

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5527 PROVIDING FOR REGULATION OF CERTAIN ANIMALS AND SHALL REPEAL AND REPLACE TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI.

Be It Ordained by the Council of the City of Sikeston as follows:

SECTION I: This Ordinance shall be codified in Title 6 of the Municipal Code of the City of Sikeston, Missouri.

SECTION II: Title 6 shall be repealed and replaced to read as follows:

Title 6
ANIMALS

Chapters:

- 6.04 General Provisions
- 6.08 Definitions
- 6.12 Dogs & Cats
- 6.20 Impoundment and Disposal
- 6.24 Rabies Control
- 6.28 Fowl, Wild and Domesticated Animals
- 6.32 Pest Birds
- 6.36 Miscellaneous Regulations
- 6.38 Statutory Authority
- 6.40 Dangerous Dogs
- 6.50 Fines for Violations

Chapter 6.04
GENERAL PROVISIONS

Sections:

- 6.04.010 Generally
- 6.04.020 Conflicts with other ordinances
- 6.04.030 Enforcement

6.04.010 Generally. It shall be the duty of the City Manager to enforce and administer the terms and provisions of this title, and in carrying out such duty and responsibility, the City Manager shall have the authority to designate one or more City Employees as Humane Officers and to fix the compensation and duties of such Officers with the funds budgeted therefore; to establish, and operate a City Dog Pound or to contract for the operation of such facility by appropriate parties; to establish rules and regulations for the reception and caring for sick, injured or diseased animals and the boarding of animals at the city dog pound, and to establish fees therefore; and to perform such other duties and possess such authority as may be necessary to effectively carry out, administer and enforce the terms and provisions of this title. (Ord. 4951, §II, 5/93)

6.04.020 Conflicts with other ordinances. In case of conflict between this title or any part thereof, and the whole or part of any other existing or future ordinance or code, the most restrictive in each case shall apply. (Ord. 4126 §19, 1980)

6.04.030 Enforcement. The provisions of this title shall be enforced by the Department of Public Works through the Humane Officers designated by the City Manager.

Chapter 6.08
DEFINITIONS

Sections:

- 6.08.010 Generally
- 6.08.020 Cat
- 6.08.030 Dog
- 6.08.040 Exposed to Rabies
- 6.08.050 Humane Officer
- 6.08.060 Adequate Care
- 6.08.070 Adequate Control
- 6.08.080 Animal
- 6.08.081 Exotic Animal

- 6.08.082 Adequate food
- 6.08.083 Adequate housing
- 6.08.084 Adequate water
- 6.08.090 Animal Shelter
- 6.08.100 Farm Animal
- 6.08.110 Harbor
- 6.08.120 Humane Killing
- 6.08.130 Owner
- 6.08.140 Person
- 6.08.150 Pests

6.08.010 Generally. For the purpose of this title, the following terms shall have the following meanings. (Ord. 4126 §1 (part,) 1980)

6.08.020 Cat. "Cat" means all domesticated or feral animals of the feline "felis catus" species, both male and female, unless otherwise specified. (Ord. 4126 §1 (A,) 1980, Ord. 5527 § II)

6.08.030 Dog. "Dog" means all domesticated or feral animals of the canine "canis familiaris" species, both male and female, unless otherwise specified. (Ord. 4126 §1 (B,) 1980, Ord. 5527 § II)

6.08.040 Exposed to Rabies. An animal or human being shall be presumed to have been exposed to rabies within the meaning of this title if the animal or human being has been bitten or scratched by any animal known or reasonably suspected to be infected with rabies. (Ord. 4126 §1(C,) 1980, Ord. 5047 §2, 1995)

6.080.050 Humane Officer. "Humane Officer" means any agent designated by the City Manager to work under the supervision of the Director of Public Works or his designee in animal control work. (Ord. 4126 §1 (D,) 1980)

6.080.060 Adequate Care. Adequate care means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal. Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.080.070 Adequate Control. Adequate Control means to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property or escape. Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.080.080 Animal. Animal means every living vertebrate except a human being.

6.080.081 Exotic Animal. Any animal that is not indigenous to Missouri. (Ord. 5527 § II)

6.080.082 Adequate Food. The provision, at suitable intervals of not more than twelve (12) hours, unless the dietary requirements of the species requires a longer interval of a quantity of wholesome foodstuff, suitable for the species and age, enough to maintain a reasonable level of nutrition in each animal. All foodstuffs must be served in a safe receptacle, dish or container. Conviction of the offense shall be a fine of no less than seventy-five dollars (\$75.00). (Ord. 5527 § II)

6.080.083 Adequate Housing. The continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation and appropriate space (depending on the species of animal) as defined by the regulations of the United States Department of Agriculture (USDA), shelters in outdoor facilities for animals must contain a roof, four (4) sides and a floor, and must provide the animals with adequate protection and shelter from the cold and heat; provide the animals with protection from the direct rays of the sun and the direct effect of wind, rain or snow. Conviction of the offense shall be a fine of no less than seventy-five dollars (\$75.00). (Ord. 5527 § II)

6.080.084 Adequate Water. The provision of a supply of drinking water in a safe receptacle, dish or container, water shall be provided continuously or at intervals suitable to the species (intervals shall not exceed eight (8) hours). Conviction of the offense shall be a fine of no less than seventy-five dollars (\$75.00). (Ord. 5527 § II)

6.080.090 Animal Shelter. Animal Shelter means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals.

6.080.100 Farm Animal. Farm Animal means an animal normally raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber. (Ord. 5527 § II)

6.080.110 Harbor. Harbor means to feed or shelter an animal at the same location for three or more consecutive days.

6.080.120 Humane Killing. Humane killing means the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:59-72, 1978) or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed.

6.080.130 Owner. Owner means in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

6.080.140 Person. Person means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

6.080.150 Pests. Pests means birds, rabbits, or rodents which damage property or have an adverse affect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri.

Chapter 6.12 DOGS AND CATS

Sections:

- 6.12.010 Immunization Certificate for Rabies not Transferable
- 6.12.020 Immunization requirement--Exception
- 6.12.030 Immunization Tags—Generally
- 6.12.031 Vaccination of Dogs and Cats
- 6.12.040 Restraint
- 6.12.045 Run at Large
- 6.12.050 Confinement
- 6.12.060 Humane Care Required-Barking Not Permitted
- 6.12.070 Kennel
- 6.12.080 Dangerous Dogs

6.12.010 Immunization Certificate for Rabies not Transferable. No person shall use for any dog or cat a license or certificate of immunization or certificate of exception for immunization not issued for that dog or cat. (Ord. 4126 §3(6,) 1980)

6.12.020 Immunization Requirement - Exception. In the event a dog or cat required to be immunized pursuant to this title is being treated by a licensed veterinarian and cannot be immunized against rabies, the owner of such animal may present a statement from such licensed veterinarian that the animal is then under treatment and cannot be immunized without jeopardizing the animal's health and that such animal will be immunized by the veterinarian prior to being released from the treatment. (Ord. 4126 §3(B,) 1980)

6.12.030 Immunization tags - Generally. The owner shall affix to his dog or cat at all times a collar or harness with the rabies immunization tag attached thereto in such a manner as to be easily seen. (Ord. 4126 §3(F,) 1980) Conviction of the offense shall be a fine of no less than twenty-five dollars (\$25.00). (Ord. 5527 § II)

6.12.031 Vaccination of Dogs and Cats. (Required). No person shall own, keep, harbor or permit to be or remain on or about his premises any dog or cat which, if over four (4) months of age that has not been vaccinated against rabies by a licensed veterinarian with a vaccine approved and listed in the current year's Rabies Compendium. Rabies tags supplied will be consistent with Compendium

recommendations. Conviction of the offense shall be a fine of no less than twenty-five dollars (\$25.00). (Ord. 5527 § II)

6.12.040 Restraint. A dog owner or keeper shall keep his dog under adequate control at all times with the use of a properly designed leash. The owner shall insure that the animal is controlled by an individual with the physical and mental capability to control the animal. (Ord. 4126 §4,1980; Ord. 5096 §II, 5/96)

6.12.045 Running at Large. No person shall permit any dog to run at large upon the streets, alleys or thoroughfares of the city, or upon property owned or occupied by another person without the consent of the owner of or person occupying such property. Conviction of the offense shall be a fine of no less than seventy-five dollars (\$75.00). An additional fine of \$50.00 shall be applied for each subsequent offense with up to five (5) offenses within two (2) years. (Ord. 5527 § II)

6.12.050 Confinement. The owner of any female dog or cat in heat shall confine such dog or cat within a building in such manner that the dog or cat will not be accessible to or attract other dogs or cats except for planned breeding. (Ord. 4126 §7, 1980) Conviction of the offense shall be a fine of no less than seventy-five dollars (\$75.00). (Ord. 5527 § II)

6.12.060 Adequate Care Required - Barking Not Permitted. The owner of any animal shall give normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care necessary to maintain good health in a specific species of animal. No owner shall permit a dog to habitually bark, howl, or in other ways be a public nuisance. (Ord. 4126 §6, 1980) Conviction of the offense shall be a fine of no less than twenty-five dollars (\$25.00). (Ord. 5527 § II)

6.12.070 Kennel. Kennel as used in this chapter shall be defined as any lot or premises on which are kept four (4) or more dogs or cats, more than six (6) months of age. Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.12.080 Dangerous Dogs. No person shall own, keep, harbor or allow to be in or upon his premises any dog of a cross, dangerous, vicious or ferocious disposition, or one which habitually snaps at, bites or manifests a disposition to bite or attack persons, animal or pets, unless such dog is securely fastened by a properly designed chain that will restrict the animal to be no closer than ten (10) feet to any property line. A person having such a dog in possession may be otherwise directed to securely confine it upon such premises in another manner by the Animal Control Officer. A person having such a dog in possession shall place in a conspicuous location upon such premises a sign with letters at least two (2) inches high containing the following words, "Beware of Dog". The Animal Control Officer will maintain registration of the owner, breed, and address of all dogs so described. (Ord. 5096, §3, 5/96) Any dog or cat that has bitten or scratched a human shall have a microchip implanted prior to being released back to the owner/custodian. The microchip identification number shall be kept on the animal bite report for further action if necessary. The costs of the microchip being implanted shall be the responsibility of the owner/custodian. Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

Chapter 6.20 IMPOUNDMENT AND DISPOSAL

Sections:

- 6.20.010 Generally
- 6.20.011 Refusal to Deliver Animal to Humane Officer
- 6.20.012 Removing Animals from Custody of Humane Officer
- 6.20.020 Owner Contacted - When
- 6.20.030 Redemption and Disposal Procedures
- 6.20.035 Medical Care Reimbursement
- 6.20.040 Disposition of Fees
- 6.20.050 Exemptions

6.20.010 Generally. Any animal or fowl maintained or kept in violation of this title, including, but not limited to, dogs or cats not immunized or visibly showing proof of rabies immunization, pursuant to this title or found nor under restraint or abandoned, may be seized and impounded by any City Employee or Humane Officer. Upon receipt of a signed complaint by any person that a dog, cat or any other animal was

unrestrained, any City Employee or Humane Officer may take possession of and impound such animal. Impoundment shall be in any animal shelter designated by the City Manager. (Ord. 4126 §5(A,) 1980)

6.20.011 Refusal to Deliver Animal to Humane Officer. It shall be unlawful for any person to refuse to deliver up to the Humane Officer any animal, when requested to do so under the provisions of this chapter. Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.20.012 Removing Animals from Custody of Humane Officer. It shall be unlawful for any person to remove from custody of the Humane Officer by force, deceit or otherwise, any animal which has been legally impounded by such officer, prior to obtaining the permission of the humane officer to remove such animal; to include any animal captured by use of an animal trap. Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.20.020 Owner Contacted - When. If an impounded animal or fowl wears an immunization tag or if the owner can be identified and located by reasonable means, the owner shall, within forty-eight hours of impoundment, be notified that his animal or fowl has been impounded. (Ord. 4126 §5(B,) 1980)

6.20.030 Redemption and Disposal Procedures. The owner whose identity is known of an impounded animal or fowl shall be given notification in person or by letter that said animal or fowl has been impounded; following which notice or date of said letter said owner shall have seven (7) days within which to redeem said animal or fowl upon paying the following forfeitures: In the case of an animal or fowl requiring vaccination or veterinarian treatment upon paying the cost of said vaccination or treatment plus a forfeiture of Fifty Dollars (\$50.00) in the event that said impoundment is the first such impoundment. Only the forfeiture shall be paid if no veterinarian treatment or vaccination is required. In the event that the owner of an impounded animal or fowl cannot be identified within ten (10) days following impoundment, or in the event the animal or fowl shall not be redeemed within seven (7) days by an owner who was notified or sent a letter, it shall be given to the local Humane Society which, in its sole discretion, will dispose of same by giving (adopting) it to some suitable party or by destroying it. (Ord. 4126 §5(C,) 1980, Ord. 5019 §2, 1994, Ord. 5527 § II, Ord. 5527 § II)

6.20.035 Medical Care Reimbursement. In the event an animal is picked up by either the Animal Control Officer or any other City of Sikeston Employee and is in need of medical attention, the animal will be taken to an animal hospital and examined by a doctor of veterinary medicine. All cost incurred, for either neglect or injury, shall be the responsibility of the owner of said animal. (Ord. 5527 § II)

In the event an animal has bitten or scratched a human, all cost of impoundment at either a veterinary hospital or at the animal shelter, shall be the responsibility of the owner of said animal. (Ord. 5527 § II)

6.20.040 Disposition of Fees. The fees for impounded animals shall be paid to the City Collector.

6.20.050 Exemptions. Hospitals, clinics and other facilities by licensed veterinarian for the care and treatment of animals and fowl are exempt from Section 6.20.030.

Chapter 6.24 RABIES CONTROL

Sections:

- 6.24.010 Generally.
- 6.24.020 Rabid Animals - Killing of, restricted.
- 6.24.030 Rabid Animals - Report of Remains.
- 6.24.040 Confinement of Animals for Observation, Diagnosis, or Disposal
- 6.24.045 Observation Period - Disposition of Animal Biting or Attacking Person.
- 6.24.050 Destruction of Animals.

6.24.010 Generally. Every animal exposed to rabies shall be immediately confined by the owner, who shall immediately notify a Public Safety Officer, City Employee,

or Humane Officer of the animal's exposure. The owner shall immediately upon request surrender such animal to any Public Safety Officer or Humane Officer for confinement in a licensed veterinary hospital of the owner's choice, in the local vicinity of Sikeston, Missouri, or surrender such animal for confinement in a city designated animal shelter. The animal shall be confined for a minimum period of ten (10) days. All costs of confinement shall be paid by the owner. (Ord. 4126 §8(A,) 1980)

6.24.020 Rabid Animals - Killing of, Restricted. No persons shall kill a known or suspected rabid animal or an animal exposed to rabies, nor remove such an animal from the city limits without permission of the Director of Public Works or his designee, except when it is necessary to kill such animal to prevent its escape or attack of any person or animal. (Ord. 4126 §8(B,) 1980)

6.24.030 Rabid Animals - Report of Remains. The location of the remains of any dead animal known or suspected to have been exposed to rabies prior to death shall be reported to the Director of Public Works, Animal Control Officer, or designee of the City and the remains shall be surrendered to the humane society for laboratory examination.

6.24.040 Confinement of Animals for Observation, Diagnosis or Disposal. Any animal that has been bitten or scratched by another animal that is known to be or suspected of being rabid, or any animal that is known to be or suspected of being rabid and which shall have bitten or scratched a person or another animal, shall immediately be confined in such a place as may be directed by the City Manager, or his designee, who shall have authority to promulgate rules and regulations concerning the confinement of such animals. If any such animal that has been thus scratched or bitten, or which has scratched or bitten any other animal or any person, is diagnosed as being rabid or evidences symptoms of rabies, such animal shall be maintained in isolated confinement for observation for such period of time as shall be ordered by a licensed veterinarian, who shall have examined the animal at the direction of the City Manager. Following the observation period aforesaid, the confined animal shall either be released or destroyed, upon advice of the veterinarian, in which event, the carcass of any such destroyed animal shall be dealt with as directed by the examining veterinarian.

6.24.045 Observation period - disposition of animal biting or attacking persons. Any dog or cat, which bites, injures or attacks any person, shall be placed under observation for a ten (10) day period immediately following the bite. A vaccinated animal shall be taken up and impounded at a veterinarian of the owner's choice or securely confined by the owner for a period of ten (10) days from date of bite, at the discretion of the responding officer. If, within such period of ten (10) days, such animal does not develop or manifest signs of rabies, it may be redeemed by the owner upon the payment of a daily boarding fee, or the payment of usual and customary fees to the contractual animal shelter or pound or the veterinarian of the owner's choice. If such animal is not redeemed at the end of such ten-day period, it shall be humanely euthanised, or released to the Humane Society. If such animal does develop signs of rabies, it shall be the duty of the Animal Control Officer to cause such animal to be examined by a licensed veterinarian. If such dog or cat exhibiting symptoms or manifestations of being infected with rabies is confirmed by a licensed veterinarian, then such dog or cat shall be humanely euthanised and submitted for rabies laboratory diagnosis. Any other warm-blooded animal in which rabies is suspected, which bites, injures or attacks any person, may, upon the order of the court of competent jurisdiction, be impounded and humanely euthanised; and the brain and/or other structures submitted for rabies diagnosis. (Ord. 5527 § II)

6.24.050 Destruction of Animals. The City Manager or his designee shall have the authority to immediately destroy any animal, which is determined to have bitten or scratched a human; if it has been determined that destruction of such animal is necessary. To determine whether such animal is rabid, the City Manager shall have the authority to promulgate rules and regulations concerning the handling and disposition of such animals. (Ord. 4126 §8(E,) 1980)

Chapter 6.28

FOWL, WILD AND DOMESTICATED ANIMALS

Sections:

- 6.28.010 Release Upon Property - Permission Required
- 6.28.020 Running at Large
- 6.28.030 Keeping livestock, domestic animals and fowl

- 6.28.040 Fencing
- 6.28.050 Wild Animals and Fowl - Permit Required
- 6.28.060 Wild Animals and Fowl - Running at Large
- 6.28.070 Aggressive Animals - Restrictions

6.28.010 Release Upon Property - Permission Required. No person shall release or abandon any animal or fowl to run at large upon the streets, alleys or thoroughfares of the city, or upon property owned or occupied by another person without the consent of the owner or person occupying such property. (Ord. 4126 §10, 1980)

6.28.020 Running at Large. No person shall permit any livestock or fowl to run at large upon the streets, alleys or thoroughfares of the city, or upon property owned or occupied by another person without the consent of the owner or person occupying such property. (Ord. 4126 §11, 1980) Conviction of the offense shall be a fine of no less than seventy-five dollars (\$75.00). An additional fine of \$50.00 shall be applied for each subsequent offense with up to five (5) offenses within two (2) years. (Ord. 5527 § II)

6.28.030 Keeping Livestock, Domestic Animals and Fowl. No person shall keep or maintain hogs or goats within four hundred feet of any residence or other dwelling place other than that of the owner, nor keep or maintain horses or cows within one hundred fifty feet of any residence or other dwelling place other than that of the owner, nor keep or maintain a combined total of three or more rabbits, chickens, ducks, turkeys, or other domestic fowl within one hundred fifty feet of any residence or other dwelling place other than that of the owner; provided further, that nothing in this title shall prevent the keeping of cows, cattle and hogs in any auction barn or veterinary hospital provided same are kept in a clean and non-odorous condition. (Ord. 4126 §12, 1980) Conviction of the offense shall be a fine of no less than fifty dollars (\$50.00). (Ord. 5527 § II)

6.28.040 Fencing. All fences shall be constructed adequately and sufficiently for the type of animal being restricted. All fences constructed to contain animals, shall be constructed in a manner that will provide confinement and safety to both the public and the animal being contained. The fenced confinement area shall be free of all materials that may cause injury to anyone entering, or to provide health care for the animal contained. Electrified or barbed wire fencing will not be used unless it is inaccessible to the general public. (Ord. 5527 § II)

6.28.050 Wild Animals and Fowl - Permit Required. An owner of any wild animals or fowl shall obtain a special permit issued by the State Wildlife Conservation Department and shall further register such animal or fowl with the City of Sikeston's, City Hall Facility. (Ord. 4126 §14 (A,) 1980)

6.28.060 Wild Animals and Fowl - Running at Large. Any wild animals or fowl shall not be permitted to run at large at any time within the city, it shall be kept in a soundly constructed pen which shall provide adequate shelter against weather and the elements, and which pen shall be enclosed on all sides in such a manner as to prevent the escape of such animal or fowl. (Ord. 4126 §14(B,) 1980)

6.28.070 Aggressive Animals - Restrictions. Any person keeping any animal or reptile that is trained or inclined to attack humans or other animals shall keep such animals or reptiles chained or in an enclosed place not accessible to other animals or human beings. (Ord. 4126 §15, 1980) Conviction of the offense shall be a fine of no less than two hundred dollars (\$200.00). (Ord. 5527 § II)

Chapter 6.32 PEST BIRDS

Sections:

- 6.32.010 Declaration
- 6.32.020 Control Plan.

6.32.010 Declaration. Birds of the general species of starlings, blackbirds and other similar birds, when gathering together in excessive numbers, are declared to be "pests" because to do so results in the increase of disease and thereby constitutes a danger to the health of the citizens of the City. (Prior code §5-601)

6.32.020 Control Plan. To prevent the gathering of birds as described in Section 6.32.010, the City adopts the following plan:

A. It shall hereafter be lawful to discharge a firearm within the City, provided only those types of shells and other ammunitions that are previously approved in writing by the Director of Public Works, or his designee, are used.

B. Only those persons who have first obtained in writing from the City permission to discharge firearms using the aforesaid, shall be entitled to so discharge firearms within the City.

C. In granting permission to persons to discharge firearms under subsection B, the City shall exercise discretion based upon the applicants' age, the applicants' exhibiting proof of Hunter's Safety Course taken and/or valid hunter's license, area of town where the shooting is to occur, and existing permits.

D. Any permission so granted shall be limited as to area of shooting and the time when the shooting shall occur. (Prior code §5-602)

Chapter 6.36 MISCELLANEOUS REGULATIONS

Sections:

- 6.36.010 Breeding Services
- 6.36.020 Dog and Cock Fights
- 6.36.030 Poisoning
- 6.36.040 Bee Keeping Permit
- 6.36.050 Bee Keeping General
- 6.36.060 Animals As Prizes

6.36.010 Breeding Service. No person shall keep and stand for service any stallion, jack or bull within the City.

6.36.020 Dog and Cock Fight. No person shall arrange, furnish a room or place for, aid, assist or attend any dogfight, cockfight or other brutal exhibition of animal ferocity. (prior code §9-122) Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.36.030 Poisoning. It is unlawful to throw or deposit poisoned meat, or any poison or harmful substance, in any street, alley or public place, or on any private premises within the City, for the purposes of destroying any bird, dog, fowl or cat. Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.36.040 Bee Keeping Permit. Every person wishing to engage in bee keeping will be subject to the review procedures of the Planning Division as defined in 6.36.050.

6.36.050 Bee Keeping General. The maximum number of beehives allowed on a residential lot will be limited to three (3). All beekeepers must provide a secure enclosure around the hive operation sufficient in structure to inhibit the direct approach of the hive by unauthorized parties. Each beekeeper will provide the Planning Division a written evaluation prepared by a representative of the University of Missouri Extension Service at the time of permit issuance, and every twelve (12) months following the issuing of the permit, the beekeeper will submit an evaluation. Should hive ownership change, the new owner would have to follow permit procedures outlined in this section. (Ord. 4587; 8/86)

6.36.060 Animals as Prizes. No person shall offer and/or give a live animal as a prize or as a business inducement except following application made to the City Manager and approved by the City Council. (See knives, carnivals) (Ord. 4760; 2/90)

Chapter 6.38 STATUTORY AUTHORITY

Sections:

- 6.38.010 The Provisions of this Act Shall Not Apply
- 6.38.020 Animal Neglect
- 6.38.030 Animal Abuse
- 6.38.040 Responsibility
- 6.38.050 Impoundment

- 6.38.060 Warrant Authority
- 6.38.070 Person is Adjudicated Guilty
- 6.38.080 Prohibited Animals
- 6.38.090 Unlawful Acts Toward Police Animals

6.38.010 The Provisions of this Act Shall not Apply to.

1. Care or treatment performed by a licensed veterinarian within the provisions of Chapter 340, RSMo;
2. Bona fide scientific experiments;
3. Hunting, fishing, or trapping as allowed by Chapter 252, RSMo, including all practices and privileges as allowed under the Missouri 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;
7. The lawful, humane killing of an animal by an Animal Control Officer, the operator of an animal shelter, a veterinarian, 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 outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working;
10. The killing of house or garden pests;
11. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

6.38.020 Animal Neglect. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control. Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

1. Animal neglect is a Class C misdemeanor upon first conviction and a Class B misdemeanor upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect may be waived by the court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

6.38.030 Animal Abuse. A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this act;
2. Purposely, 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 drives or works an animal unfit to work;
5. Having ownership or custody of an animal willfully fails to provide adequate care or adequate control.

Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.38.040 Responsibility. The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in control of, or harbored by that minor child.

6.38.050 Impoundment. Any duly authorized public health official, law enforcement official, or animal control officer may impound any animal found outside of the owned or rented property of the owner or custodian of such animal when such animal shows evidence of neglect or abuse. Any animal impounded pursuant to this

section shall be:

1. If the owner can be ascertained and the animal is not diseased or disabled beyond recovery for any useful purpose, held for recovery by the owner. The owner shall be notified within five business days of impoundment by phone or by mail of the animal's location and recovery procedures. The animal shall be held for ten business days. An animal unclaimed after ten business days may be put up for adoption or humanely killed;
2. Placed in the care or custody of a veterinarian, the appropriate animal control authority or animal shelter. The animal shall not be disposed of, unless diseased or disabled beyond recovery for any useful purpose, until after expiration of a minimum of five business days, during which time the public shall have clear access to inspect or recover the animal through time periods ordinarily accepted as usual business hours. After five business days, the animal may be put up for adoption or humanely killed; or
3. If diseased or disabled beyond recovery for any useful purpose as determined by a public health official, law enforcement official, veterinarian or animal control officer, humanely killed. The owner or custodian of an animal impounded pursuant to this section shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid and may put up for adoption or humanely kill any animal if such costs are not paid within ten (10) days after demand. Any moneys received for an animal adopted pursuant to this subsection in excess of cost shall be paid to the owner of such animal.

6.38.060 Warrant Authorization. Any duly authorized public health official or law enforcement official may seek a warrant from the appropriate court to enable him to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of this act has occurred. A person acting under the authority of a warrant shall not be liable for any necessary damage to property while acting under such warrant. All animals impounded pursuant to a warrant issued under this section shall be:

1. Placed in the care or custody of a veterinarian, the appropriate animal control authority or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available; the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;
2. If it is determined by a veterinarian that an animal impounded under a warrant is diseased or disabled beyond recovery for any useful purpose, that animal may be humanely killed.

The owner or custodian of any animal who has been convicted of animal neglect or animal abuse shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until reasonable costs have been paid, and may put up for adoption or humanely killed such animal if such costs are not paid within ten (10) days after demand.

Any moneys received for an animal adopted pursuant to this subsection in excess of cost shall be paid to the owner of such animal.

6.38.070 Person is Adjudicated Guilty. If a person is adjudicated guilty of animal neglect or animal abuse and the court having jurisdiction is satisfied that an animal owned 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 a person, but its disposition shall be determined by the court.

6.38.080 Prohibited Animals. No person may keep any non-human primate, lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarondi, hyena, wolf, or coyote, any exotic animal, or any deadly, dangerous, or poisonous reptile, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge. Conviction of the offense shall be a fine of

no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

6.38.090 Unlawful Acts Toward Police Animals.

1. It shall be unlawful for any person to taunt, torment, tease, strike, interfere with, endanger, injure, kill, or administer to or to subject to any desensitizing drug, chemical or substance any dog or animal while being used or employed by any law enforcement officer or personnel in the discharge of her/his official duty or while such animal is in any public or private place or is being housed or kenneled in any public or private place
2. Nothing in this Chapter shall apply to any treatment or care rendered by a licensed doctor of veterinary medicine at the direction of an agency of the City. (Ord. 5053, §II, 5/95) Conviction of the offense shall be a fine of no less than one hundred dollars (\$100.00). (Ord. 5527 § II)

Chapter 6.40
DANGEROUS DOGS

Sections:

- 6.40.005 Generally
- 6.40.010 Leash and Muzzle
- 6.40.020 Confinement
- 6.40.030 Confinement Indoors
- 6.40.040 Signs
- 6.40.050 Insurance
- 6.40.060 Registration Requirements
- 6.40.070 Reporting Requirements
- 6.40.080 Irrefutable Presumptions
- 6.40.090 Failure to Comply
- 6.40.100 Pit Bull Dog - Defined
- 6.40.110 Dangerous Dog - Defined
- 6.40.115 Dangerous Dog - Exceptions
- 6.40.120 Violations and Penalties

6.40.005 Generally. The keeping of Pit Bulls or any dangerous dog shall be subject to the following standards. (Ord. 5527 § II)

6.40.010 Leash and Muzzle. No person shall permit a Pit Bull dog or any dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such dogs to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, building, etc. In addition, a muzzling device sufficient to prevent such dog from biting persons or other animals must muzzle all such dogs on a leash outside the animal's kennel. (Ord. 5527 § II)

6.40.020 Confinement. All such dogs shall be securely confined indoors or in a secure enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to its sides. All structures used to confine such dogs must be locked with a key or combination lock when such animals are within the structure. Such structures must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house such dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. (Ord. 5527 § II)

6.40.030 Confinement Indoors. No such 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. 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 obstacles preventing the dog from exiting the structure. (Ord. 5527 § II)

6.40.040 Signs. All owners, keepers or harborers of such dogs within the City shall within thirty (30) days of the effective date of the Ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal. (Ord. 5527 § II)

6.40.050 Insurance. All owners, keepers or harborers of such dogs must within thirty (30) days of the effective date of this Ordinance provide proof to the Sikeston City Clerk or Collector of homeowners or renters liability insurance. 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 Sikeston City Clerk or Collector. (Ord. 5527 § II)

6.40.060 Registration Requirements. All owners, keepers or harborers of Pit Bull dogs or dangerous dogs must within sixty (60) days of the effective date of this Ordinance provide to the City Clerk or Collector or designee two color photographs of the said dog clearly showing the color and approximate size of the animal. Further, they shall register the dog with the City Clerk or Collector or designee providing the name of the dog, the address where the dog shall be maintained and execute an acknowledgement of receipt of a copy of this Ordinance. (Ord. 5527 § II)

6.40.070 Reporting Requirements. All owners, keepers or harborers of Pit Bull dogs or dangerous dogs must within ten (10) days of the incident, report the following information in writing to the Sikeston City Clerk or Collector or designee as required herein after:

- A. The removal from the City or death of such dog.
- B. The birth of offspring of such dog.
- C. The new address of Pit Bull dog or other dangerous dog, should the owner move within the corporate City limits. (Ord. 5527 § II)

6.40.080 Irrefutable Presumptions. There shall be an irrefutable presumption that any dog registered with the City as a Pit Bull dog or dangerous dog is in fact subject to the requirements of this Section. (Ord. 5527 § II)

6.40.090 Failure to Comply. It shall be unlawful for the owner, keeper or harborer of a Pit Bull dog or dangerous dog as defined in this Section to fail to register that dog with the City of Sikeston as required by this Ordinance or for such an owner, keeper or harborer of such a dog to fail to comply with the requirements and conditions set forth in this Ordinance. Any dog found to be the subject of a violation of this Ordinance shall be subject to immediate seizure and impoundment. In addition, a minimum five-hundred (\$500.00) fine will be assessed for failure to comply with the requirements of this ordinance. (Ord. 5527 § II)

6.40.100 Pit Bull Dog - Defined.

- A. The Bull Terrier breed of dog.
- B. Staffordshire Bull Terrier breed of dog.
- C. The American Pit Bull Terrier breed of dog.
- D. The American Staffordshire Terrier breed of dog.
- E. Dog of mixed breed or of other breeds than above listed which breed or mixed breed is known as Pit Bull, Pit Bull dogs or Pit Bull Terriers.
- F. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly know as Pit Bulls, Pit Bull dogs or Pit Bull Terriers, or a combination of any of these breeds. (Ord. 5527 § II)

6.40.110 Dangerous Dog - Defined.

- A. Any dog which, according to the records of the appropriate authority, has inflicted severe injury (breaking of the skin) on a human being without provocation on public or private property; or
- B. Any dog which, according to the records of the appropriate authority, has killed a domestic animal without provocation while off the owner's property; or
- C. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
- D. Any dog, not owned by a governmental or law enforcement entity, used primarily to guard public or private property; or
- E. Any dog 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; or
- F. Any dog which, when provoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or

- G. Any dog which, on three (3) separate occasions within a twelve (12) month period has been observed being unrestrained or uncontrolled off its owner's premises by animal control or has been impounded by appropriate authority for being unrestrained or uncontrolled off its owner's premises; or
- H. The Public Works Director or his designee shall review and make a determination to classify the animal as dangerous for each incident described above. (Ord. 5527 § II)

6.40.115 Dangerous Dog – Exception. Governmental police dogs are the only exception.

6.40.120 Violations and Penalties. Any person violating or permitting the violation of the provisions of this ordinance shall upon conviction in Municipal Court be fined the sum of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500.00). In addition to the fine imposed, the Court may sentence the defendant to imprisonment in jail for a period not to exceed thirty (30) days. In addition, the Court shall order the registration of the subject Pit Bull or dangerous dog revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City, the Municipal Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Ordinance continues shall be deemed a separate offense; in addition to the expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Ordinance, as stated in Section 6.20.030. (Ord. 5527 § II)

Chapter 6.50
Penalties for Violations

Sections:

- 6.50.010 Generally
- 6.50.020 Violations for Failure to Comply

6.50.010 Generally. The Animal Control Officer shall file a complaint against any animal owner that fails to comply with Title 6, Chapters 6.04 through 6.50 of the City Municipal Code. (Ord. 5527 § II)

6.50.020 Penalties for Failure to Comply. Except as otherwise provided, upon:

- A. Conviction of any offense the fine therefore shall be no less than one hundred dollars (\$100.00).
- B. The Animal Control Officer shall maintain a cumulative record of each conviction(s) for the violation(s). In the event of subsequent convictions of the same offense by a person(s), the fine for each such offense shall equal the amount of the previous fine assessed plus one hundred dollars (\$100.00).
- C. No complaint shall be dismissed other than for lack of evidence or sufficiency of the complaint presented by the Animal Control Officer who signed the complaint. In the event of such dismissal, the Prosecuting Attorney shall issue a report stating the reason for such dismissal or the manner in which the Animal Control Officer failed to sufficiently submit a complaint as needed to substantiate same.

SECTION III: General Repealer Section. Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION IV: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage

- A. Bill Number 5527 was introduced and read the first time this 28th day of April 2003.
- B. Bill Number 5527 was read the second time and discussed this 5th day of May 2003, and voted as follows:

Boyer, _____, Harris, _____, Pullen, _____,
Rogers, _____, Teachout, _____, Terrell, _____,

Marshall, _____, thereby being

_____,

becoming ordinance 5527.

- C. Ordinance 5527 shall be in full force and effect from and after Wednesday, June 4, 2003.

Michael G. Marshall, Mayor

Approved as to form
Charles Leible, City Counselor

Seal/Attest:

Carroll Couch, City Clerk