

## Chapter 73 - Animals

### Subchapter A -- Definitions

73.010. Definitions. For the purpose of this Chapter, the following words and phrases shall have the meanings given below:

1. Animal. Any living organism other than a human being or those commonly considered plants, whether domestic or wild.
2. Abandon. Any animal left without the care of the owner or any other competent person.
3. At large. Any animal shall be deemed to be at large when it is off the premises of its owner's real property and not restrained by a competent person. Any dog or cat shall be deemed to be at large when it does not wear a current, unexpired tag showing that the dog or cat is vaccinated against rabies, and/or is off the premises of its owners real property and not restrained by a competent person and is creating a nuisance or displaying vicious tendencies.
4. Cat. Any member of the feline (genus felis) family over three (3) months of age.
5. Certificate. A certificate issued at the time of the vaccination of the dog or cat, and bearing thereon the signature of the licensed vet, the name, color, breed and sex of the dog, the name and address of the owner, the date of the vaccination, and type of vaccine administered.
6. Competent Person. A human being who is capable of controlling and governing the dog or cat in question, and to whose commands the dog or cat is obedient.
7. Dog. Any member of the canine (genus canis) family over three (3) months of age.
8. Euthanize. To put to death in a humane manner.
9. Exposed to rabies. Any dog or cat, whether it has been registered or vaccinated for rabies or not, which has had any physical contact with a rabid animal.
10. Impound. The apprehending, catching, trapping, netting, or tranquilizing, for the purpose of confinement.
11. Kitten. Any member of the feline (genus felis) family under three (3) months of age.

12. Livestock. Any cattle, swine, sheep, goats, horses and poultry, and other domesticated or semi-domesticated or exotic animals as defined in Section 277.024 of the State Statutes.

13. Owner. In addition to its ordinary meaning, any person, who keeps or harbors an animal or professes to be owning, keeping or harboring an animal. If a minor owns an animal subject to the provisions of this Chapter, the head of the household of which such minor owner is a member shall be deemed to be the owner of such animal for the purpose of this Chapter and under this Chapter shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household, such minor owner shall himself be directly subject to the provisions of this Chapter.

14. Public nuisance. An animal that is damaging property, barking, getting into trash, defecating or urinating on real property, interfering with a persons ability to enter or leave a property owned by a different person other than the property of the animals rightful owner, or is annoying or worrying any human being or domestic animal.

15. Pup. Any member of the canine (genus canis) family under three (3) months of age.

16. Restraint. A dog or cat, off the premises of its owner's real property, is under restraint within the meaning of this Chapter.

A. If it is controlled by a line or leash, when said line or leash is held by a competent person;  
B. When at "heel" of a competent person;  
C. When within a vehicle being driven, parked or stopped;  
D. When not more than fifty (50) feet from a competent person,  
if such dog is not annoying or worrying any human being or domestic animal, or trespassing on private property, or in a public area where dogs or cats are forbidden.

17. Tag. Any object, regardless of shape or size, bearing a registration number and year, and the words "Rabies Vac", issued by a practicing licensed veterinarian.

18. Trap. Any mechanical device or snare, which seeks to hold, capture, or kill an animal.

19. Trapping. The setting or laying or otherwise using of a trap.

19A. Unclaimed animals. An animal shall be considered unclaimed if the owner of the animal has not notified animal control that they are the owner of said animal, denies ownership of said animal, or refuses to take possession of said animal after being notified that it is in custody.

20. Vaccination-registration. The vaccination for rabies and issuance of an appropriate certificate, by a practicing licensed veterinarian.

## **Subchapter B -- Cruelty to Animals**

73.210. Abandonment of animals prohibited. No person in the city shall abandon any animal or cause any animal to be abandoned.

73.220. Animal fights prohibited. No person in the City shall maintain any place where fowl or animals are suffered to fight upon exhibition or for sport or upon any wager.

73.230. Cruelty to animals prohibited. No person in this City shall overdrive, overwork, torture, cruelly beat, needlessly wound or kill, or carry or transport in any vehicle or other conveyance in an inhumane manner any animal, or cause any of these acts to be done.

73.240. Custodian to provide food, shelter. No person in the City shall fail to provide any animal or fowl in his charge or custody with necessary sustenance, drink, and protection from the elements, or cause any of these omissions to be done. Any such shelter so provided shall be kept clean and inoffensive insofar as is reasonably possible, and filth, offal, etc., shall not be allowed to unduly accumulate therein.

73.250. Molestation of birds and fowl. It shall be unlawful for any person to molest, injure, or disturb any small birds or fowl or the nest, young, or brood of any such birds or fowl within the City.

73.260. Return to owner may be restricted. If a person is adjudicated guilty of the misdemeanor of animal neglect or animal abuse and the court having jurisdiction is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the court.

73.270. Wanton poisoning of animals prohibited. No person in the City shall poison any dog or cat, or any other animal if known to belong to another person, or distribute poison in any manner whatsoever with the intent of or for the purpose of poisoning any dog, or cat, or any other animal known to belong to another person.

## **Subchapter C -- Impoundment**

73.310. Impoundment generally. All dogs and cats found running at large in the City are hereby declared to be a public nuisance and shall forthwith be taken up by the City and placed in confinement. When any animal shall be taken up as provided in this section, it shall be the duty of the City to make diligent inquiry for the owner thereof and, when such owner shall be found, to notify him, of the taking up and the impoundment of such dog or cat.

73.320. Redemption of Impounded Animals; Disposition of Unredeemed Animals.

1. The owner of any impounded dog or cat, or any other person with the permission of the owner, may redeem such dog or cat within a period of ten (10) days after impoundment by paying to the City Clerk all fees associated with the impoundment of such animal during the term of impoundment.

2. Any impounded dog or cat which does not bear proof of rabies vaccination shall be released to the owner only after payment of the required fees for vaccinations, insuring that the dog or cat will be vaccinated for rabies.

3. Any dog, pup, cat or kitten that is impounded and not redeemed within seventy-two (72) hours shall be placed up for adoption. A person interested in adopting an animal may submit a letter stating their intent. Said animal shall be held for five days giving the rightful owner the opportunity to claim said animal before the animal is spayed or neutered. Adoption proceedings will commence on the sixth day if the animal is unclaimed by the proper owner. If the proper owner of the animal claims said animal between the fifth and the tenth day, the owner shall pay all costs associated with the spaying or neutering and the adoption proceeding shall cease. The adoption shall be completed on the eleventh day if the owner has not claimed the animal. Once the adoption is complete, the owner of the animal shall no longer have any claim for the return of said animal. Said animal may be adopted upon payment of the adoption fees and the execution of an adoption form stating that all necessary steps shall be taken to comply with the provisions of this chapter. The adoption fee for dogs and cats shall be \$50. **Ord. #1695**

4. All dogs and cats adopted, shall first be spayed or neutered. The party adopting the animal shall pay the fees as set out in paragraph (3) above. **Ord. #1563**

5. Any dog, pup, cat or kitten that is impounded may be euthanized by the veterinarian following ten (10) days of impoundment if not redeemed or adopted. All animals which have not been redeemed or adopted within the stated time frames shall be euthanized.

73.330. Euthanasia of animals which are Diseased or Disabled. If an animal impounded is so diseased or disabled beyond recovery for any useful purpose at the time it is impounded in the judgment of a licensed veterinarian, it shall be euthanized as quickly as practical, regardless of the number of days that an animal has been impounded.

73.340. Releasing animals. It shall be unlawful for any person to turn or cause to be turned loose any animal or fowl for the purpose of causing the same to be impounded.

73.350. Freeing animals from impoundment. It shall be unlawful for any person to remove a lawfully impounded animal without first having fully complied with the terms of this Chapter.

## **Subchapter D -- Provisions Applying to all Animals, Including Dogs and Cats**

73.410. Authority to Contract for Animal Impounding. The Mayor is authorized and directed to make and enter into a contract on behalf of the City of Holts Summit for the confinement, impounding, care, release, euthanasia, and disposing of animals acquired pursuant to the provisions of this Chapter upon such terms as are approved by the Board of Aldermen.

73.420. Barking or Howling. It shall be unlawful for any person to own, keep, or harbor any animal which, by loud, continual or frequent barking, howling, or other noise emissions, disturbs any neighborhood.

73.430. Cleanliness of pens, coops, etc. It shall be unlawful to keep any animal in any structure, pen, coop or yard that is not maintained in a clean and sanitary condition at all times.

73.440. Confinement of Females in Heat. It shall be unlawful for the owner or the person in charge of any female dog or cat in heat to fail to keep such dog or cat confined to a roofed enclosure that cannot be readily accessed by other animals.

73.450. Excretion of Animals. It shall be unlawful for any owner or person in charge of any animal to permit their animal to excrete on sidewalks, driveways, right-of-way, or other private or public property; the owner or person in charge of the animal is at all times responsible to clean and remove excretion from property not owned or controlled by such person.

73.460. Presumption, dogs running at large. In any prosecution charging a violation of this Chapter, proof that a dog was running at large in violation of said Chapter, together with proof that the defendant named in the complaint was at the time described in the complaint the person who owned such dog, shall constitute a prima facie presumption that the owner of such dog was the person who permitted such dog to run at large. Thereafter, the burden of injecting the issue that some other person was responsible for the violation shall rest upon the defendant.

73.470. Right of Entry. It shall be unlawful for any person to conceal an animal or interfere with the Chief of Police, or persons designated by him, in the performance of its duties, as provided in this Chapter. The Chief of Police, or persons designated by him, shall have the right of entry onto any enclosed lots or lands for the purpose of collecting any dog, cat or other animal, which is on such lot or land, in violation of this Chapter and whose presence on such lot or land constitutes a violation of any of the provisions of this Chapter, or whose presence or existence is a violation of the provisions of this Chapter. The Chief of Police, or his duly appointed representative, shall have the right of entry upon any property or premises within any quarantined area during the period of such quarantine for the purpose of examining or obtaining any dog, cat or other animal suspected of having rabies, having been exposed to rabies, or having bitten a person or other animal.

73.480. Running at Large.

1. It shall be unlawful for the owner of any animal, whether properly tagged and certified or not, to permit or allow such animal to run at large on land within the City of Holts Summit, as stated in Section 73.010.14.

2. It shall be unlawful for any person having charge or custody of any cattle, horses, swine, pigs, sheep, goats, reptile, poultry, or similar animal to permit such animal to run at large in the City of Holts Summit.

3. In the case of a conviction in municipal court, all such fines shall be a minimum fine and no portion of said fine shall be suspended or stayed. Neither shall the municipal judge suspend imposition of sentence.

4. The provisions of Subsection 1 of this Section shall not apply to dogs being used in authorized field trials or dog shows, or while on the private property of others with the actual, implied, customary or constructive consent of the owner of such private premises; nor shall the provisions of prohibitions in Subsection 1 of this Section apply to bloodhounds or other dogs used for tracking or other lawful purposes in conjunction with police activities.

73.490. Trapping, killing animals.

1. It shall be unlawful for any person to use any device, be it homemade, or commercially manufactured, to trap, restrain, confine, or kill any wild or domestic animal within the City limits. The following exceptions to this Section shall apply for:

A. As needed by a humane officer or the humane society.

B. All mole, gopher and other rodent traps used for personal protection of health and property within homes, garages, barns and other outbuildings.

C. Box traps.

73.500. Exclusions from this Chapter. The provisions of this article shall not apply to:

1. Care or treatment performed by a licensed veterinarian within the provisions of Revised Statutes of Missouri, Chapter 340;

2. Bona fide scientific experiments;

3. Hunting, fishing, or trapping as allowed by Revised Statutes of Missouri, Chapter 252, including all practices and privileges as allowed under the state wildlife code;

4. Facilities and publicly funded zoological parks currently in compliance with the federal "Animal Welfare Act" as amended;
5. Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
6. The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof in a humane manner;
7. The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;
8. With respect to farm animals, normal or accepted practices of animal husbandry;
9. The killing of an animal by any person at any time if such animal is on the property of such person, and the animal is injuring any person, livestock, or domestic animal but shall extend to police or guard dogs while working.
10. The killing of house or garden pests; or
11. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

73.510. Penalty. The violation of, failure to comply with or the committing of any act prohibited in any provision of this Chapter shall constitute an unlawful act, and any person convicted of such unlawful act shall be deemed guilty of a misdemeanor and punished as otherwise provided by ordinance. Each day that any such unlawful act is committed or continues shall constitute a separate offense.

### **Subchapter E -- Vaccination-Registration of Dogs Required**

#### 73.610. Vaccination-Registration of Dogs and Cats Required.

1. Every person who owns any dog or cat, whether in a kennel or not, that is kept any time during the year within the City of Holts Summit, or who permits a dog to come upon, on or in the City of Holts Summit, or to remain in or about his home, place of business or other premises in the area affected by this Chapter, shall have such dog *or cat* vaccinated against rabies.
2. Puppies shall be confined to their owners' premises.

3. Every dog or cat which has been vaccinated and licensed in accordance with the provisions of this Chapter shall at all times wear the rabies tag.

4. It shall be unlawful for any person to own any dog or cat unless such dog is vaccinated against rabies and wears a current, unexpired rabies tag.

### **Subchapter F -- Vicious Dogs**

#### 73.710. Vicious animals.

1. Any person or entity owning, controlling, keeping, harboring, or maintaining a dog or other animal known to said person or entity to have previously displayed vicious propensities, shall, at all times, keep said dog or other animal from leaving the property owned, leased, or controlled by said person or entity and from going onto the property of others or upon the streets and highways of the City of Holts Summit, Missouri, unless said dog or other animal is physically under the control of said person or entity by the use of a chain, leash, or cage.

2. If City enforcement personnel shall be notified of a vicious or ferocious animal, and upon investigation shall find such animal has been running at large, the enforcement personnel shall have full authority to seize the dangerous, ferocious, or vicious animal. Before seizing said animal, the enforcement personnel shall make as certain an identification as is practical under the circumstances, and shall determine if capturing the animal is reasonable. However, the enforcement personnel shall not place themselves in any position of danger of being attacked. Identification of the animal as dangerous, ferocious, or vicious shall include an independent appraisal of the disposition of the animal as is practical under the circumstances by the enforcement personnel. Should the enforcement personnel deem that destruction of the animal is necessary to protect lives and/or safety of any person in imminent danger same is hereby authorized.

3. Upon a conviction under this section, the municipal judge has the authority to order the destruction of the subject animal.

4. Any case filed under this section shall go to the top of the docket in the municipal court and shall have priority over other matters.

5. If the animal is seized under Subsection 2 and the City incurs costs associated with the seizure, the same shall be assessed upon a conviction under this section as court costs.