these Sections or presumed, under Missouri law, to be domestic animals, regardless of classification or origin, whether resident, migratory or imported, protected or unprotected, tamed or untamed; and shall extend to and include any and every part of any individual species of wildlife. By way of inclusion but not limitation, the term "*wild animal*" shall include the following species: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, marsupial of any kind, buffalo, bison, deer, elk, peccary, javelina, razorback, hyena, wolf, coyote, bear, wolverine, badger, weasel, skunk, non-human primate, emu, ostrich, bird of any raptor species, alligator, crocodile, cayman, pit viper and any other animal, amphibian, fish or reptile of a species, not presumed under Missouri law to be domestic (*ferae domesticans*), which, at any age, is or can be deadly, poisonous or dangerous to humans. The term shall include all constrictor snakes similar in adult size to anacondas, pythons or boa constrictors, regardless of the age or size of the snake at the time the same is harbored. The term shall include genetic crosses of wild and domestic animals such as wolf/dog crosses.

C. The term "*harbor*", for purposes of this Section, means to keep, maintain, bring within the City temporarily or permanently or within the City to control, knowingly cause or allow the same to remain on premises owned or controlled by the person charged, or to confine the same in any manner. The term "*harbor*" shall not include allowing native species of birds or small animals to enter or remain on premises of their own volition, so long as the same are not confined, lured or constrained in their freedom of movement in any manner. The term "*lured*" shall not include erecting birdhouses or setting out food for wild birds, rabbits or squirrels.

D. Excepted from the prohibitions of this Section are the following, which may be otherwise characterized as "wild animals", so long as the same are kept securely within a dwelling house: aquarium fish, small animals or reptiles of a species that is not deadly, poisonous or dangerous at any age, and birds other than raptors.

#### **Section 210.260. Howling or Yelping Dogs.**

[R.O. 2012 §210.250; CC 1979 §4-29; Ord. No. 825 §7, 4-17-1926]

If any person shall keep or harbor any howling or yelping dog to the annoyance of the public, such person shall be deemed guilty of an ordinance violation.

#### **Section 210.270. Quarantine Order To Be Issued By Mayor — To Be Published and Posted.**

[R.O. 2012 §210.260; Ord. No. A-6533 §3, 7-18-1997]

When a report under Section 210.200 gives a positive diagnosis of rabies, the Animal Control Officer may recommend a City-wide quarantine for a period of six (6) months. Upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal may be taken or shipped from the City without written permission of the Animal Control Officer.

#### **Section 210.280. Unauthorized Destruction or Removal of Rabid Animals.**

**[R.O. 2012 §210.261; Ord. No. A-6553 §3, 7-18-1997]**

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting or scratching a human, except as provided in this Article, nor remove the same from the City limits without written permission from the Animal Control Officer.

**Section 210.290. Physicians To Report Bites, Scratches, Etc.**

**[R.O. 2012 §210.262; Ord. No. A-6533 §3, 7-18-1997]**

It shall be the duty of every physician to report to the Animal Control Officer the names and addresses of persons treated for bites and scratches inflicted by animals, together with such other information as will be helpful in rabies control.

**Section 210.300. Record of Bite, Scratches, Etc., Cases.**

**[R.O. 2012 §210.263; Ord. No. A-6533 §3, 7-18-1997]**

It shall be the duty of the Animal Control Officer to keep or cause to be kept, accurate and detailed records of all animal bite and scratch cases reported to him/her, and its investigation of same.

**Section 210.310. Dog Defecation.**

**[R.O. 2012 §210.265; Ord. No. A-6958 §1, 6-20-2000]**

- A. No person owning or responsible for a dog shall permit the dog to defecate on any public property or right-of-way or on any private property other than the property owned or leased by the person owning or responsible for the dog.
- B. It is a specific defense to a charge of violating this Section that the person charged immediately removed the excrement and properly disposed of it in a sanitary manner.