

AN ORDINANCE FOR THE PURPOSE OF REPEALING ORDINANCE NUMBER 488-1998 OF THE CITY OF AUXVASSE, MISSOURI RELATING TO THE RESTRAINT, CONTROL AND TREATMENT OF ANIMALS WITHIN THE CITY OF AUXVASSE, MISSOURI, INCLUDING BUT NOT LIMITED TO CREATING THE OFFICE OF AN IMPOUNDMENT OFFICER, LICENSING REQUIREMENTS FOR ANIMALS, LEASHING REQUIREMENTS FOR ANIMALS, AUTHORIZING OF IMPOUNDMENT OF ANIMALS AND OTHER ANIMAL CONTROLS TOGETHER WITH PROVISIONS MAKING IT A VIOLATION OF THE LAW AND IMPOSING PUNISHMENT FOR FAILURE TO COMPLY WITH THE TERMS AND PROVISIONS HEREOF AND ENACTING 17 NEW SECTIONS RELATING TO THE SAME SUBJECT MATTER AND MAKING IT A VIOLATION OF THE LAW AND IMPOSING PUNISHMENT FOR FAILURE TO COMPLY WITH THE TERMS AND PROVISIONS HEREOF AND REPEALING ANY OTHER ORDINANCES OF THE CITY OF AUXVASSE, MISSOURI IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF AUXVASSE, MISSOURI, AS FOLLOWS:

**Section 1: Definitions.**

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

*Affected with rabies* means manifesting any of the characteristic symptoms of rabies as described in any standard medical textbook.

*Animal* means any living animal, domestic or wild, excepting human beings, birds, fish, amphibians, caged animals other than dogs and cats and farm animals.

*Annoying* means to vex, annoy, distress, agitate, irritate by barking, making of any sounds which sounds are heard by another beyond the premises of the person who owns, keeps, harbors, possesses, has management of or care of a dog, cat, or other animal, including chicken, bovine, equine or fowl.

*At large* means off the premises of the owner, and not under the control of the owner or a competent member of his immediate family, either by leash, cord, or chain.

*Cat* means male and female members of the feline family.

*City* means the City of Auxvasse, Missouri.

*Competent person* means a human being who is capable of controlling and governing the dog, cat, or animal in question, and whose commands the dog, cat, or animal is obedient to.

*Disposed of* means an animal may be destroyed or made available for adoption to another owner.

*Dog* means male and female members of the canine family.

*Farm animal* means swine, cattle, sheep or horses.

*Fowl* means a bird of any kind.

*Owner* means any person, firm, association, or corporation owning, keeping, or harboring, possessing, having management or care of a dog, cat, or other animal.

## **Section 2: Enforcement officials.**

There is created the office of impounding officer, to which position the mayor may appoint a suitable person; provided, however, that the board of aldermen may, in its discretion and in lieu of the creation of the office of city impounding officer enter into a contract with any person for the control, pick up, and disposition of any animals which are found in violation of this chapter within the city. Such contract shall be in writing and shall fix the compensation to be paid and shall be for such period and upon such terms and conditions as the board of aldermen may impose. The person so selected shall perform all the duties and be subject to all of the requirements of this chapter applicable to the city impounding officer in addition to the duties imposed by such contract. The mayor may, in addition, authorize the police department to pick up and restrain animals found within the city in violation of this chapter.

## **Section 3: Interference with enforcement officials.**

Any person who shall interfere with or obstruct a city official in the reasonable performance of his duty in apprehending any dog, cat, or other animal for impounding or investigation under this chapter, or any person who shall refuse to deliver up his dog, cat, or other animal, upon request by a proper city official, whenever such official has reasonable cause to believe that such dog, cat, or other animal is unlicensed or has not been inoculated against rabies within a period of one (1) year, or such dog, cat, or other animal is running at large in violation of this chapter, shall be deemed guilty of a misdemeanor.

## **Section 4: Licensing and registration.**

(a) Every person who owns, controls, manages, or possesses in whole or in part any dog, cat, or other animal, or who permits a dog, cat, or other animal to come or remain in or about any home, place, business, or other premises owned or controlled by such person, firm, corporation, or association in the city, shall procure a license for each such dog, cat, or other animal. When a license tag is procured, the owner shall keep the same securely fastened by means of a collar about the neck of the dog, cat, or other animal at all times. In addition, if the tag supplied by the city does not contain the owner's name and address, the owner shall fasten another tag with this information thereon. Farm animals and fowl as defined herein shall not be required to be licensed.

(b) On January 1 of each year, the owner of each dog, cat, or other animal, then over the age of six (6) months, kept within the city, and for each dog, cat, or other animal then or thereafter in the city, on attaining six (6) months of age during the year, shall secure from the city collector a license tag for such dog, cat, or other animal, which license tag shall be issued upon payment of a fee of \$5.00. The fee to be paid for the license tag of a neutered dog, cat, or other animal shall be \$5.00 and the owner of such neutered animal shall provide certification thereof by a duly licensed veterinarian.

(c) It shall be the duty of the owner of every dog, cat, or other animal kept within the city who is subject to subsection (b), to cause the same to be registered at the office of the city collector, in the city animal register, and the city collector shall enter into the city animal register the date of application for the license tag, the number of the tag issued, to whom, and for whom issued, and the breed, sex, and color of such dog, cat, or other animal. The city collector shall thereupon furnish to the person a metallic plate or tag, having plainly marked, cast, or stamped thereon, the figures, indicating the year for which the tag was issued and a number corresponding with the number of the entry on the animal register. Such plate or tag shall be attached to a leather or metal collar to be worn the dog, cat, or other animal for which the plate or the tag was issued; provided, however, that before any dog, cat, or other animal required to have a city license tag shall be registered at the office of the city collector as required in this section, there shall be presented to the city collector a written statement briefly describing such a dog, cat, or other animal sought to be registered and naming the alleged owner thereof, signed by a duly licensed veterinarian who shall certify that such dog, cat, or other animal has been immunized against rabies or accompanied by a rabies control tag, and the date of immunizations, such date of immunization and effective period of the

immunization shall be recorded at the time of registration of such dog, cat, or other animal. The immunization herein provided shall have been within nine (9) months of the date of registration.

(d) The city collector is authorized annually to procure on behalf of the city, a supply of license plates or tags sufficient for the needs of that particular year.

#### **Section 5: Leashing requirements.**

It shall be unlawful for any person owning, controlling, harboring, possessing, or having the management or care, in whole or in part, of any dog, cat, or other animal to permit such dog, cat, or other animal to run at large. For the purpose of this chapter, every dog, cat, or other animal when on any street, alley, or any other public place in the city, which is not attached to a leash, the other end of which is securely held by a competent person, or when on private property within the city, which is either not attached to a leash, the other end of which is securely held by a competent person, or which is not so confined as to prevent its straying from the premises, shall be deemed running at large; provided, however, that a dog, cat, or other animal bearing an identification tag containing the name and address of its owner and a current city license tag securely fastened to a collar about the neck of such animal may remain in an enclosure on the property of its owner without lease or other confinement.

#### **Section 6: Confinement of rabid animals.**

(a) No person owning or having custody or control of any dog, cat, or other animal affected with rabies, or any dog, cat, or other animal which has been exposed to rabies or which show symptoms or indication of having rabies shall permit such dog, cat, or other animal to be upon any street, alley, public place or private property within the city other than the property of the owner or custodian of such dog, cat, or other animal, and then only if such dog, cat, or other animal is so confined as to prevent its straying from the premises.

(b) Every person owning or having custody or control of any dog, cat, or other animal which has bitten a person, or which acts in a manner suggesting that it is or may be affected with rabies, shall impound such dog, cat, or other animal in the facility designated by the city for a period of ten (10) days for observation. If such person shall fail to have such dog, cat, or other animal impounded as herein required, the official or officials charged with the enforcement of this chapter shall impound such dog, cat, or other animal as herein provided.

#### **Section 7: Quarantine order generally.**

The board of aldermen or the mayor, or mayor pro-tempore shall have the power and authority at any time it shall deem it necessary for the protection of the public peace, health, welfare, and safety against the disease known as rabies to issue an order to quarantine, and it shall be the duty of any person who owns, controls, possesses, or has in custody any animal subject to rabies to comply strictly with such quarantine order. Notice of such quarantine order shall be given by posting copies thereof in at least six (6) public places within the city or by publication in some newspaper published within the city; provided, however, that the mayor or board of aldermen shall have the power and authority at any time to cancel and recall such quarantine order. During the time any quarantine order enacted pursuant to this section shall be and remain in force, all persons residing within the city owning dogs, cats, or other animals are hereby required to keep such dogs, cats, or other animals confined upon their premises unless such dogs, cats, or other animals shall be attached to a leash not more than six (6) feet long, held by a competent person.

#### **Section 8: Reporting animal bites.**

Every physician shall report to the chief of police pertinent information concerning any resident of the city, who has been bitten by an animal suspected of being rabid and every veterinarian shall report all pertinent information concerning rabid animals under his care.

**Section 9: Examination and disposal of rabid animals.**

The mayor or a person designated by him shall dispose of any dog, cat, or other animal affected with rabies, and he shall have the power to examine and impound any animal bitten by or exposed to any animal affected with rabies.

**Section 10: Care of animals.**

The owners and/or custodians of a dog, cat, or other animal shall provide humane shelter from heat, cold, rain, snow, or other conditions that could be harmful to the animal and they shall provide the animal adequate food and drink to maintain the animal in good health, and shall not treat such animal in a cruel and inhumane manner.

**Section 11: Threatening or annoying animals.**

(a) No person who owns, controls, manages, or possesses any dog, cat, or other animal shall own, keep or harbor upon his premises any dog, cat, or other animal that by immediate threat of attacking or biting, causes fear or annoyance to any person or persons being in the immediate area or to the persons passing upon the streets and sidewalks.

(b) The mayor or a person designated by him, shall dispose of any animal found to be vicious under the terms of this section and he shall have the power to impound any such animal. He shall have the power to require the owners of such animal to take necessary measures to dispose of any such animal having been found to have vicious propensities, and he is further authorized to dispose of such animal if necessary measures are not taken by the owners.

**Section 12: Keeping livestock near dwellings.**

It shall be unlawful for any person to keep a stallion, jack, bull, hog or goat at a place where which animals may come closer than three hundred fifty (350) feet to a building occupied by persons other than the immediate family of the keeper.

**Section 13:** No person who owns, controls, manages or possesses any dog, cat, chicken, bovine, equine or fowl shall permit such dog, cat, chicken, bovine, equine or fowl to enter upon the premises of another person or public property within the City of Auxvasse, Missouri, unless authorized so to do by the person or persons having charge of or control of said premises.

**Section 14: Generally.**

(a) The impounding officer, police officer or any person designated by the board of aldermen shall have the power to catch, confine, and impound dogs, cats, or other animals as follows:

(1) All dogs, cats, or other animals which are required to have licenses and which are without a license displayed in the manner provided herein, and all dogs, cats, or other animals running of the owners premises and not securely led by leash

(2) All female dogs, cats, or other animals licensed or unlicensed, not securely confined in an enclosed place while in heat.

(3) All dogs, cats, or other animals affected with rabies and all dogs, cats, and other animals suspected of being exposed to or affected with rabies, including dogs, cats, and other animals known to have been bitten by a rabid animal, whether such dog, cat, or other animal is running at large or on a leash, and whether it is licensed or unlicensed.

READ THE SECOND TIME AND PASSED by the Board of Aldermen of the City of Auxvasse,  
Missouri, this 16th day of December, 2002.

ATTEST:

Jusa Brandenburg  
Clerk

Darryll L. Walker  
Presiding Officer of the Board

APPROVED BY THE MAYOR, this 16<sup>th</sup> day of December, 2002.

ATTEST:

Jusa Brandenburg  
Clerk

Darryll L. Walker  
Mayor