

Chapter 73 - Animals

Subchapter A-Dogs and Cats

73.100. Definitions.

(a) As used in this ordinance, “**owner**” means any person, firm or corporation owning, harboring or keeping a dog.

(b) “**At large**” means off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash or otherwise.

73.200. License required. No dog owner shall keep any dog within the City unless a license therefor has first been secured. Licenses shall be issued by the City Clerk for a fee of \$5.00 for each dog. Licenses shall expire on the 31st day of December next following their issuance.

73.210. Date of payment. It shall be the duty of each owner of a dog to pay the license fee imposed in Section 73.200 to the City Clerk on or before the first day of January in each year, or upon acquiring ownership or possession of any unlicensed dog or upon establishing residence in the City.

73.220. Receipts and tags. Upon the payment of the license fee, the City Clerk shall execute a receipt in duplicate. He/she shall deliver the original receipt to the person who pays the fee, retaining the duplicate. He/she also shall procure a sufficient number of suitable metallic tags, the shape or color of which shall be different for each license year; and he/she shall deliver one appropriate tag to the owner when the fee is paid.

73.230. Affixing tags. The owner shall cause said tag to be affixed by a permanent metal fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen by the officers of the City. The owner shall see that the tag is constantly worn by such dog.

73.240 Impounding. Police officers may take up and impound any dogs found in the City without the tag provided for in 73.220 hereof; and to enforce this ordinance said officers are empowered and instructed to enter upon any private premises where they have reasonable cause to believe there is an unlicensed dog.

73.250. Dangerous Animals.

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

1. Any animal which has inflicted a severe or fatal injury on a human on public or private property. “Severe injury” means any physical injury resulting directly from an animal's bite, which results in broken bones or lacerations requiring stitches, or hospitalization. The victim receiving severe injuries as defined above, must provide the Police Chief with a signed physician's statement documenting the injury and the treatment qualifying such as a severe injury, or sign an authorization for the release of such statement.

2. Any animal which has attacked or bitten a human being or domestic animal, without provocation, on public or private property other than the property of the owner.
3. Any animal which, while on the owner's property, has attacked or bitten, 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, or domestic animal.
4. Any animal which, while off the owner's property, has killed a domestic animal, livestock, or poultry without provocation.
5. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
6. Any animal which, 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 attitude of attack, regardless of whether or not a person is injured by said animal.
7. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

B. Notice and Hearing.

1. Within five working days after classifying an animal as a "dangerous animal", the City shall notify the animal's owner of such classification, in writing. The notice shall identify the requirements and conditions for maintaining a dangerous animal as set forth in this Code. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted at the owner's last known address.
2. Appeal and Hearing. If the circumstances surrounding the classification as a dangerous animal under any of the definitions listed in Subsection (A) of this Section are in dispute or if the animal owner contests the classification, then the owner has the option of submitting, within five working days of Notice of said classification, a written request to the Board of Aldermen for a hearing to contest the classification. The City shall, within ten working days after receipt of a bona fide written request, conduct a hearing and render a decision.
3. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
4. The City shall determine whether to declare the animal to be a "dangerous animal" based upon evidence and testimony presented at the time of the hearing, in addition to witnesses, animal control personnel, police or any other person possessing information pertinent to such determination. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be

represented by counsel, present oral and written evidence, and cross examine witnesses.

5. The City shall issue a decision after the close of the hearing and notify the owner in writing of the decision. The owner or possessor of the animal found to be a “dangerous animal” shall be required to maintain the animal as herein provided in this Code.

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

1. **Registration.** Within ten days of the designation or the acquisition of a dangerous animal, every owner or keeper of a dangerous animal in the City shall register said animal with the City on the “dangerous animal” registry. Failure to so register shall constitute a violation of this Code.

2. **Collar.** Any dangerous animal shall wear at all times, a bright orange collar with a large brightly colored metal tag attached to the collar so the animal can readily be identified as a dangerous animal.

3. **Loose, unconfined or missing dangerous animal.** The owner or keeper shall notify the Police Department immediately if a dangerous animal is loose, unconfined or missing, has attacked another animal or has attacked a human being.

4. **Reporting requirements.** The owner or keeper shall notify the City within twenty-four hours: a. Death or transfer of ownership. If a dangerous animal has died or has been sold or given away, or otherwise transferred in ownership or possession. If the animal has been sold, given away, or otherwise transferred in ownership or possession, the owner or keeper shall provide the City with the name, address and telephone number of the new owner or keeper, and, if the dog is kept within the City, the new owner or keeper must comply with the requirements of this Code. b. Birth. All offspring born of dangerous animals within the City must be removed from the City within two (2) months of their birth. c. New address. Of the new address of a dangerous animal owner or keeper should the owner or keeper move from one address within the City to another address within the City.

5. **Confinement.**

a. All dangerous animals must be securely confined indoors or in a securely enclosed and locked pen, kennel or other structure, except when leashed and muzzled as provided herein. The pen, kennel or other structure must be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, kennel or other structure must have minimum dimensions of five feet by ten feet and must have secure sides and secure top attached to all sides. The pen, kennel, or other structure must be locked with a key or combination lock when dangerous animals are confined within. The pen, kennel, or other structure must have a secured bottom or floor attached to all sides; however, if it has no bottom secured to the sides,

the sides must be embedded in the ground no less than twelve inches. The enclosure must also provide protection from the elements for the animal.

b. The enclosure, when occupied by a dangerous animal, shall not be occupied by any other animal. If the dangerous animal is a female with offspring under two months of age, the offspring may occupy the same enclosure as the mother.

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

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

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

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

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

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

10. **Compliance, violations and penalties.**

a. It shall be unlawful for the owner or keeper of a dangerous animal within the City to fail to comply with requirements and conditions set forth in this Code. Any animal found to be in violation of this Code may be, in addition to other penalties provided by the Code, subject to immediate seizure and impoundment for a minimum of ten days or the time necessary for the owner or keeper to show compliance with this Code, whichever is shorter.

b. Any person found guilty of violation any provision of this Section shall be punished as provided herein. In addition to any penalty as provided herein, the Court may order the registration of the subject dangerous animal revoked and the animal removed from the City. Should the owner or keeper refuse to remove the animal from the City, the Court may find the owner or keeper in contempt and order the immediate impoundment and humane destruction of the animal. Each day that a violation of this Code continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Code shall pay all expenses, including shelter, food, handling, veterinary care and administrative expenses necessitated by the enforcement of this Code.

73.480. Swine. No person, persons, firm or corporation shall keep any swine of any kind within the City limits of Moscow Mills, Missouri, without first securing from the City Council a written permit.

1. No permit shall be granted to any person, firm or corporation for the keeping of swing, in pens or small enclosures nor shall a permit be granted to keep swine in residential districts or congested districts, where the same might be detrimental to health or create an offensive or obnoxious odor.
2. The City Council shall have full power and authority to grant permits and to cancel any permit granted to any person, firm or corporation for keeping swine in the city limits, when the same are kept under such conditions as to be offensive and obnoxious to citizens of said city.
3. The keeping of swine of any kind in small pens or under such conditions as to give off an offensive or obnoxious odor is hereby declared to be a nuisance.
4. Should any person, firm or corporation keep any swine within the city limits without first securing a written permit, or keep any swine more than three (3) days after any permit for keeping such swine has been canceled, they shall be guilty of maintaining a nuisance, and upon conviction shall be fined not less than Two (2.00) Dollars nor more than One Hundred (\$100.00) Dollars, and each day that such nuisance is maintained shall create a separate offense.

73.490 Livestock. No person shall keep a cow, bull, mule, jack, jennet, horse, goat or sheep in an outdoor enclosure or pasture, the exterior boundary of which is within 100 feet of the dwelling house of another, a church, school or place of business of another.

No person shall keep more than one cow, bull, jack, horse, goat or sheep or any combination of such animals in an outdoor enclosure or pasture unless such enclosure or pasture shall have an area of 21,780 square feet for each of such animals.

73.500. Offensive or noxious smell from the keeping of animals or fowl. No person shall keep, allow or permit to be kept on any premises occupied by him or under his charge and control, any animal or animals or fowl in a pen or other enclosure of any kind, under such conditions that an offensive or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitant of the neighborhood.

73.510 Chickens and domestic fowl. The term "chickens or other domestic fowl" as used in this ordinance shall include turkeys, guineas, ducks, geese or any other domestic fowl.

1. It shall be unlawful for any person to allow any chicken, chickens or other domestic fowl to run at large upon any street or alley of the city or upon the premises or property of any other person residing in said city.
2. Any person desiring to keep chickens or other domestic fowl within the City of Moscow Mills, Missouri, must at all times keep such chickens or other domestic fowl securely fenced in a lot or enclosure and shall not allow any chicken or other domestic fowl to trespass upon the streets or alleys or the premises of any other person residing in said city.
3. Any person permitting or allowing any chicken or chickens to run at large, either upon a street or alley of the city, or upon the premises of another, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Two Dollars (\$2.00) nor more than Fifty Dollars (\$50.00).

73.600. Penalty. Any person, firm or corporation violating any provision of this ordinance is guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than \$500.00.

Adopted by Ordinance 6/14/93. Amended by: Ordinance #165, 8/12/02. Ordinance #294, 10/11/05. Ordinance #535, 11/9/09. Ordinance #726, 1/11/16. Ordinance #736, 2/8/16.