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CHAPTER 27 ANIMALS

27.001 Purpose:

The regulations in this chapter are enacted for the purpose of regulating the ownership and possession of animals in order to protect and promote the public health and safety and prevent the entrance of infectious, contagious, communicable or dangerous diseases into Boone County, Missouri.

27.002 Authority:

These regulations are enacted under the authority given to the City under RSMO Section 79.110 and 79.400; (amended Council Bill No. 829- 9-15-09)

27.003 Definitions:

As used in this chapter, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:

27.003.1 Animal Control Officer - Any individual employed or appointed to enforce the animal control regulations established by order of the Boone County Commission.

27.003.2 Dangerous Exotic Animal - Lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, canada lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote, nonhuman primate, or dangerous or venomous reptile, or any other exotic animal declared by the Health Director to be dangerous.

27.003.3 Feral Cat - Any cat of any breed that is or becomes undomesticated, untamed, wild or is not a pet.

27.003.4 Health Director - Any person appointed by the Boone County Commission to supervise the administration of this chapter or such other person so designated on a temporary basis by order of the Boone County Commission.

27.003.5 Health Official - An employee of the Boone County, Missouri Health Department or any other person so appointed by the Health Director to administer or enforce the provisions of this chapter.

27.003.6 Nuisance Dog - A dog of any breed which repeatedly demonstrates threatening behavior by growling, or lunging, or chasing, or baring teeth, towards an individual or individuals, or bicyclists, or motor vehicles, or domesticated animals or livestock off the Owner's property.

27.003.7 Own or Possess - A property interest in an animal, actual or claimed, or the exercise of dominion or control over an animal, or the intent to exercise dominion or control over an animal with the present ability to do so.

27.003.8 **Person** - Any natural person, business entity of any type, corporation, trust, association of any type, or any agent, officer or employee of any of the foregoing.

27.003.9 **Rabies Compendium** - The most current edition of a document by that name published by the National Association of State Public Health Veterinarians which serves as a standard for rabies vaccine, treatment and policy.

27.003.10 **Urban Service Area** - Those geographic areas located within the corporate limits of the City of Ashland. (amended Ordinance No. 829-9-15-09)

27.003.11 **Vicious Dog** -Any dog of any breed which without provocation or command demonstrates a pattern of unequivocal viciousness, bites or injures a human being or exhibits a pattern of behavior of biting or attacking or attempting to bite or attack human beings at any location or inappropriately attacks animals off the owner's or possessor's property. No dog shall be defined or considered vicious if the dog is working for a law enforcement agency or any law enforcement officer in the performance of law enforcement work, or is protecting its owner or possessor's person or premises from someone committing a crime. (amended Ordinance No. 829- 9-15-09)

27.003.12 **Vicious and Nuisance Dog Advisory Board** - An advisory board consisting of persons appointed by the Boone County Commission which evaluates evidence concerning dogs which are claimed to be vicious or a nuisance dog as defined in these regulations and makes a recommendation on their classification and disposition to the Health Director. The board shall consist of five (5) members appointed by the Boone County Commission and shall consist of one licensed veterinarian, one animal control officer, one member from the Boone County Board of Health, one member from the public with a working knowledge of dogs, and one member of the public at large. Each member shall serve for a term of three (3) years without compensation. The board shall convene at the request of the Health Director to review any appeal concerning a claim that a dog is vicious or nuisance dog. There shall be no required quorum of board members to hold an appeals hearing.

27.004 Animal Care:

Any person who owns or possesses an animal subject to these regulations shall abide by the following requirements for animal care:

27.004.1 Duty of Animal Owners

It shall be the duty of every person who owns or possesses any animal to exercise normal and prudent attention to the needs of any such animal, including providing wholesome food, clean water, shelter and health care as necessary to maintain good health in the specific species of animal. It shall also be the duty of every person who owns or possesses any animal to take all reasonable and necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity. In the event that the owner or possessor of any animal is a minor, the parent(s) or guardian(s) of such minor shall be responsible for ensuring compliance with the provisions of these regulations.

27.004.2 Vicious Dogs

The following regulations shall be applicable to determining whether dogs are vicious and to the management and control of vicious dogs:

27.004.2.1 Procedure for Classification of Vicious and Nuisance Dogs-The following procedure shall be applicable for classifying a dog as vicious or a nuisance:

27.004.2.1.1 Complaint and Investigation-A complaint may be presented to any law enforcement officer or law enforcement department having jurisdiction, or to an animal control officer or to a health official. A complaint shall be investigated by a health official or animal control officer or other person designated by the Health Director to determine if there is probable cause to believe that a dog is vicious or a nuisance dog as defined by these regulations. Complaints shall be investigated only when submitted by a citizen who is willing to testify that the dog has acted in a manner which may reasonably cause it to be classified as a vicious or nuisance dog as defined in these regulations, or the complaint is based upon a dog bite report filed with a law enforcement officer, animal control officer, or a health official, or an animal control officer, health official, or law enforcement officer observes the dog to act in a manner which may reasonably cause it to be classified as a vicious or nuisance dog as defined in these regulations. The results of all investigations shall be submitted to the Health Director for review and determination of whether a dog should be classified as a vicious or nuisance dog under these regulations.

27.004.2.1.2 Vicious or Nuisance Dog Declaration-When the Health Director determines after review of investigation reports submitted that there is probable cause to believe that a dog is vicious or a nuisance, then the Health Director may issue a declaration that a specific dog is classified as a vicious or nuisance dog. The declaration shall be in writing and shall contain a description of the animal, the name and address of the owner or possessor of the animal (if known), the whereabouts of the animal (if it is not in the custody of the owner), the facts upon which the vicious or nuisance dog declaration is based, the availability of an appeal and hearing in case the owner or possessor objects to the declaration and that a request for a hearing must be made within five (5) business days of service of the declaration upon the owner or possessor, the restrictions placed on the animal as a result of the vicious or nuisance dog declaration, and the penalties for violation of the restrictions, including the possibility of destruction of the animal and imposition of fine or imprisonment. The vicious dog declaration shall be in writing and shall be personally served on the owner or possessor of the dog, or if the owner or possessor cannot be served personally, then served by regular mail to the last known address of the owner or possessor, or if the owner or possessor cannot be located, then service can be made by publication in a newspaper of general circulation in the closest city or town having such a newspaper where the dog was observed or seized.

27.004.2.1.3 Appeals of Vicious or Nuisance Dog Declarations-Any owner or possessor of a dog declared a vicious or nuisance dog may appeal that determination by filing a written request with the Health Director to review and set aside that declaration within five (5) business days of being served with notice of the declaration. The Health Director

shall schedule an informal hearing with the owner or possessor of a dog subject to such declaration within fifteen (15) business days of receipt of such request for review. The hearing shall be conducted before the Health Director or his or her appointed representative, available members of the Vicious and Nuisance Dog Advisory Board, and shall include upon request the voluntary attendance of the dog owner or possessor and/or his or her representative, an animal control officer having personal knowledge of the dog, the complainants and/or their representative, and any other interested parties or witnesses. At such hearing the Health Director or his or her appointed representative shall receive all relevant evidence presented by the complainant, the dog's owner/possessor, as well as the health official or animal control officer or law enforcement officer involved, and the recommendation of the Vicious and Nuisance Dog Advisory Board. The Health Director or his or her appointed representative shall decide at the conclusion of the hearing whether to affirm or set aside the declaration. Any final determination by the Health Director that a dog is a vicious dog or nuisance dog as defined in these regulations or any such declaration to which no timely request for review is made shall create a conclusive presumption that the dog determined to be a vicious dog or nuisance dog is in fact and in law a vicious dog or nuisance dog as defined in these regulations for purposes of any legal proceedings after such final determination applicable to such dog, or owner or possessor thereof. However, a finding that a dog is a vicious dog or nuisance dog pursuant to the provisions of these regulations shall not be a condition precedent to institution of any civil, quasi-criminal or criminal proceeding under these regulations, or any other provision of law. In any legal proceeding where a final determination has not been made pursuant to these regulations, the question of whether or not a dog is vicious or a nuisance shall be a factual issue to be determined as a part of such proceeding. Any final decision of the Health Director shall be in writing stating the facts upon which it is based, and whether under these regulations such dog is in fact a vicious dog or nuisance dog. Any further appeals thereafter shall be as provided by law.

27.004.2.2 Vicious Dog and Nuisance Dog Management and Control-No person shall own or possess a vicious dog or nuisance dog except in accordance with the following requirements:

27.004.2.2.1 Vicious and Nuisance Dog Permits-No person shall own or possess a vicious dog or nuisance dog without an annual permit issued by the Health Director. Any person owning or possessing a vicious dog or nuisance dog shall obtain and maintain a permit authorizing the possession and ownership of such dog within 10 business days of the Health Director declaring such dog to be vicious or a nuisance. Any appeal of the Health Director's declaration of a dog to be vicious or nuisance shall not affect the requirement for an annual permit or requirements for management and control of vicious dogs and nuisance dogs established by these regulations, but in the event that the declaration of the Health Director is set aside by the Health Director or final decision of a court of competent jurisdiction, then such permit shall be void and any permit fees paid to the Health Director for such permit shall be refunded. The Health Director shall furnish permit application forms containing such information as deemed reasonable by the Health Director. A permit applicant shall pay such user fees as are established by order of the County Commission as are reasonably necessary for administration and enforcement

of these regulations for the management and control of vicious dogs. Permits issued for vicious dogs shall expire one year from date of issuance unless renewed; all such permits shall be renewed annually unless the vicious dog or nuisance dog which is the subject of the permit is dead or the ownership and possession of such dog has been permanently transferred outside of geographic jurisdiction of these regulations; a prorated refund of any annual permit fee is authorized in the discretion of the Health Director if it is proven to the Health Director's reasonable satisfaction that a vicious dog or nuisance dog subject to the annual permit is dead or has been permanently transferred outside of the jurisdiction as well as the date of such event.

27.004.2.2.2 Vicious Dog and Nuisance Dog Confinement-All vicious dogs shall be securely confined within a building or in a securely enclosed and locked kennel; all nuisance dogs shall be confined on the owner's or possessor's property within a fence or other barrier of sufficient height to prevent the animal from leaving the property. The owner or possessor of such dogs shall be so confined within 30 calendar days of the Health Director's declaration that the dog is vicious or a nuisance regardless of any appeal therefrom unless the Health Director extends the time for compliance for good cause shown. Any dog declared to be vicious or a nuisance shall be confined and controlled as required under these regulations regardless of appeal and any animal control officer shall have the right to enter upon and inspect the building or kennel or other permissible barrier in which a vicious dog or nuisance dog is confined at all times; the refusal of any owner or possessor of a vicious dog or nuisance dog to permit an animal control officer to inspect a building or kennel in which such dog is confined for compliance with these regulations shall be grounds for impoundment of such dog. In addition, any dog declared to be vicious or a nuisance which is not confined and controlled as required by these regulations shall be impounded by an animal control officer until the owner or possessor of such dog has complied with the requirements of these regulations and such dog has been redeemed or such dog has been disposed of as otherwise provided in these regulations. All vicious dogs and their places of confinement shall be inspected by an animal control officer at least bimonthly to ensure compliance with the following regulations. All nuisance dogs and their places of confinement shall be inspected by an animal control officer at least quarterly to ensure compliance with the following regulations.

27.004.2.2.3 Standards for Vicious Dog Kennels-A kennel used for keeping a vicious dog must have secure sides of sufficient height and a secure top attached to the sides to prevent escape. Such kennel must have a secure bottom or floor attached to the sides of the kennel, or the sides of the kennel must be embedded in the ground no less than two (2) feet. The kennel must be locked with a key or combination lock when such animals are within the structure. Any such kennel must comply with all applicable zoning and building regulations. The Health Director or his representative may permit alternative pen construction, if the other construction is determined to be equivalent or superior in safety to the above requirements. In Urban Service areas, any such kennel must be located at least ten (10) feet from any property line.

27.004.2.2.4 Building Confinement of Vicious Dogs-When confined within a building, no vicious dog may be kept on a porch, patio or in any part of building that would allow the dog to leave such building on its own volition. No such dog may be kept in a building when windows are open or when screen windows or screen doors are the only obstacle preventing the dog from leaving the building.

27.004.2.2.5 Control of Vicious and Nuisance Dogs-No person shall permit a vicious dog to go outside its kennel or building unless the dog is muzzled and secured on a leash no longer than four (4) feet in length with a minimum tensile strength of 300 pounds and a person has physical control of the leash. The muzzle shall be constructed in such a manner that it will prevent the dog from biting any person or animal but also will not cause injury to the dog or interfere with its vision or respiration. No person shall permit a nuisance dog to go outside of its fenced yard or yard barrier unless the dog is secured on a leash no longer than six (6) feet in length with a minimum tensile strength of 300 pounds and a person has physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings. All vicious dogs and nuisance dogs shall be implanted with a microchip at the cost of the owner or possessor as required by the Health Director within 7 days of being initially declared a vicious dog or nuisance dog by the Health Director or 7 days after hearing thereon if timely request for hearing has been made, whichever occurs later; no additional appeal of a vicious dog or nuisance dog declaration shall be grounds for delay in implanting a microchip in such dogs except the Health Director may extend the time for implanting a microchip for good cause shown.

27.004.2.2.6 Vicious Dog and Nuisance Dog Signage-Signs shall be conspicuously posted upon kennels of vicious dogs and all buildings used to confine vicious dogs and made plainly visible from all sides in letters at least four (4) inches high stating the following: "Beware of Vicious Dog." Signs shall be conspicuously posted upon fences or other barriers of nuisance dogs in letters at least four (4) inches high stating the following: "Beware of Dog"

27.004.2.3 Removal from the List of Vicious and Nuisance Dogs-The owner or possessor of a dog that has been declared vicious or a nuisance may petition the Health Director for a hearing to reconsider the vicious or nuisance dog declaration after 12 months from the initial declaration, but no more than once per calendar year. If sufficient reason is determined to warrant reconsideration, a hearing will be called to include the Health Director, the dog's owner and/or representative, the complainant(s) and/or representatives, and available members of the Vicious and Nuisance Dog Advisory Board. After hearing, the Health Director may declare the dog which is the subject of the hearing to no longer be vicious or nuisance; a vicious dog may only be declassified to a nuisance dog and nuisance dog may be declared exempt from permitting; alternatively, the Health Director may deny declassification of the vicious dog to a nuisance dog or deny exemption of a nuisance dog from the permitting requirement. Any further appeal of the Health Director's decision shall be as provided by law.

27.004.2.4 Transfer of Ownership or Possession of a Vicious or Nuisance Dog-If a dog which has been declared vicious or a nuisance is sold, given away, or the possession of such dog is otherwise transferred, the previous possessor/owner shall notify the new possessor/owner in writing of the dog's classification as a vicious dog or nuisance dog and required compliance with these regulations. The previous possessor/owner shall also notify the Health Director in writing if the dog is sold or otherwise transferred within three (3) business days of the transfer of the dog. The notification shall include the name and address of the new owner/possessor.

27.004.2.5 Destruction of Vicious Dogs-Unless stayed upon order of a circuit or associate circuit judge, a vicious dog shall be ordered humanely destroyed by order of the Health Director if the Health Director finds after hearing that a dog is vicious as the term is defined in these regulations by presumption or otherwise and that one of the following factors are applicable:

- The owner or possessor of such vicious dog has previously pled guilty to or been found guilty of any offense pertaining to such dog which involves failing to adequately confine or control such dog, or
- The owner or possessor has factually failed to comply with the provisions of these regulations pertaining to the confinement and control of vicious dogs on one or more occasions after such dog has been determined to be a vicious dog and the owner or possessor was served with notice thereof, or
- The vicious propensities of the vicious dog are such that such dog presents an imminent threat to the public health and safety, or
- The vicious dog has seriously injured or killed a human being.

A hearing under this section shall be conducted within 30 days of impoundment of the vicious dog provided notice of impoundment is provided to the owner or possessor of such dog; an order to destroy the vicious dog pursuant to this section shall be made in writing and contain findings of fact supporting the order based upon the evidence presented at such hearing; if a circuit judge or associate circuit judge issues a stay of an order for destruction of a vicious dog, the owner or possessor of such dog shall deposit with the Health Director a sum of money sufficient to pay the expense of impounding and maintaining such dog pending judicial review of the order as reasonably determined by the Health Director and failure to deposit such sum with ten days of being given notice thereof shall be grounds for the court to dissolve a stay of the Health Director's order of destruction. In addition, the Health Director may alternatively seek an order of destruction provided for in this section by independent civil equitable proceeding or may request such order as relief as a part of any quasi-criminal or criminal proceeding applicable to a vicious dog or owner or possessor thereof. Regardless of the disposition of a vicious dog under this section the owner or possessor of a vicious dog shall be liable for the expenses of impoundment, boarding and/or destruction as authorized by this chapter if the dog is in fact a vicious dog.

27.004.3 Vaccinations for Dogs and Cats

No person shall own or possess a dog or non-feral cat over three months of age unless such dog or cat is kept vaccinated appropriately with a vaccine approved and listed in the current year's Rabies Compendium and administered as specified therein.

27.004.4 Confinement and Control of Dogs in Urban Service Areas

It shall be unlawful for any dog to be unconfined or unrestrained within an urban service area, or for any person who owns or possesses a dog to permit such dog to be within an urban service area unconfined or unrestrained, unless such dog is on real estate owned or lawfully possessed by such owner or possessor, or such dog is on real estate owned or lawfully possessed by another person who has expressly consented to the presence of such dog, or such dog is in a motor vehicle being driven or parked upon a public road, or such dog is engaged with its owner or possessor in hunting or training, or such dog is under the immediate control of its owner or possessor by means of a leash or trained command. The provisions of this section are not intended, nor shall be construed, to abrogate or modify any other provisions of law pertaining to trespass or the rights and privileges pertaining to the ownership or possession of real or personal property.

27.004.5 Confinement and Control of Dogs near Schools

It shall be unlawful for any dog to be unconfined or unrestrained, or for any person who owns or possesses a dog to permit such dog to be unconfined or unrestrained within five hundred feet (500') of a school building, unless such dog is on real estate owned or lawfully possessed by such owner or possessor, or such dog is on real estate owned or lawfully possessed by another person who has expressly consented to the presence of such dog, or such dog is in a motor vehicle being driven or parked upon a public road, or such dog is engaged with its owner or possessor in hunting or training, or such dog is under the immediate control of its owner or possessor by means of a leash or trained command. The provisions of this section are not intended, not shall be construed, to abrogate or modify any other provisions of law pertaining to trespass or the rights and privileges pertaining to ownership or possession of real or personal property.

27.004.6 Female dogs in heat

In Urban Service Areas as defined in these regulations, the owner or person responsible for a female dog in heat shall confine the animal within a building or secure enclosure and otherwise handle such dog in such a manner that the animal shall not be accessible to other dogs except for planned breeding.

27.004.7 Permitting Dogs to Bite or Attack Prohibited, Exceptions

No person who owns or possesses a dog shall permit such dog to bite or attack another human being or domesticated animal. This subsection shall not apply to the use of dogs by law enforcement agencies, or dogs in defense training involving a consenting person properly prepared as an attack target, or dogs lawfully defending persons or property.

27.004.8 Possession of Ferrets, Vaccinations

It shall be unlawful for any person to own, or allow to remain on the person's premises, any ferret over four (4) months of age unless the ferret has received a rabies vaccination

by a licensed veterinarian within the past twelve (12) months and the person exhibits proof of such vaccination upon the demand of a Health Official.

27.005 Possession and Sale of Dangerous Exotic Animals; Registration and Permitting; Impoundment; Disposition

No person shall keep, harbor, own or knowingly allow to be in or upon his the person's premises any dangerous exotic animal unless such dangerous exotic animal shall be registered, licensed or permitted as lawfully required by the Missouri Department of Conservation, the United States Department of Agriculture or such other applicable federal, state of Missouri, or county agency; in the event no federal, state of Missouri, or county agency requires registration, licensing or permitting of a particular exotic animal, then such animal shall be registered with and permitted by the Health Director. No person or business shall sell or offer for sale any dangerous exotic animal unless the seller is registered, licensed or permitted as lawfully required by the Missouri Department of Conservation, the United States Department of Agriculture, or such other applicable federal, state of Missouri, or county agency; in the event no federal, state of Missouri, or county agency requires registration, licensing or permitting of a particular dangerous exotic animal, then such animal shall be registered with and permitted by the Health Director. The provisions of this subsection shall not apply to a properly maintained and regulated zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital. Any animal that is determined by the Health Director or Health Official to be an unregistered, unlicensed, or without an applicable permit as a dangerous exotic animal in compliance with these regulations, or otherwise not in compliance with any provision of these regulations applicable to dangerous exotic animals, may be immediately impounded. Except for exigent circumstances, if the owner of such dangerous exotic animal does not consent to removal of the animal, or if the owner of the property on which the animal is located does not consent to entry onto the property, the Health Director or Health Official shall enter the property and remove the animal only pursuant to a warrant issued by a judge. Any impounded dangerous exotic animal shall remain impounded until the Health Director or a Health Official determines that the animal is not a dangerous exotic animal, or the owner or possessor satisfies the Health Director or Health Official that the animal is registered or permitted as required by these regulations and will be kept in a lawful manner; or the owner relinquishes ownership of the animal and the animal is either humanely destroyed or placed with a person who shall keep the animal in a lawful manner as required under these regulations; or a person charged with a violation of this section has been found not guilty and the judge orders the animal released; or an circuit or associate circuit court judge determines that the animal is not a dangerous exotic animal.

27.005.1 Permits, In General:

All persons or businesses that sell or offer for sale any dangerous exotic animals shall obtain an annual permit from the Health Director. The Health Director shall make such permit forms available containing such information as deemed reasonable by the Health Director. Any person who shall keep, harbor, own or knowingly allow to be in or upon their premises any dangerous exotic animal not otherwise registered, permitted, or regulated by the Missouri Department of Conservation, or the United States Department of Agriculture, or such other applicable federal, state of Missouri, or county agency not

otherwise exempt from these regulations shall obtain an annual permit from the Health Director. Such permits shall only be issued after an inspection by a Health Official to check and verify cage and health standards suitable for the species being housed. All cage and health requirements shall meet or exceed the standards of the Animal Welfare Act, 7 U.S.C. §§ 2131-2159 and Regulations issued by the United States Department of Agriculture, 9 CFR Ch. 1, Sub Ch. A, Parts 1-4, applicable to the dangerous exotic animal which is permitted. Any person or business that possesses, sells or offers for sale any dangerous exotic animal subject to a permit required under these regulations shall allow the Health Director and Health Officials access to all parts of every building that is used to house said dangerous exotic animals at reasonable hours for purposes of determining compliance with and enforcement of these regulations. The annual permit fee shall be established by the order of the County Commission as are reasonably necessary for administration and enforcement of these regulations. The permit shall expire one year from the date of issuance and shall be renewed annually unless the person that possesses, sells or offers for sale can provide proof that they no longer possess or are no longer engaged in the business of selling or offering for sale any dangerous exotic animal; if such proof is provided to the satisfaction of the Health Director, a prorated refund of the annual fees may be granted.

27.005.2 Permit Administration

No dangerous exotic animal permit shall be renewed except by the Health Director making a written endorsement of renewal upon the existing permit prior to the expiration date of such permit and payment by the permittee of required fees at the time of renewal. Failure to request or obtain renewal prior to the expiration date shall require the permittee to submit an application for new permit. Dangerous exotic animal permits may not be transferred to a successor owner or possessor of a dangerous exotic animal. The Health Director may deny issuance of a permit to possess or sell or offer to sell a dangerous exotic animal, or may terminate an existing permit, for violation of or having violated the regulations governing dangerous exotic animals or in cases where the Health Director has reasonable grounds to believe that the applicant for a permit will be or is unable to comply with the requirements of the regulations governing dangerous exotic animals. In the event the Health Director denies issuance of a permit or terminates a permit, the applicant or permittee shall be notified in writing of the reason or reasons for denial or termination. An applicant denied a permit or who has had a permit terminated may request in writing a hearing before the Director of the Department of Health stating the grounds in support of the request within thirty (30) days of the notification of denial or termination. The ruling of the Director shall be final; any further appeal or review of the decision shall be as provided by Chapter 536, RSMo.

27.006 Administration and Enforcement of Animal Control Regulations:

The provisions of this chapter shall be administered as follows:

27.006.1 Health Director and Officials, Appointment and Duties

The provisions of this chapter shall be administered by the Health Director, who shall be appointed by the Boone County Commission and serve at the pleasure of the Commission. The Health Director is hereby authorized to appoint or designate such other officials authorized by this chapter for the purpose of assisting the Health Director in

administering or enforcing the provisions of this chapter. All such appointments shall be subject to the discretionary review and disapproval of the Boone County Commission.

27.006.2 Animal Control Officers, Appointment and Duties

The Health Director shall appoint one or more persons as animal control officers whose duty it shall be to enforce the provisions of this chapter and any other provisions of state law pertaining to the abuse or neglect of animals.

27.006.3 Animal Shelter, Establishment

The Boone County Commission, with the advice of the Health Director, shall provide an animal shelter or shelters for the reception and humane care of impounded animals and for this purpose may contract with any governmental entity, not for profit corporation or association or licensed kennel upon such terms and conditions as are mutually deemed appropriate.

27.006.4 Interference with Health Officials and Animal Control Officers Prohibited

No person shall knowingly interfere with any person appointed under the provisions of this chapter in the performance of his official duties as prescribed by this chapter or as provided by state law.

27.006.5 Refusal to Deliver Animals to Animal Control Officers Prohibited

No person shall refuse to deliver an animal to an animal control officer when requested to do so under impoundment provisions of this chapter.

27.006.6 Removal of Animals from Animal Control Officers or Shelters Prohibited

No person shall remove an animal from the custody of an animal control officer or county animal shelter by force, deceit or otherwise, when such animal has been impounded by such officer under the provisions of this chapter or state law unless such person has first obtained the express consent from such officer for removal.

27.007 Animal Impoundment:

Animals subject to the provisions of this chapter or state law may be impounded in accordance with the following regulations:

27.007.1 Impoundment, General

Any animal owned, possessed or otherwise found to be in violation of this chapter or other provision of state law may be impounded and placed in a county animal shelter by an animal control officer, a law enforcement officer or other person authorized by law to impound animals.

27.007.2 Dog and Cat Impoundment for Observation

Any dog or cat which bites or otherwise injures any human being shall be impounded for observation under the requirements of subsection 2.7.5.

27.007.3 Impoundment of Suspected Rabies Carrier

Any warm-blooded animal other than a dog or cat which is reasonably suspected to be infected with rabies in the opinion of an animal control officer or health official may be

seized, impounded, and upon direction of the Health Director, may be humanely euthanized and submitted for rabies diagnosis.

27.007.4 Redemption and Disposal of Impounded Animals

Unless otherwise specified in this chapter, any animal impounded pursuant to the provisions of subsection 2.7.1 of this chapter may be redeemed by its owner or possessor at a county animal shelter during normal business hours or as authorized by the supervisor of that facility provided the owner or possessor thereof proves to the satisfaction of the supervisor of the facility or a health official or animal control officer that he/she has complied with the provisions of subsection 2.4.2 of this chapter, if applicable. The supervisor of the facility or Health Official shall make a reasonable effort to identify and notify the owners or possessors of the impoundment of their animals and of the redemption and disposal procedures prescribed herein. Any animal which is not redeemed within five days after impoundment under subsection 2.7.1, or such other time period not to exceed 30 days, shall be disposed of as follows in the discretion of the Health Director:

27.007.4.1 release of the animal to any person desiring such animal upon payment of any applicable impoundment and boarding charges and compliance with subsection 27.004.2, if applicable.

27.007.4.2 release of the animal to a humane society at no charge.

27.007.4.3 humane euthanization provided the owner or possessor cannot be notified of impoundment after reasonable effort to notify the owner or possessor, or, the owner or possessor thereof fails to redeem such animal within the redemption period after notification thereof. No owner or possessor shall be relieved of liability for payment of an impoundment or boarding charge incurred as may be prescribed by law by virtue of an animal being euthanized as provided herein.

27.007.5 Impoundment for Observation, Disposition

Any dog or cat impounded pursuant to subsection 2.7.2 of this chapter shall be securely confined by an animal control officer at the county animal shelter or by a licensed veterinarian of the owner's or possessor's choice for a period of ten days after the reported bite or injury to a human being for observation for symptoms or manifestations of rabies. If such dog or cat exhibits symptoms or manifestations of being infected with rabies, in the opinion of a licensed veterinarian, then such dog or cat shall be euthanized and submitted for rabies diagnosis upon authorization of the Health Director. If such dog or cat exhibits no symptoms or manifestations of rabies after the required observation period, then such animal may be redeemed or disposed of in accordance with the provisions of 2.7.4. The Health Director may authorize other secure confinement of a dog or cat for the observation period specified above by the owner or possessor of such animal whenever Boone County and its contiguous counties are not under a rabies alert issued by the State Department of Health and it is proven to the director's satisfaction that the bite was provoked and such animal had been vaccinated for rabies at the time the bite or injury to a human being occurred.

27.007.6 Isolation and Quarantine

The Health Director may order the temporary isolation or quarantine of domestic or wild animals reasonably suspected of having a contagious communicable disease which may directly or indirectly effect human health or food or water supplies until such time as the state veterinarian or other state or federal agency having jurisdiction assumes responsibility for animal disease management and determination of the need for further disease control measures.

27.008 Jurisdiction:

The regulations contained in this chapter shall be applicable to all unincorporated areas within Boone County, Missouri, and by order of the Boone County Commission in incorporated municipalities which petition to be included. Any petitioning municipality shall also be defined as an urban service area under section 2.4.3 if the petition so requests.

27.009 Construction of ordinance provisions

The provisions of this ordinance shall not be construed to prohibit any authorized law enforcement officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.

27.010 Exemption

The provisions of this ordinance shall not apply to any federal, state or city law enforcement agency or dog specifically exempted pursuant to any other law, rule or regulation regarding the humane treatment of animals.

27.015 Severability

If any provision of this ordinance is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this ordinance.

No provision of this ordinance shall prevent the enforcement of existing animal control regulations of the City Code.

27.020 Definitions

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Animal: Every living vertebrate except a human being.

At large: An animal be “at large” when off the property of the owner and unleashed.

Cat: Any member of the feline (genus felis) family over three (3) months of age.

Chicken: Any member of the chicken (genus Gallus) family over 8 weeks of age. (amended by Ordinance No. 861 on 9-07-2010)

Chief of Police: The Chief of Police or his designee.

Dog: Any member of the canine (genus canis) family over three (3) months of age.

Euthanasia: To put to death in a humane way.

Exposed to rabies: Any animal, whether vaccinated for rabies or not, which has had any physical contact with a rabid animal as determined by the Missouri Department of Health.

Ferret: Any member of the mustelid family.

Impound: To take into custody any animal, for the purpose of confinement.

Kitten: Any member of the feline (genus felis) family under three (3) months of age.

Livestock: Shall include cattle, horses, mules, goats, sheep, hogs, ducks, geese, turkeys, lamas, emu, ostriches, camels or any other domestic beast or fowl but shall not include chickens. (amended by Ordinance No. 861 on 9-07-2010)

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

Shelter: The city shelter as designated by the Board of Aldermen.

Tag: Any object, regardless of shape or size, bearing a registration number and year, and the words "registered and vaccinated for rabies," issued by a practicing licensed veterinarian.

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

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

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

27.025 Keeping near dwellings

It shall be unlawful for any person to keep any livestock or chickens in an outdoor enclosure or pasture, the exterior boundary of which is within one hundred (100) feet of the dwelling house of another. Chickens shall be kept in the rear of the primary dwelling structure, and should not extend into the side yard. (amended by Ordinance No. 861 on 9-07-2010)

27.030 Minimum area of enclosures or pastures

No person shall keep more than one livestock animal in an outdoor enclosure or pasture, unless such enclosure or pasture shall have an area of one-half acre for each livestock animal; provided that this area requirement shall not apply to the keeping of a suckling offspring of such animal.

It shall be unlawful for any person to keep or use within the corporate limits any pen, stall, place or enclosure in which hogs or swine shall be kept for more than 12 hours, except for the purpose of transportation or immediate use for the market.

The provisions of this section shall not apply to any lawfully operated stockyard, slaughterhouse, university or college or veterinary hospital.

27.035 Cleanliness of pens, coops, etc.

It shall be unlawful to keep any livestock or chickens in any structure used for human habitation. 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, devoid of all rodents and vermin and free from offensive, disagreeable or obnoxious smells or odors, tending to injure, annoy or inconvenience and inhabitant of the neighborhood. (amended by Ordinance No. 861 on 9-07-2010)

27.040 Excretion of animals

It shall be unlawful for any owner in charge of any animal to permit their animal to excrete on sidewalks, driveways, right-of-way, or other private 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.

27.050 Hatcheries (deleted by Ordinance No. 861 on 9-07-2010)

27.065 Loading or transferring of livestock

It shall be unlawful for any person to unload or transfer livestock from one vehicle to another in any public place, street or thoroughfare or on any private premises, or for any person to park or stand any vehicle for such purpose on any street or thoroughfare or on any unenclosed private premises within the city for longer than four hours; provided, that nothing in this section shall prohibit loading, unloading or transferring livestock at any established and maintained stockyard, slaughterhouse or stable barn, or in any enclosed building.

27.070 Breeding livestock

It shall be unlawful for any person to permit the breeding of livestock within the city, unless the same is in an enclosed shed or stable and entirely out of public view or hearing.

27.085 Running at large

It shall be unlawful for the owner or the person in charge of any animal to fail to keep any animal from running at large that is without either being in a securely fenced yard or secured with a leash, rope, or chain, at any time, at any place in the City.

In the case of a conviction in municipal court, the court shall fine the owner of said animal running at large at least the following amounts:

First Offense- Twenty-five dollars (\$25.00)
Second Offense – One Hundred dollars (\$100.00)
Third Offense – One Hundred fifty dollars (\$150.00)
All such fines shall be a minimum fine

27.090 Animals Disturbing the peace

No person shall own, keep, harbor, or allow to be in or upon his premises any animal, which, by howling, barking, baying or yelping, shall disturb the peace of any person. Nor shall any person own, keep, harbor, or allow to be in or upon his premises any animal of dangerous, vicious, or ferocious disposition. A dangerous, vicious, or ferocious animal shall be an animal that has attacked, or shown propensities to attack persons or other animals. Evidence that may be considered may be, but not limited to, testimony of persons who have witnessed the actual behavior of said animals, past incidents involving said animals, size of the animals, and the conditions in which the animals are kept.

27.100 City Shelter

The Board of Aldermen shall designate either:
The facilities of a licensed veterinarian, or
Such other facility as the Board may designate, or

Any combination of these, to serve as the official animal shelter for the City of Ashland.

27.130 Right of entry of Animal Control Officer

The Animal Control Officer shall have the right of entry to any property or premises within the city for the purpose of determining if the provisions of this chapter are being violated.

27.135 Penalty (look at RSMO 578.009 and 578.012, Chapter 578 in general)

Any person violating the provisions of this chapter, upon conviction shall be fined not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00), or shall be sentenced to a term of imprisonment of not more than three (3) months in jail, or shall be both fined and sentenced. Each day that the condition exists in violation of these provisions constitutes a separate offense. Upon conviction under this section the Chief of Police or Animal Control Officer shall have the right to seize and impound the animal(s).

27.150 Display of tag; replacement tag or certificate

Each dog, cat or ferret shall have attached, by means of a secure collar or harness, a current serially numbered, nontransferable rabies tag.

A replacement tag may be obtained by presenting the certificate of vaccination any payment of the required fee to City Hall.

27.151 Limitation upon number of dogs and cats kept

No person shall, any time, keep, harbor or own, at one location within the City, more than four (4) dogs or cats over the age of six months. This provision shall not apply to a

lawfully operated commercial kennel, or a kennel maintained in connection with a small animal hospital.

(Amended 11-18-03- Ordinance No. 2003-053)

27.161 Limitations upon number of chickens to be kept.

The maximum number of chickens allowed is five (5) per tract of land regardless of how many dwellings are on the tract. No male chickens are permitted. Chicks are included in the limitation on the number of chickens kept. There is no restrictions on chicken species. It shall be unlawful to engage in chicken breeding or fertilizer for commercial purposes. (added by Ordinance No. 861 on 9-07-10)

27.175 Enforcement; search and seizure

Authorized city enforcement personnel shall be empowered to enforce the provisions of this chapter or any rule or regulation.

Persons authorized to enforce the provisions of this chapter or any rule or regulation shall have the authority to seek and execute search and seizure warrants.

Within 10 days of a conviction under this chapter, the Animal Control Officer shall have the right to seize and impound the animal(s) and offer said animals for adoption.

27.180 Keeping of Pit Bull Dogs Prohibited

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Ashland, Missouri any pit bull dog, provided that pit bull dogs residing in the City on the effective date of this Section may be kept within the City subject to the standards and requirements herein set forth. "Pit Bull Dog" is defined to mean:

Staffordshire bull terrier breed of dog;

The American pit bull terrier breed of dog;

The American Staffordshire terrier breed of dog.

Any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier, American Staffordshire terrier or American pit bull terrier as to be identifiable as partially of the breed of Staffordshire bull terrier, American Staffordshire terrier or American pit bull terrier.

Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; and other breeds commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds. (Amended Council Bill no. 2002-020 May 28, 2002)

Pit bull dogs residing in the City of Ashland prior to October 7, 1987 may be kept by their owners within the City subject to the following standards;

Pit bull dogs residing in the City prior to October 7, 1987 must be registered with the City Animal Control Officer by the owners within ten (10) days of October 6, 1987.

No person shall permit a pit bull dog to go outside its enclosure or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its enclosure 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, buildings, etc. In addition all pit bull dogs on a leash outside the animal's enclosure or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.(amended Council Bill No. 2002-020 May 28, 2002)

All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or enclosure, except when leashed and muzzled as provided above. Such pen, enclosure or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pens or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of City.

All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

No pit bull 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 obstacle preventing the dog from exiting the structure.

All owners, keepers or harborers of pit bull dogs within the City shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Be Aware of Dog-Pit Bull." In addition, a similar sign is required to be posted on the enclosure or pen of such animal.(amended Council Bill No. 2002-020 May 28, 2002)

All owners, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this Section provide proof to the Animal Control Officer of public liability insurance in a single incident amount of \$100,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any person or persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Animal Control Officer. An effective

insurance policy with the coverage and in the amounts specified herein must be maintained by the owner, keeper or harborer at all times.

All owners, keepers or harborers or registered pit bull dogs registered with the City Animal Control Officer must within ten (10) days of the effective date of this Section provide to the City Animal Control Officer two color photographs (two different poses) of the animal clearly showing the color and approximate size of the animal.

All owners, keepers or harborers of pit bull dogs must within ten (10) days of any such incident, report the following information in writing to the City Animal Control Officer as required hereinafter:

The removal from the City or death of a pit bull dog;

The birth of offspring of a pit bull dog;

The new address of a pit bull dog owner should the owner move from one address within the corporate city limits to another address within the corporate city limits.

No person shall sell, barter or in any other way dispose of a pit bull dog registered within the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.

All offspring born of pit bull dogs registered within the City must be removed from the City within six (6) weeks of the birth of such animal.

There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by this Section is in fact a dog subject to the requirements of this Section.

It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Ashland, Missouri to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment.

Any person violating or permitting the violation of any provision of this Section shall upon conviction be fined a sum not less than \$200.00 no more than \$500.00. In addition to the fine imposed, the Court may sentence the defendant to imprisonment for a period not to exceed thirty (30) days. In addition, the Court shall order the registration of the subject pit bull dog revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City the Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense.

In addition to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Section. (amended Council Bill No. 2002-020 May 28, 2002)