

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMAL REGULATIONS

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§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOGS. All animals of the canine, both male and female.

OWNER or KEEPER. Any person having a right of property in a dog or who keeps or harbors a dog or who has it in his or her care, or acts as its custodian, or who knowingly permits a dog to remain on or about any premises owned or occupied by him or her.

PIT BULL DOG. Any and all of the following dogs:

- (1) The Staffordshire Bull Terrier breed of dogs;
- (2) The American Staffordshire Terrier breed of dogs;
- (3) The American Pit Bull Terrier breed of dogs; and
- (4) Dogs which have the appearance and characteristics of being predominately of the breeds of the dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.

RUNNING AT LARGE. Suffering a dog to be off the private premises of the owner or keeper, or his or her agent or servant, and not on a leash or confined to the arms, motor vehicle, trailer, or other conveyance of the owner or keeper, his or her agent or servant.

SERIOUS PHYSICAL INJURY. Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

TRESPASSER. A person upon the premises of the owner or keeper of the dog in question without license or privilege to be upon said premises.

UNRESTRAINED DOG. Any dog running at large, or a dog on the premises of its owner or keeper but not confined to said premises by a leash, fence, structure, or other means that would prevent the dog from leaving such premises.

VICIOUS DOG. Any of the following dogs:

- (1) Any dog, whether or not running at large, and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person;
 - (2) Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person;
 - (3) Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury;
 - (4) Any dog that has killed another dog, cat, or other domestic animal without provocation;
- and
- (5) Any Pit Bull dog.
- (Prior Code, § 205.010)

§ 90.02 ANIMAL CONTROL OFFICER.

(A) It is hereby established the position of animal control officer. The officer shall be appointed by the Mayor with the consent and approval of the majority of the members of the Board of Aldermen.

(B) The animal control officer will be under the supervision of the Chief of Police of the city. The animal control officer shall be of good character.

(C) It shall be the duty of the animal control officer to enforce all provisions of this chapter which regulates animals in the city.

(Ord. 364, passed 8-5-2006)

§ 90.03 VACCINATION AND TAG.

The owner or keeper of any dog in the city is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from the veterinarian and to present such certificate to the City Clerk on or before May 1 of each year; and the City Clerk shall register such certificate, which registration shall remain in force until April 30 next following said registration; and upon registration, the City Clerk shall issue a tag evidencing the registration and certificate of vaccination, and the owner or keeper shall securely attach the tag so issued to a collar to be worn continuously by the animal for which the tag was issued. It shall be unlawful for the owner or keeper of any dog to permit such animal to remain in the city unless wearing the tag above provided for herein.

(Prior Code, § 205.020) Penalty, see § 90.99

§ 90.04 LICENSING REGULATIONS.

(A) *License tax fees.* Every person who shall own or keep any dog within the city limits, or permit a dog to remain on their premises, shall pay an annual license tax for each dog over the age of three months in the sum of \$6 for altered animals and \$10 for intact animals. For dogs entering the city adopted or born shall be licensed within 30 days of residence or three months of age.

(B) *License tax due when.* The license tax above levied is due by May 10 each year at City Hall. Who, upon delivery of a certificate of a licensed veterinarian that such dog to be licensed has been vaccinated as required by § 90.03 and upon payment of said tax and such other fees as required by ordinance, shall issue a dog license to the owner or keeper of such animal. License tax is considered late as of June 10, thereafter a \$25 late fee will be imposed.

(C) *Tags.* It shall be the duty of the owner or keeper of every dog required to be licensed by this chapter to place around the neck of such dog a collar to which shall be attached the dog license furnished or issued by the City Collector.

(D) *Administration of licenses.* The Board of Aldermen shall each year furnish to the City Collector a sufficient number of dog licenses, to be paid for from the General Revenue Account of the city. Such licenses shall have cast or printed thereon "Otterville", the number of the license tag, and the year of issue. The Board of Aldermen shall require a receipt from the City Collector for such licenses and the City Collector shall account for the same in the same manner and at the time of his or her accounting for the dog license fees. The fees collected shall be deposited in the General Revenue Account of the city.

(E) *Registration book.* The City Collector shall keep a registration book, causing all dogs for which a license is issued, to be registered therein. The registration book shall contain the name and description of the dog, the name and address of the owner, the date of registration, the number of the license issued, and the date of issue and the date said licensed dog was last vaccinated.

(Prior Code, § 205.025) (Ord. 240, passed 3-1-1988; Ord. 320, passed 7-12-2003; Ord. 434, passed 7-13-2015)

§ 90.05 RUNNING AT LARGE PROHIBITED IMPOUNDMENT.

(A) *General regulation.* It shall be unlawful for the owner or keeper of any dog to permit the same to run at large within the city at any time. Any dog found without the tag provided in § 90.03, and any dog found running at large, shall be impounded.

(B) *Impoundment procedure.*

(1) The Chief of Police shall take up and impound every dog found running at large in said city. All dogs impounded shall be kept in the custody of the Chief of Police for a period of not less than five days unless sooner redeemed by their owners. They shall be fed, watered, and shielded from the elements in a manner acceptable to good veterinary practice. At the end of five days, if an unlicensed dog has not been claimed, the Chief of Police is at liberty to dispose of the dog in any of the following ways:

(a) 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;

(b) Releasing the dog to any person expressing a desire for any given dog after the payment of the impoundment fee of \$5 per day, and the procurement of the license required by this chapter before releasing; or

(c) Releasing the dog to an accredited public school within the state which has a recognized research program and whose methods of animal care and use are approved by the city's Board of Aldermen and upon payment of the impoundment fee of \$5 per day.

(2) If a licensed dog is impounded, the Chief of Police shall notify the owner by regular U.S. mail of the impoundment and that if such dog is not redeemed within five days of the date of the notice,

by payment of impoundment fee, such dog will be disposed of in one of the same ways an unlicensed dog may be disposed of.

(Prior Code, § 205.030) (Ord. 240, passed 3-1-1988) Penalty, see § 90.99

§ 90.06 KEEPING OF CERTAIN BREEDS PROHIBITED.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOBERMAN PINSCHER. Includes:

(a) The Doberman Pinscher breed of dog; and

(b) Any dog which has the appearance and characteristics of being predominately of the Doberman Pinscher breed of dog.

PIT BULL DOG. Includes:

(a) Staffordshire Bull Terrier breed of dog;

(b) The American Pit Bull Terrier breed of dog;

(c) The American Staffordshire Terrier breed of dog;

(d) 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; and

(e) Any dog which has the appearance and characteristics of being predominately 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.

ROTTWEILER. Includes:

(a) The Rottweiler breed of dog; and

(b) Any dog which has the appearance and characteristics of being predominately of the breed of Rottweiler.

(B) *Prohibition of keeping certain breeds.* It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the city, any Pit Bull Dog, Doberman Pinscher, or Rottweiler;

provided, that any Pit Bull Dog, Doberman Pinscher, or Rottweiler 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.

(C) *Limitations for dogs currently in the city.* Any Pit Bull Dog, Doberman Pinscher, or Rottweiler residing in the city on the effective date of this section may be kept by the owners within the city subject to the following standards.

(1) The Pit Bull Dog, Doberman Pinscher, or Rottweiler residing in the city on the effective date of this section must be registered with the city animal control officer by the owners within ten days of the effective date of this section and it will be unlawful not to register said dogs in accordance with this section.

(2) No person shall permit a Pit Bull Dog, Doberman Pinscher, or Rottweiler to go outside its enclosure or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a Pit Bull Dog, Doberman Pinscher, or Rottweiler 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, and the like. In addition, all Pit Bull Dogs, Doberman Pinchers, or Rottweiler 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.

(3) A Pit Bull Dog, Doberman Pinscher, or Rottweiler shall be securely confined indoors or in a securely enclosed and locked pen or enclosure, except when leashed and muzzled as above provided. Such pen, enclosure, or structure must have secure sides and secure top attached to the sides. All structures used to confine a Pit Bull Dog, Doberman Pinscher, or Rottweiler must be locked with a key or a 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 feet. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(4) No Pit Bull Dog, Doberman Pinscher, or Rottweiler may be kept on a porch, patio, or in any part of the 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.

(5) All owners, keepers, or harborers of Pit Bull Dogs, Doberman Pinchers, or Rottweilers within the city shall, within ten 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 "Beware of Dog-Pit Bull, or Doberman Pinscher, or Rottweiler" depending upon the breed being kept. In addition, a similar sign is required to be posted on the enclosure or pen of such animal.

(6) All owners, keepers, or harborers of Pit Bull Dogs, Doberman Pinchers, or Rottweiler must, within ten days of the incident, report the following information in writing to the City Clerk, City Marshal, or City Animal Control Officer:

- (a) The removal from the city or death of a Pit Bull Dog, Doberman Pinscher, or Rottweiler;
- (b) The birth of offspring of a Pit Bull Dog, Doberman Pinscher, or Rottweiler; and
- (c) The new address of a Pit Bull Dog, Doberman Pinscher, or Rottweiler owner, should the owner move from one address within the corporate city limits to another address within the corporate city limits.

(7) No person shall sell, barter, or in any other way dispose of a Pit Bull Dog, Doberman Pinscher, or Rottweiler 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 a registered owner of such dog; provided, that the registered owner of a Pit Bull Dog, Doberman Pinscher, or Rottweiler may sell or otherwise dispose of such dog or the offspring of such dog to persons who do not reside within the city.

(8) All offspring born of Pit Bull Dogs, Doberman Pinschers, or Rottweilers registered within the city must be removed from the city within six weeks of the birth of such animal.

(9) It shall be unlawful for the owner, keeper, or harbinger of a Pit Bull Dog, Doberman Pinscher, or Rottweiler registered with the city 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.

(Ord. 366, passed 9-2-2006) Penalty, see § 90.99

§ 90.07 VICIOUS DOGS PROHIBITED; EXCEPTIONS; IMPOUNDMENT.

It shall be unlawful to own, keep, or harbor a vicious dog in the city except in accordance with the following provisions.

(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 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, or buildings. In addition, all vicious dogs on a leash outside its kennel or pen 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 provided above. 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 dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two feet. Also such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(C) *Confinement indoors.* No vicious dog may be kept on a porch, patio, or 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 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 dog.
(Prior Code, § 205.040) (Ord. 240, passed 3-1-1988) Penalty, see § 90.99

§ 90.08 DUTY TO IMPOUND.

(A) It shall be the duty of the Chief of Police, the city police, and any other person of the city, especially designated by the Board of Aldermen and the Mayor for such purpose, to take up any dog without the tag provided in § 90.03, any dog running at large or any vicious dog in violation of § 90.07, and to impound the same.

(B) In effecting the capture of any dog, the officers aforesaid are authorized and directed to use traps, nets, tranquilizer guns, or any other humane method.
(Prior Code, § 205.050) (Ord. 240, passed 3-1-1988)

§ 90.09 COST OF IMPOUNDMENT.

(A) Any officer performing duties under this chapter shall be compensated from the City Treasury as provided from time to time by the Board of Aldermen. Such officer shall account to the city for all sums collected from owners or keepers under this chapter, and pay same into the City Treasury.

(B) Costs of feeding and keeping dogs or cats impounded shall be paid from the City Treasury.
(Prior Code, § 205.060)

§ 90.10 NOTICE OF IMPOUNDMENT.

Every officer impounding a dog under this chapter shall, within 24 hours after such impounding, enter upon a registry open to the public, and in plain public view at the City Hall, a description of such dog including breed, color, and approximate size, and the date apprehended, and if the owner or keeper is known, the name and address of such owner or keeper; or the owner or keeper shall be given actual notice of the impoundment of such dog before disposition of such dog.
(Prior Code, § 205.070)

§ 90.11 IMPOUNDMENT FEES.

Any dog redeemed by the owner within five business days after impoundment, after payment to the City Clerk of the license fee for the current year if said dog is unlicensed, shall pay additional impounding fee to City Hall per dog impounded.

First impoundment	\$50
Second impoundment	\$100
Third impoundment	\$200
Plus \$15 per dog per day of confinement for the cost of boarding	

(Ord. 432, passed 7-13-2015)

§ 90.12 TERM OF IMPOUNDMENT.

It shall be the duty of any officer impounding any dog under this chapter to keep the same impounded for a period of five days, including Sundays and holidays, unless such dog shall be reclaimed by his or her owner or keeper under § 90.11. If, after the expiration of said five-day period from the date of such impoundment, such dog shall not have been reclaimed, the same shall be disposed of or destroyed in a humane manner.

(Prior Code, § 205.090)

§ 90.13 DOGS CREATING A NUISANCE.

Any dog or dogs, whether running at large, tied, or penned on the premises of any person within the city, which by frequent frightening, howling, or yelping shall annoy any neighborhood, are deemed to be a common nuisance and the owner, keeper, or possessor of any such dog or dogs, on being notified to do so by the Chief of Police, shall take proper means to abate such nuisance or dispose of such dog or dogs.

(Prior Code, § 205.095) (Ord. 240, passed 3-1-1988) Penalty, see § 90.99

§ 90.14 ANIMAL NEGLECT.

(A) A person is guilty of animal neglect when he or she has custody or ownership, or both, of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.

(B) Animal neglect is a misdemeanor. 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.

(Prior Code, § 205.100)

§ 90.15 ANIMAL ABUSE.

(A) 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 RSMo. §§ 578.005 to 578.023 and 273.030;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

(B) For purposes of this section, **ANIMAL** shall be defined as a mammal.

(Prior Code, § 205.110)

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 90.16 MANAGEMENT OF CAT POPULATION; PERMITTED ACTS.

(A) **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMUNITY CAT. A cat that is abandoned, stray, lost, or feral and cared for by the community cat caregiver pursuant to this ordinance.

COMMUNITY CAT CAREGIVER. A person who, in accordance with and pursuant to a policy of trap-neuter-return, provides care, including food, shelter, or medical care to a community cat, while not being considered the owner, harborer, controller, or keeper of a community cat.

EARTIPPING. The removal of the one-fourth inch tip of community cats left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to identify the community cat as being sterilized and lawfully vaccinated for rabies.

TRAP-NEUTER-RETURN. The process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning to community cats to their original location.

(B) **Permitted acts.** The following actions shall be permitted in the city in pursuance of a process of trap-neuter-return.

(1) Trapping, for the purpose of sterilizing, vaccinating for rabies, and eartipping community cats, in compliance with the applicable federal or state law and under the supervision of a licensed veterinarian, where applicable.

(2) An eartipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required.

(3) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of the implementation of the process of trap-neuter-return as more particularly provided in the section.
(Ord. 437, passed 8-5-2015)

§ 90.17 LIMITATION ON HORSES AND OTHER FARM ANIMALS.

(A) No horses, cattle, swine, or any other farm animals shall be kept or pastured within the city limits, unless said animals are on farms of more than 25 acres and where animals are housed in structures located more than 500 feet from property lines.

(B) This section shall not prevent the keeping of small animals commonly housed in a dwelling but not on a commercial basis. No more than 12 chickens will be permitted, no rooster will be allowed. Animal dwelling shall be no less than 25 feet from the property line.
(Ord. 433, passed 7-13-2015) Penalty, see § 90.99

§ 90.18 DOG KENNELS.

(A) Any person desiring to maintain or operate a dog kennel within the city shall first obtain a license from the City Collector to do so and pay a kennel license tax of \$35 per annum for three dogs over the age of three months and \$25 per dog for each dog over the age of three months. A **DOG KENNEL**, for purposes of this section, shall be an establishment kept for the purposes of selling, boarding, or training dogs but shall not be for the purpose of breeding dogs which is expressly prohibited under this section. No person shall maintain a dog kennel except pursuant to a license to maintain and keep a dog kennel. No person shall at any time keep, harbor, or own at one location within the city more than three dogs over the age of three months without a kennel license.

(B) All structures, pens, coops, or yards wherein dogs are permitted at a dog kennel shall be maintained in a clean and sanitary condition at all times, devoid of all rodents and vermin and free from offensive, disagreeable, or noxious smell or odor to the injury, annoyance, or inconvenience of any inhabitants in the neighborhood. Any person purchasing a kennel license shall be provided a copy of this section and by purchasing a kennel license hereby consents and agrees to a random inspection of the premises where the kennel is maintained by the Chief of Police or any authorized city official.
(Prior Code, § 205.130) (Ord. 240, passed 3-1-1988; Ord. 321, passed 7-12-2003; Ord. 338, passed 3-5-2005)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Persons convicted of § 90.17 shall be fined not more than \$500 or be imprisoned not more than 90 days, or shall be punished by both such fine and imprisonment.
(Ord. 433, passed 7-13-2015)