

## ANIMALS CONTROL REGULATIONS

### ARTICLE I. GENERAL PROVISIONS

#### Sec. 215.010. **Purpose.**

The purpose of this article is to promote harmonious relationships in the interaction between man and animal by:

- (A) protecting animals from improper use, abuse, neglect, exploration, inhumane treatment and health hazards;
- (B) delineating the animal owner's or harboring's responsibility for the acts and behavior of his animal at all times;
- (C) providing security to residents from annoyance, intimidation, injury and health hazards by animals;
- (D) encourage responsible pet ownership; and
- (E) providing standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing in animals in any manner whatsoever

#### Sec. 215.020. **Definitions.** As

used in these articles:

- (A) "Animal" is any mammal domestic or wild, other than man, which may be affected by rabies.
- (B) "Animal Control Officer" is that person, or his agent, educated in the care, - seizure, custody and confinement of animals, under the supervision of the Chief of Police.
- (C) "Animal nuisance" is created when an animal:
  - (1) runs uncontrolled (except cats);
  - (2) molests or disturbs person or vehicles by chasing, barking or biting;
  - (3) attacks other animals;

- (4) damages property other than that of the owner or harborer;
  - (5) barks, whines, howls, honks, brays, cries, or makes other noises excessively;
  - (6) creates noxious or offensive odors;
  - (7) defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed by the animal owner or harborer; or
  - (8) creates an insect breeding and/or attraction site due to an accumulation of excreta.
- (D) "Animal shelter" is a licensed facility, public or private, used to impound, confine and house animals seized, lost, abandoned or given over by owners.
- (E) "Bite" means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded, pierced or scratched by the biting animal.
- (F) "Boarding kennel" is a licensed facility other than an animal hospital, City pound or an animal shelter where animals, normally dogs and cats, not owned by the proprietor, are temporarily sheltered, fed, watered, and exercised in return for a fee.
- (G) "Breeder" is any person who harbors four or more animals, or who breeds animals for profit or who produces more than one litter of animals, normally dogs and cats, in any one calendar year.
- (H) "Cat" is any member of the animal species *Felis Catis*.
- (I) "City" is the City of Waynesville, Missouri, a municipal corporation of the third class.
- (J) "Control" of an animal means that same is on a leash not more than eight feet in length; is restrained on or within a vehicle being driven or parked; or is within the property limits of its owner or harborer or upon the premises of another person with the consent of that person.
- (K) "Dog" is any member of the animal species *Canis Familiaris*.
- (L) "Domestic animal" includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

- (M) "Euthanasia" is the act of inducing a humane death by a technique which produces rapid loss of consciousness, followed by cardiac arrest and ultimate loss of brain function.
- (N) "Exhibitor" is a person who exhibits animals for compensation or improvement of the breed.
- (O) "Groomer" is a person who performs the service of trimming, bathing or pedicure of animals, normally dogs and cats.
- (P) "Harborer" is any person who provides food and shelter to any domesticated animal on other than a periodic or temporary basis.
- (Q) "Non-Domestic Animal"-All felines (other than the domestic house cat), nonhuman primates, bears, wolves, coyotes, foxes and venomous reptiles, any animal having poisonous bite, constrictor reptiles, and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this section, the Animal Control Commission may add to or remove from the classification of non-domestic animals any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to the list may be made only if the Animal Control Commission determines, after public hearing, that such species because of habit, mode of life or natural instinct is incapable of being domesticated, requires the exercise of art, force, or skill to keep them safely in subjection, and would create a reasonable likelihood of hazard to the public. Each determination by the Animal Control Commission as to additions or deletion shall become effective when filed with the City Clerk.
- (R) "Owner" is any person having the right of property in any animal: who keeps an animal; who has an animal in his care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him.
- (S) "Person" is any individual, firm, corporation, partnership, association, trust, estate or other legal entity.
- (T) "Pet Shop" is an establishment operated by a person which acquires animals, birds, reptiles and fish bred by others whether an owner or agent or on consignment and sells, offers to sell exchanges or offers for adoption with or without charge such animals, birds, reptiles and fish as domestic pets to the general public at wholesale or retail.
- (U) "Pound" is that facility as designated by the City used to temporarily shelter, confine and house animals that have been seized.
- (V) "Trainer" is a person qualified by training and experience in training animals for work, hunting, pleasure, obedience or exhibition.

(W) "Vaccination" is the administration of vaccine by a licensed veterinarian at such intervals as required by state statutes and the State Department of Agriculture.

(X) "Vicious (dangerous) dog" is any dog that attacks a person where the person may lawfully be at any time without other provocation; or any dog, whose attack or bite breaks a bone, requires sutures or causes other serious injury; or any dog declared to be vicious by the Chief of Police or authorized representative.

(Y) "Work dog" is any member of the animal species *Canis Familiaris* trained for and actively engaged in rescue, law enforcement or war work, or as a guide of the blind or deaf.

**Sec. 215.030.** Animal control officer. There is hereby created the position of Animal Control Officer within the organization of the Police Department. The Animal Control Officer or his agent, or any officer of the law:

(A) May enter upon private property to determine if an animal has been abused or neglected; to apprehend a stray or vicious animal or an animal suspected of being infected with rabies; to investigate complaints of a violation of the animal control ordinance; and or to seize vicious dogs or any animals required to be seized pursuant to the animal control ordinance.

(B) Pursuant to this ordinance, the animal control officer may enter upon private property upon the following:

1. with the express written consent of the owner; or

2. in case of emergency; or

3. where the property appears to be abandoned and/or it appears that the owner has no legitimate expectation of privacy in the premises;  
or

4. pursuant to a warrant of entry issued by the municipal judge upon probable cause as determined by an affidavit of a law enforcement officer or animal control officer.

(C) The Municipal Court shall have all of the necessary authority to issue search warrants or warrants of entry upon the affidavit of the animal control officer of law enforcement office to enter private property to determine the nature and extent of a suspected violation of the animal control regulations or to effect any legitimate purpose of these regulations. Further, the Municipal Court shall have the authority to issue warrants of entry upon private property if necessary to enforce

an adjudicated violation of the animal control regulations. Any such warrants shall be issued only upon probable cause.

Sec. 215.040. City animal shelter.

A facility for proper impoundment of animals on a temporary basis shall be provided by the city.

Sec. 215.050. Responsible animal care.

It shall be unlawful for any owner or harbinger of a domestic animal not to provide for his animal:

- (A) sufficient quantity of good and wholesome food and water;
- (B) proper protection and shelter from the weather;
- (C) veterinary care when needed to prevent suffering;
- (D) humane treatment

Sec. 215.060. Rabies control.

All cases of rabies occurring within the City shall be reported to the Police Department. If in the opinion of the Health Officer, danger of rabies epidemic exists, legal notice shall be used to muzzle their animals for such period of time as shall be designated in the published notice.

Sec. 215.070. Rabies procedure.

It shall be unlawful for the owner or harbinger of any animal to refuse or fail to promptly surrender any animal suspected of being affected by rabies. Any animal suspected of being affected by rabies shall be seized by the animal control officer and handle according to the most recently published compendium of rabies.

Sec. 215.080. Diseased animals.

It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place anywhere in the City, or to ship or remove such animal from the owner's premises when same is afflicted with a contagious or infectious disease except under the supervision of the Animal Control Officer. This provision shall not prevent taking a diseased animal to a licensed veterinarian. It shall be the duty of the Animal Control Officer to order the disposition of such diseased animals and treatment of the affected premises to prevent the communication and spread of contagion or infection except in case where the state veterinarian is empowered to act and does act.

Sec. 215.090. Cruelty to animals.

It shall be unlawful for any person to:

- (A) beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the City;
- (B) sell, offer for sale, barter or give away as a pet or novelty any rabbit, hare, baby chick, duckling or other fowl which has been dyed, colored or otherwise treated to impart an artificial color thereto;
- (C) kill or wound, or attempt to kill or wound, or take the eggs or young of any game or song bird.
- (D) Knowingly poison or cause to be poisoned any domestic animal except that common rat poison mixed only with vegetable or grain substances may be exposed for the protection of property; or
- (E) give away any domestic animal as a prize or as an inducement to enter contests, games or other competition; or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement when the offer was for the purpose of attracting trade

**Sec. 215.100. Nuisance prohibited.**

It shall be unlawful for the owner or harbinger of any dog, cat or other domestic animal to cause or permit such animal to perform, create or engage in any nuisance as defined by section 215-020. Any animal found acting in any manner forbidden by this chapter, in the determination of the Animal Control Officer, shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation.

**Sec. 215.110. Removal of excrement.**

No person shall appear with an animal upon the public ways, within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor shall any person fail to remove any excrement deposited by such animal. This section shall not apply to a blind person while walking his or her guide dog.

**Sec. 215.120. Wild creatures.**

It shall be unlawful for any person to keep, permit or have custody of any of the following anywhere in the City.

- (a) any wild creature contrary to federal, state or local laws or regulations; or

- (b) any imported creature as is subject to special permit and licensing by the State

Department of Agriculture; or

(c) any non-domestic animal.

**Sec. 215.130. Female animals in heat.**

All female animals in heat shall be confined in a building or secure enclosure or upon leash in such manner that the animal cannot come into contact with a male animal except for planned breeding.

**Sec. 215.140. Biting animal.**

. It shall be unlawful for the owner or harbinger of an animal involved in a biting incident to euthanize, sell, give away or otherwise dispose of such animal until a full release on the incident has been issued by the Animal Control Officer.

**Sec. 215.150. Bite procedures.**

- (a) Impoundment. Regardless of animal age or license status, the owner or harbinger of an animal inflicting a bite shall immediately impound the animal with a licensed veterinarian or with the City pound for a period often (10) days. The expense thereof, including expenses for medical care, shall be paid by the owner or harbinger of the animal.
- (b) Impoundment exception. When the bitten person is a member of the same household as the owner or harbinger of the animal inflicting the bite, or when, in the judgment of the Chief of Police, special circumstances exist which makes impoundment impractical, such impoundment may be upon the premises. Impoundment shall mean within a structure or secure enclosure or upon leash only upon the premises of the owner or harbinger. The animal inflicting the bite shall be examined by a veterinarian on the first and tenth day of such confinement.
- (c) Reporting. All incidents of bite shall be reported immediately to the Animal Control Officer or his agent.
- (d) Disposition of animal. It shall be unlawful for the owner or harbinger of an animal which has inflicted a bite to dispose of such animal by sale, exchange, barter or give away without full disclosure of the animal's history.

**Sec. 215.160. Stray animals.**

It shall be unlawful for the owner of any domestic animal, except cats, to cause or allow the same to run at large in the City or be picketed or tied in any public place for the purpose of grazing or feeding. It shall be duty of the Animal Control Officer or his agent to apprehend and impound any such animal not under control. In the event any animal

cannot be safely captured and is deemed to be a threat to any person or property, the Animal Control Officer is hereby empowered to destroy the animal. Depending upon circumstances, impounding shall be in the City pound as follows:

(A) Known ownership.

- (1) When the owner or harbinger of a stray animal is known through licensing, collar identification or other immediate means, the Animal Control Officer shall notify such person of the impounding within 5 business days of the impoundment by phone or by mail.
- (2) The release of an impounded animal shall not be made by the Animal Control Officer until all expenses of apprehension, notification and impounding have been paid by the owner or harbinger.
- (3) If the impounded animal is one requiring a license and/or rabies vaccination, the owner or harbinger shall have five (5) business days from the time of notification in which to present proof of licensing and/or rabies vaccination to the Animal Control Officer.
- (4) The known owner or harbinger of the stray animal shall have five (5) business days from the time of notification in which to claim the animal. Failure by the known owner or harbinger to obtain release of the impounded animal within this time period shall be deemed an act of disclaiming and the Animal Control Officer shall offer the animal for adoption or humanely destroy the animal.

(B) Unknown ownership.

- (1) When the owner or harbinger of a stray animal cannot be ascertained, the animal shall be locally impounded for at least 1 full Saturday and not less than 5 business days.
- (2) If unclaimed beyond this time period, the Animal Control Officer shall offer the animal for adoption or euthanize the animal.

**Sec. 215.170. Disclaimed animals.**

If, for any reason, the owner or harbinger of an animal chooses to disclaim said animal; executes formal acknowledgment of such an act; and pays the consignment fee involved, the Animal Control Officer shall offer the animal for adoption or euthanize the animal, without regard to the time period cited above.

- (a) There shall be no adoption fee for animals taken up and impounded.

- (b) Animals picked up for any violation shall be considered City property until such time as they are claimed by their rightful owners. Any unauthorized removal of animals from the animal shelter shall be considered a violation of this Code.
- (c) No animal shall be impounded and retained at the shelter without sufficient heat during cold weather. Animals that are sick, injured or otherwise not suited for placement in a new home shall be disposed of by euthanasia with the least possible delay. All other animals shall be disposed of as soon as possible by either returning to owners, placed in a home or euthanized.
- (d) The recipient of any dog from the City pound shall immediately have the dog licensed and vaccinated.
- (e) Subject to the further provisions of this chapter, the Animal Control Officer may authorize the euthanization of any animal kept in excess of the time periods set forth herein.
- (f) At any time prior to disposal, sale or destruction of any impounded dog, the owner thereof, upon satisfactory proof of ownership, may redeem the dog by paying a fee of five dollars (\$5.00) for each period of twenty-four (24) hours (or portion thereof). If such dog has not been vaccinated for rabies, the owner in addition to paying the fine and before being entitled to have said dog must have the dog vaccinated as provided for in this chapter.
- (g) The Animal Control Officer shall also be empowered to sell an unclaimed animal within the purview of this article to that person making the best offer for same and who, in the judgment of the Animal Control Officer will best and humanely care for said animal, but shall not sell or release it for experimental use.
- (h) It shall be unlawful for any person to take up any dog registered and collared as required herein, and to remove or cause to be removed the collar from the neck of any such dog, or to entice any such dog into any enclosure for the purpose of taking it up, or for such purpose to decoy or entice any such dog out of the enclosure or house of its owner or processor, or to seize or molest any dog while held or led by any person, or to bring any dog into the City for the purpose of taking up or impounding the same.

Sec. 215.180. Drop of Animals.

The owner of any dog which is dropped off at the pound operated by the City shall pay to the City the sum of twenty-five dollars (\$25.00) (if the owner is a resident of the City of Waynesville) or the sum of fifty dollars (\$50.00) (if the owner is not a resident of the City of Waynesville) payable at the time the dog is left at the pound.

## ARTICLE IL DOGS

### Sec. 215.190. License required.

It shall be unlawful for any person to own or harbor any dog, over 6 months old, in the City without having first obtained and affixed to the animal a license or appropriate permit therefore by application to the City Clerk or designated representative. Only persons who comply with the provision of this article shall be entitled to receive and retain such license.

### Sec. 215.200. Application.

Written application for a license shall be made by the owner on a form provided by the City. The owner shall be identified by name, address and telephone number and the animal identified by sex, age, breed, and color and call name and the rabies inoculation certificate number, date and administering veterinarian given. It will be the responsibility of the owner to notify the City of a change of address.

### Sec. 215.210. Rabies inoculation required.

It shall be the duty of every owner of a dog harbored in the City to have such dog inoculated against rabies. The owner or harbored of such dog shall at all times keep attached to the animal a current rabies tag as evidence of a licensed veterinarian administering the vaccine. A copy of the certificate of rabies inoculation shall be presented with the application for license as required by section 215.200. No license shall be issued unless such certificate bears a date within three years prior to the date of license application.

### Sec. 215.220. Tags.

The person to whom the license is issued shall receive from the City Clerk or designated representative a metal tag containing such lettering or numbering thereon. It shall be unlawful for any person owning or having custody of any dog to cause or allow the same to be in any public place anywhere in the City unless such dog shall be wearing a collar to which a current tag is securely fastened. Any dog found in a public place not wearing a collar and tag shall be deemed a stray animal and shall be seized.

### Sec. 215.230. Expense liability.

The owner or harbored of any dog requiring veterinarian, impounding, licensing, and destruction or disposition services as a result of any violations of this ordinance shall

act of disclaiming and the dog involved shall be considered a disclaimed animal.

Sec. 215.240. Keeping of multiple dogs.

If, at any time, there are, on any single premises within the City of Waynesville, more than four (4) dogs which are more than three (3) months of age, then the person(s) in possession of that premises shall, in addition to the fee required for a tag for each such dog, pay to the City of Waynesville a fee of fifty dollars (\$50.00) per year. This fee shall be payable on the day on which more than four (4) dogs which are more than three (3) months in age are first on a single premises and that fee shall be for the remainder of that calendar year, with another fifty dollars (\$50.00) fee being due for each calendar year thereafter, payable not later than the first (1st) day of each such calendar year.

Sec. 215.250. Barking Dogs.

The Animal Control Officer or any member of the Police Department is authorized to use all reasonable means to abate the nuisance of any dog which by frequent, habitual or continued barking, yelping or howling shall unreasonably annoy or inconvenience inhabitants of Waynesville.

## ARTICLE V. VICIOUS

DOGS Sec. 215.260. Vicious dogs.

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Waynesville, Missouri any vicious dog; provided that vicious dogs may be kept within the City subject to the standards and requirements set forth in section 215.270 of this Article.

Sec. 215.270. Determination of Vicious Dogs.

(A) "Vicious (dangerous) dog" is any dog that attacks a person where the person may lawfully be at any time without other provocation; or any dog whose attack or bite breaks a bone, requires sutures or causes other serious injury; or any dog declared to be vicious by the Chief of Police or authorized representative.

(B) Exceptions:

- 1) Dogs owned by governmental or law enforcement agencies when being used in the service of those agencies;

2) Work dogs, to include service dogs trained to assist the handicapped.

(C) No dog may be declared vicious if the police Chief determines that

1) the attack was sustained by a person who, at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal, or has, in the past, been observed or is reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime; and

2) the actions of the injured person caused the attack

(D) Appeals: Owner of dogs declared vicious by the Police Chief or designated representative may appeal the decision by requesting a hearing with the City Police Committee, which shall serve as the Animal Control Board for the City.

1) The hearing will be scheduled in a timely manner, normally no more than 10 days from the date of the appeal. While waiting for the hearing, the owner of the suspected vicious dog must abide by all standards and requirements set forth in Section 270 of the Article

2) All decisions of the Board are final, and will be matter of record and based on findings of fact and shall be reduced to writing on the forms provided for that purpose. In the event of a contested case before the Board, the statutory requirements of Chapter 536 of the Revised Statues of Missouri shall govern. All official proceedings of contested cases shall be tape-recorded and the designated custodian of records for the City of Waynesville shall maintain the official record.

Sec. 215.

Owners, keepers or harborers of vicious dogs shall be subject to the following standards.

(a) Leash and Muzzle. No person shall permit a vicious 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 a vicious dog 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, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(b) Confinement. All vicious dogs shall be securely confined indoors or in a securely 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 the sides. All structures used to confine vicious 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 pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious 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.

- (c) Confinement Indoors. No vicious dogs 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.
- (d) Signs. All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable (from the nearest public property) using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (e) Identification Photographs. All owners, keepers or harborers of vicious dogs must provide to the Animal Control Officer two color photographs of the animal clearly showing the color and approximate size of the animal.
- (f) Reporting Requirements. All owners, keepers or harborers of vicious dogs must, within ten (10) days of the incident, report the following information in writing to the Animal Control Officer:
  - (1) The removal from the City or death of a vicious dog;
  - (2) The new address of a vicious dog owner should the owner move within the corporate City limits.
- (g) Sale or transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a vicious dog registered with 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 owner of such dog; provided that the owner of a vicious dog may sell or otherwise dispose of such dog to persons who do not reside within the City.
- (i) Failure to comply. It shall be unlawful for the owner, keeper or harbinger of a vicious dog to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be in violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in

the revocation of the license of such animal, and such animal shall then be a disclaimed dog.

Sec 215.290. Butchering Domestic Animals in Residential Areas

It shall be unlawful for any person to butcher or kill for the purpose of butchering, outside and within 100 feet of a residence and domestic animal except confined domestic hares and rabbits, fowl, ducks, geese, turkeys, pheasants and other birds.

ARTICLE VI [PENALTIES]

**Sec. 215.300. Nuisance violation.**

Any person convicted of violating a provision of this Section shall be punished by a fine of not more than five hundred (\$500.00) or by imprisonment in the City Jail for not more than ninety (90) days or by both such fine and imprisonment.