

BILL NO. 14-09

ORDINANCE NO. 1053

AN ORDINANCE PROVIDING FOR THE LICENSING, CONTROL, AND MAINTENANCE FOR THE KEEPING OF ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF ADRIAN, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND ADOPTING MISSOURI REVISED STATUTES CHAPTER 273.

Cross References: Bill 06-18 Ord. 872

RSMo Chapter 273

RSMo Chapter 578

WHEREAS, the Mayor and Board of Aldermen of the City of Adrian have the power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this state, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same.

WHEREAS the City is authorized to declare and determine appropriate requirements for the citizens of the City of Adrian to properly maintain their property, including their dogs and/or cats, and:

WHEREAS the Board of Aldermen has determined that this Ordinance is necessary to ensure the safety, health and overall well being of the public.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ADRIAN, MISSOURI, AS FOLLOWS:

CHAPTER 8 – ANIMAL REGULATIONS

ARTICLE II – ANIMAL CONTROL

SECTION 8-101: CODIFICATION.

Chapter 8 of the Code of Ordinances of the City of Adrian (hereinafter “City”) is hereby amended and revised by this Ordinance, which shall become and be designated as Chapter 8 – Animal Regulations, Article I – In General, Article II – Adoption of RSMo Chapter 273, Article III – Penalties and Redemption, Article IV - Animal Control Sections 8- 110 to 8-200, as follows:

SECTION 8-102: PURPOSE.

The purpose of this Chapter 8, Article II, Animal Control Ordinance (hereinafter “this Ordinance”) is to set forth regulations within the city limits of the City of Adrian, Missouri (hereinafter “City), to provide for the licensing, maintenance, and control of the keeping of animals within City, and to ensure the safety, health, and overall well-being of the same, and to empower and authorize the officials of the City to enforce this Ordinance when the provision(s) contained herein are violated.

SECTION 8-103: DEFINITIONS.

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) ABANDON shall mean any instance in which the Responsible Party(s) and/or keeper(s) of an animal subject to this Ordinance:
 - (i) Leaves such animal without demonstrated or apparent intent to recover or to resume custody of the same;
 - (ii) Leaves such animal for more than twelve (12) hours without providing for adequate food, water, and shelter for the duration of the absence; and/or
 - (iii) Turns out and/or releases such animal (including, but not limited to, the dumping or releasing of such animal from a vehicle) to permit such animal to wander at its whim and without control or supervision of such Responsible Party(s) and/or keeper(s).
- (2) ADEQUATE CARE shall mean normal and prudent attention to the needs of an animal; including, but not limited to, providing food, water, shelter from the elements, and such care that is necessary to maintain good health specific to the particular species of such animal.
- (3) ADEQUATE FOOD shall mean the provision of such foodstuffs and/or sustenance suitable for consumption by and which meet the nutritional needs of the particular species of an animal, and which is provided at suitable intervals, in a sanitary manner, and in sufficient quantities to maintain good health.
- (4) ADEQUATE WATER shall mean continual access or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition, and age of the animal and in sufficient amounts to maintain good health in the animal.
- (5) ANIMAL shall mean any live vertebrate creature, domestic or wild, other than humans.
- (6) ANIMAL CONTROL OFFICER shall mean the person/individual/officer duly appointed by the Mayor of the City to perform the duties of the Animal Control Officer as set forth in this Ordinance, and shall include the staff assigned to work under the direct control of the Animal Control Officer. Said Animal Control Officer

may act through said staff and/or the police department to perform any duty under this Ordinance unless otherwise specifically stated.

- (7) ANIMAL SHELTER shall mean the Sage Animal Health Clinic in Butler or other such facilities operated by the City or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Ordinance or state law.
- (8) CONTROL shall mean to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property.
- (9) DANGEROUS and/or VICIOUS ANIMAL: shall mean:
 - (i) 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;
 - (ii) Any animal which, because of its size, physical nature, or vicious propensity, is capable of inflicting serious physical harm or death to humans or other domestic animals and which would constitute a danger to human life, other domestic animals, or property if it were not kept in a manner required by this Ordinance;
 - (iii) Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal;
 - (iv) Any animal owned or harbored primarily or in part for the purposes of fighting, or any animal trained for fighting; specifically including, but not limited to, dogs and fowl.
 - (v) Any animal owned or harbored primarily or in part for the purpose of a guard animal, or any animal trained for guard animal purposes; or
 - (vi) Any animal determined at a municipal court proceeding to be a vicious animal pursuant to this Ordinance.
- (10) DISPOSED OF and/or DESTROYED shall mean the humane killing of an animal in a manner approved by the State of Missouri Division of Animal Health.
- (11) HARBORING, HARBOR, and/or HARBORER shall refer to the act of offering, and/or any person who offers, asylum, refuge, or sanctuary to any animal on a basis so temporary as to not be deemed to be actually owning or keeping the animal. Any parent and/or legal guardian of a minor child or incapacitated person shall be held responsible for any actions of any animal harbored by such child or incapacitated person.
- (12) INCIDENT shall mean any event in which any one or more of the following occurs:
 - (i) An animal inflicts a bite wound or abrasion that exposes an individual and/or other animal to the possibility of rabies or other zoonotic disease;
 - (ii) An animal attacks an individual and/or other animal without provocation; or,

- (iii) An animal causes injury to an individual and/or other animal.
- (13) INDIVIDUAL(S) and/or PERSON(S) shall mean any one or more of the following:
- (i) A competent human who is at least eighteen years of age;
 - (ii) The parent(s) or legal guardian(s) of a minor child;
 - (iii) The legal guardian(s) of an incapacitated person;
 - (iv) The Responsible Party of an animal.
- (14) IN HEAT shall mean the receptive period of the sexual cycle, “in estrus”, the period of time during which a female animal may become impregnated.
- (15) NEIGHBOR shall mean an individual(s) who resides in a residential structure within one hundred (100) yards of the property on which an animal is kept or harbored, and who, when making a complaint pursuant to any provision of this Ordinance does, in a signed writing at the time that he or she makes a complaint, state that he or she will testify under oath if called as a witness in the matter.
- (16) KEEPING, KEEP, and/or KEEPER shall mean feeding and/or sheltering any animal for seven (7) or more consecutive days.
- (17) RESPONSIBLE PARTY shall mean any owner, keeper (as defined in (16) above), harborer (as defined in (11) above), and/or any other person who is acting in the capacity of a caregiver through bearing responsibility for the care of an animal by legal right of ownership, by assuming the duties of caring for the animal as provided in (16) above or otherwise, or by professing ownership of such animal. Any parent and/or legal guardian of a minor child or incapacitated person shall be held responsible for any actions of any animal owned or kept by such child or incapacitated person.
- (18) PROPERTY
- (i) Any structure, lot, yard, plot, tract, parcel, or other piece of land or property, or any other type of property of whatsoever kind or nature, which is located within the City of Adrian.
- (19) PUBLIC NUISANCE shall mean:
- (i) Any animal or group of animals which:
 - 1) Molests any passerby or chases passing vehicles, including bicycles;
 - 2) Attacks any other animals;
 - 3) Is in heat and not properly confined as provided in this Ordinance;
 - 4) Is running at large as defined in this Ordinance;
 - 5) Damages public or private property;
 - 6) Barks, whines, howls, meows, or creates any other disturbance which is

continuous or untimely so as to disturb a neighbor (as defined in Subsection (15) of this Section).

- 7) Is ridden on public property without a permit or which obstructs or interferes with vehicular or pedestrian traffic;
- 8) Causes injury to a person;
- 9) Threatens to cause or causes a condition which endangers public health or safety;
- 10) Defecates on public or private property other than that of the animal's Responsible Party;
- 11) Impedes refuse collection by ripping any bag or tipping any container of refuse or by behaving in a threatening manner; and/or,
- 12) Impedes the delivery of mail by behaving in a threatening manner.

(20) RUN AT LARGE shall mean any animal which:

- (i) Leaves the premises of, and is not under the control of, its Responsible Party, or a member of the household of said Responsible Party; and/or,
- (ii) Can be found on any street, alley, or any other public place within the City and which is not attached to a leash that is securely held and/or fastened to restrict the animal's movements, or which is not otherwise so confined as to prevent its straying or wandering at its whim.

(21) SANITARY shall mean clean and free from infectious or deleterious influences.

(22) UNFIT CAREGIVER shall mean any Person, including any Responsible Party, who, within any five-year period, has been convicted of animal abuse or severe neglect or who has had more than three other animal-related violations in the same five-year period.

SECTION 8-104: DECLARATIONS.

(1) Any violation of any provision(s), restriction(s), and/or regulation(s) contained in Sections 101-200 of this Chapter is hereby declared a nuisance and shall be unlawful, and any individual within the City of Adrian found in violation thereof shall be subject to the penalties and provisions of the same.

(2) It shall be the duty of the Animal Control Officer to directly administer and enforce the provisions of this Ordinance, personally, through staff assigned to be supervised by the Animal Control Officer, and/or through or with the assistance of the police department. Duties shall include – but are not limited to – the following:

- a. Respond to and investigate reports/complaints of animals that are unlicensed, dangerous or vicious, diseased, injured, stray, running at large, or otherwise in violation of or believed to be in violation of the provisions of this Ordinance;

- b. Respond to and investigate complaints or disputes concerning animals that are a Public Nuisance (as defined in this Ordinance), trespassing, or otherwise endangers or threatens public health, safety, and/or well-being;
- c. Pick up and impound animals running at large, unwanted animals, or animals which are reported or believed to be involved in an Incident (as defined in this Ordinance);
- d. Issue any warnings, notices, general ordinance summons, and/or citations to the Responsible Party of an animal in violation of this Ordinance;
- e. To otherwise bear the primary responsibility for the provision of services as enumerated within this Ordinance; however, in cases of immediate danger of physical injury or death to any persons, or if the assistance of law enforcement is needed, police personnel may be called to assist in the handling of such situations.

(3) It shall also be the duty of the police department to enforce the provisions of this Ordinance, and to assist the Animal Control Officer in enforcing the provisions of this Ordinance.

SECTION 8-105: RSMo 273 Dogs--Cats

Chapter 273, Revised Statutes of Missouri "Dogs and Cats", is hereby adopted and made part of this Ordinance with like effect as if recited at length herein.

SECTION 8-106: IMPOUNDMENT AND REDEMPTION OF ANIMALS.

- (1) Any public nuisance animal as defined by this Ordinance, and/or any animal found in violation of any provision of this Ordinance, and/or any animal subject to a Court order requiring its impoundment, may be taken by the police or the Animal Control Officer and impounded in the facilities of a licensed veterinarian or in the animal shelter, and be there confined in a humane manner pending further action pursuant to the provisions of this Ordinance or other law. If a Responsible Party is present at the time of the violation, a general ordinance summons may be issued to that person in lieu of impoundment, and such person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other section of this Ordinance.
- (2) Whenever any animal is confined by authority of this Section, the Animal Control Officer shall release the animal upon:
 - (a) Showing satisfactory proof that the party claiming right to possession of the animal is, in fact, entitled to possession thereof; and,
 - (b) Showing satisfactory proof that the animal is current on any vaccination(s) required by this Ordinance. If the animal is not vaccinated, the veterinarian or animal shelter shall, at the expense of the party, vaccinate such animal or cause such animal to be vaccinated with such vaccine(s) as may be required by this Ordinance before the animal is released; and,

- (c) Showing satisfactory proof that payment to the City Treasurer of any and all applicable fees related to the impoundment and/or confinement of the animal, including the cost of vaccination, if any, has been paid; and,
- (d) Showing satisfactory proof that payment to the City Treasurer of the fee for any license that may be required by this Ordinance for said animal has been paid; NOTWITHSTANDING,
- (e) If the animal is to be held for a period of time specified in any other section and/or provision of this Ordinance, and such period of time has not fully elapsed, the Animal Control Officer shall not release the animal to the Responsible Party; and/or,
- (f) If the Animal Control Officer has evidence which indicates that the party has been convicted of animal abuse or severe neglect of an animal, or that the party has had more than three other animal violations within a five-year period, or the Animal Control Officer believes that the animal poses a threat or risk to the safety, health, and/or well-being of the citizens of the City if released, the Animal Control Officer may refuse to redeem such animal to such party, and shall forthwith submit a sworn statement to the Municipal Court setting forth the reason(s) for such Animal Control Officer's refusal to redeem the animal. The Court, upon receipt of such statement and review of the information set forth therein, shall order the redemption of the animal with or without hearing or pending hearing, OR shall order the continued impoundment of the animal and shall set the matter for hearing.

SECTION 8-107: NOTICE OF IMPOUNDMENT.

After the impoundment of any animal, the Animal Control Officer shall promptly notify the animal's Responsible Party, if the Responsible Party can be determined and located by reasonable investigation, of the animal's impoundment. Such notice may be given in person, by telephone, or, if the Responsible Party cannot be reached in person or by telephone, notice may be given by securely fastening a written notice to the front main entry door of the last known residence of the Responsible Party. The Animal Control Officer shall document any attempt(s) to give such notice and whether such attempt(s) were successful. No liability shall attach to the City or to the Animal Control Officer or his/her staff for the Responsible Party's failure to receive such notice, or if the Responsible Party of the animal cannot be determined. The Responsible Party of an impounded animal who does not redeem the animal may still be proceeded against for violation of any applicable Section of this Ordinance or any other applicable Ordinance. The Animal Control Officer may, at his or her discretion and upon proof of any vaccination(s) required by this Ordinance:

- (1) Upon the Responsible Party's first violation, the Animal Control Officer may return the animal to the Responsible Party if such Responsible Party is known, and issue a warning to the Responsible Party.

- (2) Upon the Responsible Party's second violation, the Animal Control Officer may return the animal to its Responsible Party and issue a Municipal Court citation for violation of the provisions of this Ordinance.
- (3) Upon the Responsible Party's third violation, the Animal Control Officer may remove the animal to the facilities of a licensed veterinarian or the animal shelter and the Responsible Party of the animal may only redeem the same pursuant to SECTION 8-106 (2) of this Ordinance.
- (4) If the Responsible Party of the animal is unknown or cannot be determined, the animal will be taken to the facilities of a licensed veterinarian or the animal shelter for impoundment, and may only be redeemed pursuant to SECTION 8-106 (2) of this Ordinance.

SECTION 8-108: DISPOSITION/DESTRUCTION OF IMPOUNDED ANIMALS.

- (1) Minimum Holding Period: Except as otherwise provided in this Ordinance, all impounded animals shall be subject to the following:
 - (a) Impounded animals shall be kept for a minimum of seven (7) days holding period from the date on which such animal was impounded, excluding non-business days and nationally-recognized holidays; except:
 - i. When relinquished by a Responsible Party, in which case the animal must only be held a minimum of one (1) day holding period;
 - ii. When an animal arrives in the custody of the Animal Control Officer and is in such poor health or injured state that, in the judgment of the Animal Control Officer or licensed veterinarian, human compassion requires that the suffering of such animal be promptly ended to prevent needless suffering. In such case, there shall be no minimum holding period for the animal, and the animal may be immediately disposed of in a humane manner without need for court order or notification of the animal's Responsible Party.
 - (b) Upon the expiration of the holding period prescribed by Subsection (1) of this Section, and if an impounded animal has not been released into the custody of its Responsible Party and/or its impound fees paid in full every seventh (7th) day of impoundment (even if such animal has not been released from the impound facility), the animal shall be considered abandoned, and shall thereafter be the property and responsibility of the impound facility, and no person shall thereafter have any legal right to claim of ownership of the animal, and such animal shall thereafter be considered eligible for adoption by the general public, or such animal may be disposed of in a humane manner at the option of the impound facility. The Responsible Party of an impounded animal who does not redeem the animal may still be proceeded against for violation of any applicable Section of this Ordinance or any other applicable Ordinance even though it has abandoned the animal.

- (2) Animals Ordered Destroyed: There shall be no holding period for an animal ordered destroyed pursuant to any provision of this Ordinance, any applicable state law(s), and/or any other ordinance of this City.

SECTION 8-109: IMPOUNDMENT FEES AND PAYMENT THEREOF; FAILURE TO PAY IMPOUND FEES CONSTITUTES ABANDONMENT.

- (1) An impound fee as specified in this Section shall be charged when any animal is picked up by the Animal Control Officer and transported to a facility for impoundment and/or confinement. The minimum fee for the care of any animal during a period of impoundment shall be at the rate specified herein; however, such minimum fee may not reflect the actual cost of the impound period. The final cost shall be the actual amount of the impound facility's daily impound rate times the total number of days during which the animal remained impounded, in addition to expenses incurred by the animal; such as, but not limited to, the cost of health needs of the animal and/or the costs of any required vaccination(s). These fees must be paid in full prior to the release of an impounded animal. The minimum impoundment fee(s) shall be as follows:
- (a) Impound Fee: Redemption fee of \$30.00, plus an additional fee of \$10.00 for each partial or full 24-hour period that the animal remains impounded.
 - (b) Rabies Vaccination (if applicable): The fee shall be the amount actually charged by the veterinarian for the administration and cost of the vaccine.
- (2) When an animal is impounded pursuant to any provision of this Ordinance, it shall be the responsibility of the animal's Responsible Party to pay any and all impound fees as set forth in this Section. **Failure to pay such fees shall constitute abandonment of the animal as set forth in Section 8-108(1)(b) of this Ordinance**, and such animal shall be disposed of according to the provisions thereof.
- (3) **Such impound fees shall be paid *regardless* of whether the animal is released into the custody of such Responsible Party upon the payment of such fees.** In the event that the animal is held pending a court proceeding, for an indeterminate period of time, or for a specific period of time, **payment of such fees shall be made every seventh (7th) day** from the date of impoundment of the animal and shall continue to be made until the date of release of the animal. Failure to pay such fees shall be subject to Subsection (2) of this Section.

SECTION 8-110. ANIMALS RUNNING AT LARGE.

Violations of this Section shall be subject to Section 8-127(1) of this Ordinance.

- (1) No animal shall run at large in the City. The animal's Responsible Party and/or any other person who otherwise bears responsibility for the management or care of any animal shall be held liable for such animal running at large.

SECTION 8-111. RABIES VACCINATION.

Violations of this Section shall be subject to Section 8-127(1) of this Ordinance.

- (1) All animals within the City (including, but not limited to, dogs and cats) that are over six (6) months of age shall be annually vaccinated against rabies by a veterinarian licensed to practice veterinary medicine in the State of Missouri and shall continually and without lapse of time remain current/up-to-date on the receipt of such annual vaccine, except for those animals which, by reason of deteriorating health, old age, and/or species, are not advised to receive such vaccine.
- (2) Should an animal belong to a species that would normally receive such vaccine, but its health and/or age deem the administration of such vaccine inadvisable, the Responsible Party of such animal shall obtain a signed letter from a licensed veterinarian stating the same and setting forth the reasons therefor, including the prognosis and likelihood of recovery from the condition that prevents the administration of the vaccine. Such letter shall be renewed every six (6) months unless the letter states that the animal's recovery from the condition is not likely, in which case the letter shall be renewed annually. The letter does not need to be renewed if the administration of the vaccine is deemed inadvisable due to old age; and:
 - (a) The Responsible Party of an animal shall provide such veterinarian's letter to the City, and such letter shall become part of the animal's licensing records.
 - (b) The City has the right to require any individual who presents a letter stating that an animal is exempt from the vaccination requirement to obtain a second opinion and letter from another veterinarian confirming the inadvisability of the administration of the vaccine and the reasons therefor.
 - (c) Notwithstanding the foregoing Subparagraphs (a) and (b), if an Incident (as defined in this Ordinance) involving an animal for which veterinarian letter(s) have been obtained occurs, or if there exists a reasonable belief that the animal's behavior in either the past or present poses a risk of the potential occurrence of an Incident, the City has the right to require the administration of the vaccine in the interest of public safety and regardless of whether its administration is deemed inadvisable due to the animal's health or age.

SECTION 8-112. RABIES AND DISEASE CONTROL AND THE DESTRUCTION OF AN ANIMAL

Violations of this Section shall be subject to the penalties set forth in Section 8-127(1) of this Ordinance; except that violations of Subsection (4) of this Section shall be subject to the penalties set forth in Section 8-127(2) of this Ordinance. The following provisions shall apply to disease control and animal bites:

- (1) For the purpose of disease and/or injury control, the Animal Control Officer is hereby empowered to impound and observe pets in transit through the City at the request of any official animal control agency, health officer, or law enforcement agency of another jurisdiction.
- (2) Any animal:

- (a) that inflicts or is reasonably believed to have inflicted a bite wound or abrasion that exposes an individual and/or other animal to the possibility of contracting rabies; and/or,
- (b) any animal that is bitten or is reasonably believed to have been bitten or otherwise exposed to the possibility of contracting rabies from another animal,

shall be immediately confined for a period of fourteen (14) days (Confinement Period). It shall be the duty of the animal's Responsible Party or any other person permitting any animal to be on his or her premises to notify the Animal Control Officer or the City Police immediately upon knowledge or notice that:

- (c) Such animal has bitten any person and/or animal; and
 - (d) Whether the victim and/or exposed animal requires medical attention; and
 - (e) The name and address of the victim, and/or the name and address of the exposed animal's Responsible Party, if known; and
 - (f) The name and address of the attacking animal's Responsible Party, if known; and
 - (g) Whether the attacking animal (and the bitten/victimized animal, if any) has been or will be delivered to a veterinarian.
- (3) As quickly as practicable, all animals subject to confinement will be transported by the Responsible Party or, if the Responsible Party is unavailable or unwilling, by the Animal Control Officer, to a licensed veterinarian for examination.
- (4) The Responsible Party of an animal subject to confinement will be permitted to confine the animal for the Confinement Period 'at home' or at a suitable private location provided ALL (unless stated otherwise) of the following conditions are met:
- (a) The animal has committed its first offense under this Section (not applicable if the animal in question is the victim);
 - (b) Upon examination by a licensed veterinarian, the animal is free of apparent signs of central nervous system disease;
 - (c) The animal has received a rabies vaccination more than thirty (30) days prior to the Incident;
 - (d) Not more than twelve (12) months have elapsed since the date of administration of the vaccine;
 - (e) The confinement location must be suitable for ensuring that the animal is confined 24 hours per day for the full 14-day Confinement Period and in such manner as to prevent the occurrence of further Incidents throughout the duration of time that such animal is confined, and that little or no risk exists for the escape or release of the animal prior to the expiration of said period;
 - (f) The Responsible Party must assure the Animal Control Officer of his commitment

to keep the animal confined throughout the required Confinement Period; and,

- (g) Prior to releasing the animal from confinement upon the expiration of the Confinement Period, the Responsible Party must cause the animal to be examined by a licensed veterinarian. Such examination (except an initial examination as required by this Section) shall not take place prior to the expiration of the full fourteen (14) days period, and the results of said examination must be provided to the Animal Control Officer before the animal may be released from confinement.
 - (h) If an animal subject to 'at home' or private confinement is released or escapes from such confinement prior to the expiration of the fourteen (14) day Confinement Period and prior to the Animal Control Officer's acceptance of the veterinarian's examination results as provided in subsection (4)g. of this Section, the animal will be picked up by the Animal Control Officer and confined in the facilities of a licensed veterinarian at the expense of the Responsible Party.
- (5) In all cases other than that described in subsection (4) of the foregoing, the animal will be confined in the facilities of a licensed veterinarian or animal shelter in such manner as to prevent the occurrence of further Incidents while such animal remains under confinement and/or in the care of an animal shelter or veterinarian.
 - (6) Veterinary, medical, confinement/housing charges, and/or all other charges related to the Incident and the confinement of the animal shall be paid by the Responsible Party of the attacking animal.
 - (7) It shall be unlawful for any person with notice or knowledge that an animal has bitten any person to dispose of such animal in any manner, except as otherwise provided herein.
 - (8) The Animal Control Officer, veterinarian, Responsible Party or any other person in whose care any animal is placed (regardless of the circumstances surrounding such placement), shall immediately notify the City Police Department in the event of the death of the animal while such animal is under his/her observation or care.
 - (9) If any animal believed to be involved in an Incident as defined in this Ordinance cannot be safely captured, secured, restrained, and/or impounded due to the animal's exhibition of dangerous or vicious behavior, such animal may be slain by any police officer or animal control officer if such officer reasonably believes that imminent risk to his/her safety and/or the safety of others exists either by continued efforts to capture, secure, restrain, or impound the animal or by allowing the animal to remain free.
 - (10) If an animal is adjudged to be rabid by a licensed veterinarian, the Animal Control Officer shall obtain the written consent of the animal's Responsible Party to destroy said animal, upon the receipt of which said animal shall be forthwith destroyed; or, if the Responsible Party is unavailable and/or unwilling to consent, the Animal Control Officer shall cause a veterinary report to be prepared setting forth the animal's diagnosis and the evidence supporting such, and which shall include a statement that the evidence contained therein is sufficient to conclude that such animal is, in fact, rabid, and the

Animal Control Officer and veterinarian shall both ascribe their signatures to such report in support thereof, and as soon thereafter as is practicable, such animal shall be forthwith destroyed.

- (11) In all cases where any animal believed to be involved in an Incident as defined in this Ordinance is slain, and:
- (a) A period of less than fourteen (14) days has elapsed since the day upon which such animal bit any person or caused an abrasion of the skin of any person; or
 - (b) The question as to whether the animal is rabid and/or has rabies remains otherwise unanswered;

it shall be the duty of any person slaying such animal to deliver or cause to be delivered all the remains of such animal to the Animal Control Officer who is hereby empowered to order whatever laboratory examination of the animal or the animal's tissues is required by prudent medical practice, and no liability for damages shall arise from any injury or claim of whatsoever kind or nature occasioned by such examination. Any departure from this procedure must be requested of and authorized by the Animal Control Officer.

- (12) Any animal destroyed as a result of rabies infection shall be disposed of in a humane manner. Any and all costs associated with the Incident shall be assessed to and paid by the Responsible Party of the animal.
- (13) The Municipal Court is hereby authorized and directed, upon application by the Responsible Party of any animal scheduled for destruction, to order the animal not destroyed pending hearing, and to hold a hearing to make inquiry and a determination whether the animal constitutes a real and present danger to citizens of this City. Said Court is hereby further authorized to refuse to release the animal from impoundment or to grant release of the animal from impoundment contingent upon appropriate conditions set by the Court to protect the citizens and animals of this City, or to release the animal from impoundment upon the Responsible Party's agreement to forthwith and immediately remove and keep the animal outside the corporate limits of the City. In the event that the destruction of the animal is not ordered, the costs of impoundment and inquiry will be assessed to and paid by the Responsible Party of the animal.

SECTION 8-113: DOGS AND CATS IN HEAT.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(1) of this Ordinance.

- (1) Any female dog or cat in heat shall be confined in a manner that sufficiently and reasonably prevents unplanned mating or impregnation of said dog or cat.
- (2) Dogs in heat shall be confined for a minimum of twenty-five (25) days from the date on which such dog goes into heat.
- (3) Cats in heat shall be confined for a minimum of ten (10) days from the date on which such cat goes into heat.

- (4) Nothing in this Section shall be construed to limit or prevent the lawful and intentional breeding of dogs or cats in accordance and compliance with the laws of the State of Missouri and/or any other ordinance(s) of the City.

SECTION 8-114: UNLAWFUL REMOVAL.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(2) of this Ordinance.

- (1) It shall be unlawful for any person to remove from the custody of the Animal Control Officer by way of force, deceit, or any other means of whatsoever kind and/or nature, any animal which has been legally impounded by said Officer *prior to* obtaining the permission of said Officer to remove such animal.

SECTION 8-115: INTERFERENCE WITH ANIMAL CONTROL OFFICER.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(2) of this Ordinance:

- (1) No person shall hinder, molest, or interfere with the Animal Control Officer in the performance of his or her duties.

SECTION 8-116: ABANDONED ANIMALS.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(2) of this Ordinance:

- (1) It shall be unlawful for any Responsible Party to abandon any animal.

SECTION 8-117: NEGLECT OF AN ANIMAL.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(2) of this Ordinance:

- (1) No Responsible Party of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, and adequate shelter. A Responsible Party must offer some freedom from continuous chaining, stabling, and tethering. The Animal Control Officer is authorized to enter the yard where an animal is kept if the Animal Control Officer has probable cause to believe that the animal is kept in an unlawful, negligent, cruel, abusive, or inhumane manner, and to examine such animal and to seize and impound such animal in the facilities of a licensed veterinarian or animal shelter when, in the Animal Control Officer's opinion, such animal is being kept in an unlawful, negligent, cruel, abusive, or inhumane manner. Such probable cause may be shown by a sworn statement in writing from a witness who is willing to testify in open court as to the animal's condition.

SECTION 8-118: LIMITATION ON NUMBER OF ANIMALS.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(1) of this Ordinance.

- (1) No person shall own, keep, or harbor more than four (4) dogs that are six (6) months of age or older, or more than four (4) cats that are six (6) months of age or older, in the same residence and/or yard.

SECTION 8-119: ANIMAL ABUSE.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(2) of this Ordinance.

A person commits the offense of animal abuse and will be charged accordingly when he or she:

- (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this Ordinance;
- (2) Purposefully, intentionally, or recklessly causes injury, suffering, or pain to an animal;
- (3) Abandons an animal in any place without making provisions for its adequate care;
- (4) Overworks or overloads an animal or drive or works an animal unfit to work as determined by a licensed veterinarian; and/or,
- (5) Owns, keeps, or harbors an animal and willfully fails to provide adequate care, adequate food, adequate shelter, and/or adequate water for such animal.

SECTION 8-120: DANGEROUS OR VICIOUS DOGS.

Violations of this Section shall be subject to Section 8-127(3) of this Ordinance. The provisions of this Section shall apply to dangerous or vicious dogs, except when such dogs are kept pursuant to and in compliance with Section 8-121 of this Ordinance.

- (1) It shall be unlawful for any person, other than when a commissioned officer is using a dog for law enforcement purposes, to own, keep, harbor, or allow to be upon any premises and/or property occupied by such person or under his/her charge or control, any dog of a dangerous or vicious disposition as defined in this Ordinance, except dogs used as guard animals as defined in Section 8-103(9)(v) of this Ordinance.
- (2) Dogs used as guard animals as described in Section 8-103(9)(v) of this Ordinance are exempt from any provisions of this Section when such exemptions are expressly and specifically stated AND when such guard dogs are kept pursuant to and in compliance with the provisions of Section 8-121 of this Ordinance.
- (3) Any dog which is believed to be dangerous or vicious as evidenced by behavior suggestive of such, or by causing or threatening to cause injury to any person or animal, (except dogs used as guard animals as described in Section 8-103(9)(v) of this Ordinance and when such guard dogs are defending a person and/or property from a real and actual threat), shall be impounded immediately by the Animal Control Officer subject to the provisions of Section 8-106 of this Ordinance.
- (4) Any event that causes a dog to be impounded pursuant to Subsection (3) of this Section shall be evidenced by the sworn, written statement of at least one (1) eyewitness who is

willing to testify to such in open court.

- (5) Any dog which is in the custody of the Animal Control Officer, and which, after a minimum of seven (7) days impoundment, is believed by said Officer to be a menace to the health, safety, and/or welfare of the public if released from such custody, the Animal Control Officer shall submit a report to the Municipal Court setting forth the facts supporting the conclusion reached regarding the danger the dog presents, including statements describing the behavior observed, and the Court, after due process and upon finding that the evidence is sufficient to conclude that such animal is, in fact, a menace to the health, safety, and/or welfare of the public if released from custody, said Court shall order its destruction, and such animal shall be forthwith destroyed.
- (6) The Municipal Court is hereby authorized and directed, upon application by the Responsible Party of any animal scheduled for destruction pursuant to subsection (5) of this Section, to order the animal not destroyed pending hearing, and to hold a hearing to make inquiry and a determination whether the animal constitutes a real and present danger to citizens of this City. Said Court is hereby further authorized to refuse to release the animal from impoundment or to grant release of the animal from impoundment contingent upon appropriate conditions set by the Court to protect the citizens and animals of this City, or to release the animal from impoundment upon the Responsible Party's agreement to forthwith and immediately remove and keep the animal outside the corporate limits of the City. In the event that the destruction of the animal is not ordered, the costs of impoundment and inquiry will be assessed to and paid by the Responsible Party of the animal.

SECTION 8-121: THE KEEPING OF DANGEROUS OR VICIOUS DOGS.

Violations of this Section shall be subject to Section 8-127(3) of this Ordinance. No dangerous or vicious dogs shall be permitted to remain within the corporate limits of the City. Any dangerous or vicious dogs that currently reside within the city limits as of the date of adoption of this Ordinance shall forthwith be caused to vacate the City, *unless* the following conditions are met:

- (1) The dangerous or vicious dog must have been registered with the City by the owners prior to the date of adoption of this Ordinance; or, for any dog that has not been registered, ownership paperwork for said dog must be provided to the City and must definitively prove that the dog was owned, kept, and/or harbored within the corporate limits of the City prior to the date of adoption of this Ordinance (penalties for failure to register any animal as required by the provisions of this Ordinance may apply);
- (2) The dangerous or vicious dog shall be securely confined indoors or in a securely enclosed and locked pen or enclosure, except when leashed or muzzled as provided in the below subsection (5) of this Section. Such pen, enclosure, or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous or vicious dogs must be locked with a key or combination lock when such animals are within the structure. The structure must have a secure bottom or floor attached to the sides of the

structure or the sides of the structure must be embedded into the ground no less than two (2) feet. All structures erected to contain and house dangerous or vicious dogs must comply with all zoning and building regulations within the City. All such structures must provide adequate natural or artificial lighting so as to permit the dog exposure to such lighting during normal daylight hours, and such structure must be well ventilated and kept in a clean and sanitary condition.

- (3) No person shall permit a dangerous or vicious dog to be kept on a chain, rope, or other type of leash outside its enclosure or pen or be leashed to inanimate objects such as trees, posts, buildings, etc.
- (4) When giving the dog normal and sufficient exercise for its health and well-being, and if such exercise is done outside of its enclosure or pen, the Responsible Party shall have the dog leashed and be in physical control of the leash at all times, or such dog may be exercised within a fully fenced and locked yard. A fully fenced yard under this Subsection shall mean a yard that is fully enclosed on all sides with fencing that is at least five (5) feet in height and the bottom of which is buried at least two (2) feet in the ground, and which has a two (2) foot wide section of fencing material attached at an inward angle around the entire perimeter of the fence to prevent climbing and/or jumping, and which has any gate(s) and/or entrance(s) securely locked with a key or combination lock. The provisions of Subsection (5) of this Section shall apply.
- (5) At all times when outside its enclosure or pen, all dangerous or vicious dogs shall be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals and, when such dog is exercising, such muzzling device shall be of a type/design that will permit the dog to both freely drink fluids and pant.
- (6) No dangerous or vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition or that would present a high likelihood of the dog's escape from such location. In addition, no such dog 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 dog from exiting the structure.
- (7) All owners, keepers, and/or harborers of dangerous or vicious dogs within the City shall display, in a prominent place on their premises, a sign that states "Dangerous Dog" or "Vicious Dog" so as to warn the public of the nature of the dog therein confined. Such sign shall be at least two (2) feet by three (3) feet in size and shall be printed with uppercase letters that are at least two (2) inches high and/or lowercase letters that are at least one (1) inch high.
- (8) All owners, keepers, and/or harborers of dangerous or vicious dogs must provide proof to the Animal Control Officer of public liability insurance in a single-incident amount of one hundred thousand dollars and no cents (\$100,000.00) for bodily injury to, or death of, any person, or for damage to property owned by any person (other than lien-, debt-, and/or mortgage-free property owned by the Responsible Party of the dog). Such insurance policy shall provide that no cancellation of the policy will be made unless ten

- (10) days written notice is first given to the Animal Control Officer. An effective insurance policy with the coverage and in the amount(s) specified herein must be maintained by the Responsible Party at all times.
- (9) All owners, keepers, and/or harborers of dangerous or vicious dogs registered with the City must provide the Animal Control Officer with two (2) color photographs of the dog in two (2) different poses (one photograph for each pose) and which clearly show the coloration and approximate size of the dog.
- (10) All owners, keepers, and/or harborers of dangerous or vicious dogs shall report any of the following events with ten (10) days of the occurrence of such event:
- (a) The death or removal from the City of a vicious dog;
 - (b) The birth of living offspring of a vicious dog; and/or,
 - (c) A change of address of residence of a vicious dog if the Responsible Party moves from one address within the City limits to another address within the City limits.
- (11) It shall be unlawful for all owners, keepers, and/or harborers of dangerous or vicious dogs registered with the City to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment.
- (12) Any person violating or permitting the violation of any provision of this Section shall, be subject to the penalties imposed by Section 8-127 (2) of this Ordinance.

SECTION 8-122: PUBLIC NUISANCE ANIMALS AND ANIMALS CAUSING FEAR.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(1) of this Ordinance.

- (1) It shall be unlawful for any person and/or Responsible Party to permit or otherwise allow the animal to run at large, as defined in this Ordinance, within the corporate limits of the City.
- (2) No person shall own, keep, or harbor any dog or other animal that is not securely confined, which, by attempting to bite, jump upon, charge toward, or otherwise threaten any other person shall cause such other person to have a reasonable fear of immediate serious physical injury. Any person cited pursuant to this subsection may state as a defense, subject to proof, that the threatening behavior of the animal was instigated or provoked by the complainant or that the fear expressed by the complainant was not a reasonable fear of immediate serious physical injury, and the Court shall give any such defense such weight as the Court, in its judicial discretion, finds to be appropriate in the circumstances of the case. Complaints under this subsection may only be lodged by the Animal Control Officer.
- (3) It shall be a violation to maintain any animal within the City in a manner that constitutes a public nuisance as is defined by the common law of the state, the statutes of the state, this Ordinance, or any other ordinance of the City.

- (4) No person shall own, keep, or harbor any animal which, by making excessive noise, disturbs a neighbor. The following definitions and conditions, in addition to the rest and remainder of this Ordinance, shall be specifically applicable to the enforcement of the prohibition set out in this Subsection:
- (a) The phrase 'excessive noise' shall mean and include any noise produced by an animal which is so loud, continuous, and/or untimely as to disturb a neighbor.
 - (b) The term 'continuous' shall mean at least one (1) disturbance every fifteen minutes for a minimum of two (2) hours.
 - (c) Any neighbor making a complaint under this Section shall, in writing, state that he or she will testify under oath to the allegation that the animal is making excessive noise.
 - (d) If a summons is issued charging a violation of this Section, a subpoena shall also be issued to the disturbed neighbor to testify in the matter.
- (5) No person shall own, keep, or harbor any dog or other animal in such manner as to hinder, obstruct, or interfere with access to an outside utility meter, utility pole, or mailbox by any authorized employee of the utility or postal service. Any dog or other animal so owned, kept, or harbored in such manner may be removed and impounded by the Animal Control Officer, and shall be subject to the provisions of this Ordinance for such impounded animals.
- (6) No person shall permit any female dog or cat, while it is in heat, to be unconfined in a way that does not sufficiently prevent unplanned mating or impregnation by another dog or cat; including, but not limited to, confinement in an unfenced yard that does not sufficiently prevent entry into such yard by another dog or cat.

SECTION 8-123: RECORDS TO BE KEPT BY ANIMAL CONTROL OFFICER.

The Animal Control Officer shall keep a record in which all of his or her official transactions shall be entered. Such record shall be open to the inspection of any person as authorized or limited by the state statutes and such other enactments as may be or become applicable.

SECTION 8-124: ENTRY ON PRIVATE PROPERTY.

- (1) It shall not constitute a trespass for the Animal Control Officer, in the performance of his or her lawful duties, to enter with any necessary equipment upon any public or private property with the corporate limits of the City, except a building designated for and used for residential purposes. Nothing contained herein shall be construed to authorize the Animal Control Officer to enter upon private property without consent of the property owner or the Responsible Party or without a valid warrant where such warrant is required.
- (2) Notwithstanding the foregoing subsection (1) of this Section, the Animal Control Officer shall be authorized to enter upon such private property, with or without a warrant and/or

the consent of the property owner or the Responsible Party, if such Officer has probable cause to believe that there is a neglected or mistreated animal, and/or that conditions exist that constitute abuse or neglect of an animal as provided in Sections 8-117 and 8-119 of this Ordinance, and/or that conditions exist that pose an immediate danger to public safety, health, and/or welfare, and to seize such animal from such private property to abate such ordinance violation; provided, however, that the Animal Control Officer or law enforcement officer may take custody of a neglected or mistreated animal as defined in this Ordinance.

- (3) It shall be the duty of the Animal Control Officer to investigate reports that a violation of the provisions of this Ordinance may exist and to carry out the procedures provided herein for the abatement of violations found to exist. Such investigation may include, but is not limited to, taking photographic evidence of the violation.
- (4) The Animal Control Officer shall at no time physically infringe upon the curtilage of private property in the course of his investigation, nor shall the same enter onto private property, except via a designated walkway, if any, or, if none, via the most direct route, for the purpose of making contact with the Responsible Party of the property and/or the person having control or use of any part of the property. Any violation of this Ordinance discovered by an Enforcement Officer in the course of making entry as set forth in this subsection shall be deemed to be discovered in the normal course of investigation.
- (5) The Animal Control Officer who believes it necessary to cross onto the curtilage of a private property or to enter onto a private property for the purpose of determining the existence of a violation may:
 - (a) Verbally request, or request in writing, permission from any person having control or use of any part of the property to enter the same for the purposes of investigating a suspected violation. Such Animal Control Officer shall state the purpose and reason for making his request, and he shall inform such person that the granting of such permission is not required by law.
 - (b) If permission cannot be obtained pursuant to subsection (5)(a) of this Section, and the Animal Control Officer believes there to exist probable cause for investigation onto the private property, the same shall make application for a Municipal Search Warrant.
 - (c) Nothing in this Ordinance shall be construed to limit or restrict the right of the Animal Control Officer and/or the police department to, with or without a warrant and/or the permission of the Responsible Party of private property:
 - i. Enter onto private property, with the exception of a residential structure, for the purpose of investigating and/or abating suspected or confirmed violations of this Ordinance for which such Officer has probable cause to believe that there exists an immediate danger to public safety, health, and/or welfare;

- ii. Cross onto private property for the purpose of capturing, or in the course of giving chase to, an animal which is believed to be in violation of this Ordinance or which is believed to be involved in an Incident as defined by this Ordinance; including, but not limited to, any animal running at large, and/or any animal that believed to have exposed a person to rabies through a bite wound or other tissue abrasion and that is found on the property of the Responsible Party. Such animal may be removed from that property by the Animal Control Officer even if such Responsible Party is unavailable, unwilling, and/or unable to surrender the animal as required by this Ordinance.
 - iii. Cross onto private property, with the exception of a residential structure, for the purpose of investigating and/or abating suspected or confirmed violations of this Ordinance for which such Officer has probable cause to believe constitute abuse or neglect of an animal as provided in Sections 8-117 and 8-119 of this Ordinance, and to seize such animal from such private property to abate such ordinance violation.
- (d) For all other investigations of violations of this Ordinance, or to remove an animal from private property in all other circumstances, the Animal Control Officer shall make application for, and be granted, a Municipal Search Warrant prior to entering onto any private property without the permission of the Responsible Party of such property for the purpose of investigation of a violation and/or removal of an animal.

SECTION 8-125: ENDANGERING ANIMALS THROUGH CONFINEMENT IN MOTOR VEHICLE OR OTHER ENCLOSURE

Violations of this Section shall be subject to the penalties set forth in Section 8-127(2) of this Ordinance.

- (1) It shall be unlawful when, as determined by the Animal Control Officer, any animal is found confined in a motor vehicle or other structure in a public or private place under such weather conditions and circumstances that lend probable cause to believe that the situation poses an obvious hazard and danger to the animal's life and, in the event of a structure other than a motor vehicle, it is reasonable to believe that no provision has been made to prevent the animal from suffering injury through use of climate control and/or sufficient protection from the weather; such as, but not limited to, air conditioning, water, heat, and/or warm bedding. The Animal Control Officer, by, with, and through any member of the police department, are hereby authorized to enter such vehicle and/or structure to rescue said animal and thereafter impound it in accordance with Section 8-106 of this Ordinance. A prominent written notice shall be left on or in the vehicle and/or structure advising that the animal has been removed under the authority of this Section and thereafter impounded in accordance with Section 8-106 and 8-107 of this Ordinance. Such written notice shall also include the name, address, and telephone number of the

licensed veterinarian or animal shelter to which the animal has been delivered for impoundment.

SECTION 8-126: LICENSES.

Violations of this Section shall be subject to the penalties set forth in Section 8-127(1) of this Ordinance.

- (1) It shall be the duty of every person owning, keeping, or harboring any dog or cat over the age of six (6) months within the corporate limits of the City to procure a license therefor from the City Clerk.
- (2) For the issuance of each dog or cat license require by the Ordinance, the Responsible Party shall annually pay to the City the following amount(s) as license fees:
 - a. Five Dollars and No Cents (\$5.00) for each spayed or neutered male or female animal;
 - b. Seven Dollars and Fifty Cents (\$7.50) for each unneutered male animal;
 - c. Ten Dollars and No Cents (\$10.00) for each unsprayed female animal.
- (3) The receipt issued for the license shall constitute a 'certificate of registry' and evidence of licensure for the keeping of such dog or cat. No refund will be made for licenses for animals deceased or otherwise removed from the City during a period of licensure. Application for a dog license shall be made by the Responsible Party on a printed form provided by the City for that purpose, upon which the Responsible Party shall state his or her full name and physical address (not a Post Office Box) at which the animal(s) will be located within the City, along with the name, breed, color, and sex of each dog or cat owned or kept by the same. Licenses shall be issued for the calendar year beginning January 1st and shall be delinquent after March 1st, after which date the applicant shall be assessed a penalty of fifty percent (50%) of the license fee if the dog or cat for which license is applied had attained the age of six (6) months on or before March 1st. Each license shall be valid for a period of one (1) year.
- (4) Before a license is issued for any dog or cat, the Responsible Party thereof shall file with the Animal Control Officer a certificate, receipt, and/or other written, signed statement from a licensed veterinarian showing that such dog or cat has been properly vaccinated for rabies virus pursuant to Section 8-111 of this Ordinance.
- (5) Upon payment of the license fee, the City Clerk shall issue to the Responsible Party a metallic tag for each dog or cat so licensed. If a tag is lost or destroyed, a duplicate shall be issued by the City Clerk upon presentation of the certificate of registry (licensing receipt) showing that the license fee has been paid for the current year, and upon payment of Two Dollars and No Cents (\$2.00) as fee for such duplicate tag.
- (6) Every dog and cat within the City is required to wear its license tag at all times. No Responsible Party of any dog or cat shall allow or permit such animal to be outside of the residence of the Responsible Party without its license tag except for when such animal is

in a cage or run that is enclosed on all sides and which has both a roof and a bottom/floor.

- (7) The Animal Control Officer shall keep a record giving the name and address of the Responsible Party of each licensed dog or cat and the license number, together with a general description of the dog or cat pursuant to SECTION 8-123 of this Ordinance.

SECTION 8-127: PENALTIES.

Upon conviction of a violation of any section and/or provisions of this Ordinance, the penalty(ies) prescribed by this Section shall apply.

- (1) **Minimum Penalties.** Any person violating any section and/or provision of this Ordinance shall be deemed guilty of an ordinance violation, and, upon conviction of any such violation, and unless another specific penalty or penalty range be provided by another Section, subsection and/or provision of this Ordinance, shall be punished by a fine of not less than Seventy Five Dollars and No Cents (\$75.00) and not more than Three Hundred Dollars and No Cents (\$300.00), AND/OR by imprisonment for a term not to exceed thirty (30) days.
- (2) **Maximum Penalties.** Any person violating any Section and/or provision of this Ordinance specifically charged under this Subsection (2) of this Section, shall, upon conviction of any such violation and unless another specific penalty or penalty range be provided by another Section, subsection and/or provision of this Ordinance, be punished by a fine of not less than Three Hundred Dollars and No Cents (\$300.00) and not more than Five Hundred Dollars and No Cents (\$500.00), AND/OR by imprisonment for a term not to exceed thirty (30) days.
- (3) **Violations of Section 8-120 and/or Section 8-121.** Any person violating or permitting the violation of any provision of Section 8-120 and/or Section 8-121 shall, upon conviction in Municipal Court, be subject to any or all of the following:
 - (a) Penalties:
 - (i) A fine of a sum of not less than three hundred dollars and no cents (\$300.00) nor more than five hundred dollars and no cents (\$500.00), in addition to any other penalties imposed by this Ordinance;
 - (ii) Imprisonment for a period not to exceed thirty (30) days;
 - (iii) An order of the Court revoking the license of the vicious dog;
 - (iv) An order of the Court causing the dog removed from the City. If the defendant refuses to remove the dog from the City, the Court may find the defendant in contempt and order the immediate confiscation and impoundment of the dog. Each day that the defendant is in contempt and/or the provisions of this Section are violated shall constitute a separate offense.
 - (b) Any person who violates Section 8-120 and/or Section 8-121 shall pay all expenses, including the costs of shelter, food, handling, veterinary care, and all

court and legal costs necessitated by the enforcement of Section 8-120 and/or Section 8-121.

(c) In addition to the foregoing, the following shall apply:

(i) First Violation: Upon the Court's determination that a dog has committed its first violation, the dog shall be classified as a dangerous or vicious dog as defined in this Ordinance, subject to the provisions of Section 8-120 (5) and (6) of this Ordinance.

(ii) Second Violation: Upon the Court's determination that a dog has committed its second violation, the Court shall order the impoundment of the dog, pursuant to the provisions of Section 8-106 of this Ordinance, for a period of thirty (30) days, subject to the provisions of Section 8-120 (5) and (6) of this Ordinance.

(iii) Third Violation: Upon the Court's determination that a dog has committed its third violation, the Court shall order the destruction of the dog pursuant to Section 8-120 (5) and (6) of this Ordinance..

(d) Notwithstanding the foregoing Subsection (c) of this Section, if a dog is determined to be a menace to the health, safety, and/or welfare of the public if permitted to remain living due to observed behavior and/or the nature of the violation, the Court is authorized to and shall order such dog's destruction pursuant to Section 8-120 (5) and (6) of this Ordinance **regardless** of whether such dog has committed any prior violation(s).

SECTION 8-128: SEVERABILITY.

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 Aldermen 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 provision which had been held invalid is no longer valid, said provision shall thereupon return to the full force and effect without further action by the city and shall thereafter be binding.

SECTION 8-129: REPEAL OF ORDINANCE.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8-130: EFFECTIVE DATE.

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

Sections 8-131 - 8-200 Reserved.

READ TWO TIMES, passed and approved this 8th day of September,
~~2011~~ 2014.

Larry Little
Mayor

ATTEST:

Melissa Pentik
City Clerk