

AN ORDINANCE CONCERNING REGULATION OF ANIMALS
IN THE CITY OF GALENA, MISSOURI, AND PRE-
SCRIBING PENALTIES FOR VIOLATION THEREOF.

Chapter 18

ANIMALS*

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ARTICLE I. IN GENERAL

Sec. 18-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control authority means the Mayor or any city police officer designated by the Mayor as such authority. The term "Authority" herein shall refer to the Animal Control Authority.

Animal control officer means any person employed by the animal control authority to enforce this chapter.

Approved vaccine means the vaccine of chick embryo origin.

At large. Every dog, when on any street, alley, park, schoolground or other public place in the city, which is not attached to a leash, the other end of which is securely held by a person, or every dog, when on private property within the city, which is either not attached to a leash the other end of which is securely held by a person and the leash is of sufficient length and the conditions are such that the dog cannot leave the premises, or which is not so confined by a fence or other device so as to prevent its straying from the premises, shall be deemed running at large.

Chick embryo origin vaccine means vaccine which is manufactured using the embryo of the chicken as a growth medium.

Dog means any member of the canine family.

Euthanize means to put to death in a humane manner.

Exposed to rabies means when bitten by, or fought with, or has come in close contact with a dog showing symptoms of rabies.

Impound means to apprehend, catch, trap, net or, if necessary, kill any animal by the animal control authority or its agent.

Impounding facilities means any premises designated by the city for the purpose of impounding and caring for all animals found in violation of this chapter.

Kennel operator means the owner of four or more dogs at least six months of age, whether owned for pleasure or profit, breeding or exhibiting.

Nerve tissue origin means vaccine which is manufactured using tissue of the nervous system as a growth medium.

Owner means any person owning, keeping or harboring a dog.

Registration and vaccination mean the procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate. These words may be interchangeable.

Restraint. A dog is under restraint within the meaning of this chapter if it is controlled by a leash, at heel of a competent person and obedient to that person's commands or within a vehicle being driven or parked on the streets.

Spayed female means any bitch which has undergone a surgical operation to prevent conception.

Tag means any object, regardless of the shape or material, which bears a registration number and the words "registered and vaccinated for rabies," which has been issued by the authority of the department of public health and welfare.

Veterinarian means any veterinarian in the city, holding a current state license.

Sec. 18-2. Minimum fine for certain violations; termination of property rights in animal.

Any person who has violated ^{any} provision of this chapter more than three times in an 18-month period shall be fined a minimum of \$200.00 for the fourth offense and \$400.00 for the fifth offense and each offense thereafter occurring during an 18-month period. Any person who has been found guilty of more than three offenses during an 18-month period shall be required as a condition of releasing any animal impounded by the city to post a bond with the court equal to the minimum penalty for the offense as established by this

section, which bond shall be subject to forfeiture to the city if the person is found guilty of a violation of this chapter. In addition to the fine, such person shall pay for all costs of keeping the animal. All such animals shall be disposed of by the city in accordance with the procedures set forth in section 18-55 if the person charged fails to pay the minimum fine assessed by the court plus the costs of keeping the animal as set forth in this chapter. It is hereby found and declared that any animal involved in a violation of provision of this chapter which is owned, kept or in the custody or control of a person who has been found guilty of three or more offenses is a public nuisance and that the judgment of the court shall include a finding terminating all property rights in the animal if the judgment is not paid. In addition to the minimum fine set forth in this section, the court may, in its discretion, terminate the property rights in an animal involved in a violation of this chapter if the person who owns, keeps or has custody or control of the animal has been found guilty of more than three violations of this chapter in an 18-month period, and upon such a finding the city shall dispose of the animal in accordance with the procedures set forth in section 18-55. The court shall have the power to issue search warrants for the purpose of seizing any animal that has been declared a public nuisance pursuant to this section. Whenever a person has been found guilty of three or more offenses and is charged with an additional offense in an 18-month period involving a violation of provisions of this chapter, the court shall expedite the case and hear the case before all other cases involving a violation of the municipal ordinances of the city. (Code 1981, § 5-19.9)

Sec. 18-3. Impoundment fees.

Fees for the impoundment of animals shall be as established by ordinance from time to time. Until changed by ordinance a pickup fee of \$25.00 for each animal and a fee of \$7.50 for each animal per day for board shall be charged.

Sec. 18-4. Impoundment and disposition of stray cats.

Any owner or person who knows a cat is a stray animal may, upon written and signed request, have the animal control officer take up and impound such animal and dispose of the animal in

the manner described in section 18-55. Such stray cats shall be kept and released in accordance with the standards set forth in section 18-55 and may be disposed of only after the animal has been held 72 hours.

Sec. 18-5. Limitation on number of cats or dogs kept as pets.

(a) *Cats.* No person shall at any time keep, harbor or own as pets more than four cats over the age of six months.

(b) *Dogs.* It shall be unlawful for a family living in a dwelling to keep, maintain, harbor or own more than four dogs over the age of six months on or about the lot, unless a license has been issued by the city to operate a kennel. Any family that has more than four dogs per dwelling may continue to keep the same dogs provided such person or family register with the city clerk in accordance with procedures to be established by the Authority within six months after the passage of this ordinance upon payment of \$5.00 registration fee; provided that the fee shall be \$10.00 per animal if it is not spayed or neutered, with such fee to increase to \$15.00 on and after January 1, 2003, if such animal is not spayed or neutered; provided, further that in no event shall such person or family add to or replace any such dog, and in any event such person or family shall not have the right to keep more than four dogs under this provision, unless it is extended by the board of aldermen, for a period of more than five years. All fees mentioned herein are assessed per animal.

Sec. 18-6. Location of dog pens in relation to other properties.

(a) No person shall keep a dog in any pen on property owned or controlled by him, the exterior boundary of which pen is closer than 25 feet at the nearest point to the dwelling of another, a church, a school or a place of business of another; nor shall any person keep a dog within 25 feet of the dwelling of another, a church, a school or a place of business of another.

(b) For purposes of this section, the word "pen" shall not include completely or substantially enclosed rear or front yards.

Sec. 18-7. Dogs or cats causing nuisances; vicious dogs.

(a) No person shall keep any dog or cat which, by frequent howling, barking, baying or yelping, shall disturb the peace of the neighborhood, nor shall any dog of a vicious nature or disposition be allowed to attack any person or animal or cause annoyance to the neighborhood or persons using the public streets, or chase, worry or molest livestock, other dogs or children, or cause any damage or injury. Any dog exhibiting such tendency shall be confined on chains, tethers or leashes of such length that the dog cannot get off the premises of the owner, or such dog shall be securely confined upon the premises within a pen or other enclosure. Notice of the presence of such dog shall be clearly posted upon the premises where it shall be confined.

(b) Following the filing of charges under this section, upon the affidavit of the city Animal Control Authority or any police officer or any other officer of the city that the dog is a vicious dog and upon the motion of the prosecutor, the judge of the municipal court may order any of the following: that the dog be seized and impounded, that the dog be impounded past the ten-day rabies observation period, or that the dog be impounded during the pendency of charges and not be released while the charges are pending without order of the municipal judge. If the owner requests in writing a hearing regarding the impoundment of the dog, such hearing shall be granted and held within ten days of such request, unless the owner waives such ten day requirement.

(c) If upon violation and conviction of the provisions of this section relating to vicious dogs it shall appear to the judge of the municipal court that it is necessary for the public safety and welfare that the dog concerned be euthanized, the judge shall so order and the animal control officer shall execute the order of the court. The expense

of the impoundment beyond the initial ten-day period set forth in section 18-123 may be charged to the owner in the discretion of the judge.

Sec. 18-8. Placing poison so as to constitute hazard to humans or animals.

No person shall feed or place so as to constitute a direct or obvious hazard to man or animal or shall offer or tempt any dog or pet animal with any liquid, meat or food product which shall:

- (1) Cause prostration, convulsion, pain or suffering as a prelude to death;
- (2) Cause death; or
- (3) Be proven to be toxic or lethal in the amount present to any man or domestic animal by competent medical or veterinary authority.

Sec. 18-9. Cruelty to animals.

(a) No person shall be cruel or inhumane to any dog or cat by beating, torturing, kicking or other physical abuse.

(b) No person shall torture, torment, wound, maim, mutilate or cruelly beat, cruelly overwork, cruelly drive or work when unfit for labor, cruelly kill or cruelly abandon to die any domestic animal; provided that nothing contained in this subsection shall be construed to prohibit or interfere with any scientific experiment or investigation.

(c) No person shall impound or confine, or cause to be impounded or confined, in any pound or other place, any animal or creature, and fail to supply the animal or creature during such confinement with sufficient food and water, or shall unnecessarily fail to provide the animal or creature with proper food, drink, shelter or protection from the weather, or shall carry or cause the animal or creature to be carried or moved on any vehicle or otherwise in an unnecessarily cruel or inhumane manner.

(d) Any person found guilty of a violation prescribed in this section shall, upon conviction thereof, be punished as provided by section 18-130, and each day a violation occurs shall be a separate offense, and each such occurrence shall be a separate offense.

Sec. 18-10. Search and seizure warrants.

(a) The judge of the municipal court, upon application of the city attorney or assistant city attorney and upon a showing that there is probable cause to believe that a violation of section 18-7 or 18-9 exists, and that there is probable cause to believe that evidence of such violation may be found at a specified location, may issue a search and seizure warrant, which shall be served only by an officer with arrest power under the laws of the State of Missouri, or of the city police department. The warrant shall specify that only animals, domesticated or wild, and other living creatures may be seized and shall specify the location of any animals to be seized.

(b) The judge of the municipal court shall upon issuance of a search and seizure warrant under this section order the department of public health and welfare to:

- (1) Use reasonable care to care for and maintain the animals seized pursuant to the authority granted by this section free of charge to their owner for a period of two weeks or upon a disposition of any municipal court proceedings filed under section 18-9, whichever is sooner;
- (2) Return to the municipal court for further instructions concerning the disposition of any animals seized pursuant to the authority granted by this section if the animals have not been returned to their rightful owner at the end of two weeks; and
- (3) Seek the permission of the municipal court before killing or giving up for adoption any animals seized pursuant to the authority granted by this section.

(c) Upon an owner's being found guilty of a violation of section 18-9, the municipal court shall require that the owner pay a reclamation fee of such amount as established by ordinance from time to time, plus any other license fees or immunization costs imposed under this chapter. Failure or refusal to pay such fees shall constitute abandonment of any ownership rights to the seized animal, and the judge shall immediately order the animal's disposal.

(d) The judge of the municipal court, in exercising authority granted in this section relative to the disposition of impounded animals, shall authorize the disposal of all animals pursuant to section 18-26(d); however, in exercising such authority, the municipal judge may authorize the disposal of dogs and cats pursuant to section 18-55.

Sec. 18-11. Use of metal traps.

(a) The use of metal traps is hereby prohibited inside the city, unless such traps are used in accordance with the provisions of this section.

(b) For the purpose of this section, the term "metal trap" is defined as a metal clamping device which is made of metal generally used for the purpose of trapping animals, which device has metal jaws which close upon the animal so as to trap the animal between the jaws of the trap.

(c) Metal traps as defined in this section are permitted only under the following circumstances:

- (1) Metal traps may be used in enclosed areas or fenced areas where the location of the trap is such that no danger is presented to small children or pet animals.
- (2) Metal traps may be used by licensed pest control operators when such operators are using traps in conjunction with their work.
- (3) The use of metal traps shall be permitted by the city, the state and the United States government when used in conjunction with public health control activities.
- (4) Metal traps may be used by citizens if they secure a permit for the use of such traps from the department of public health

and welfare of the city. Such permit shall be issued for a limited time upon a showing that the applicant requesting the use of the metal trap is going to use the trap for the purpose of trapping pests, rodents or other types of animals that are a nuisance or health problem and that the trap will be used under conditions so as to not endanger small children or pet animals. The Animal Control Authority

may condition the issuance of the permit upon the applicant meeting other requirements designed to protect the public health or safety.

Sec. 18-12. Sale of baby chicks, baby rabbits or ducklings at Easter.

(a) *Prohibited.* It shall be unlawful for any person to knowingly sell, offer for sale, barter or give away baby chicks, baby rabbits or ducklings, whether or not dyed, colored or otherwise artificially treated, for the purpose of being used or treated as pets or novelties, during the period beginning three weeks before Easter Sunday and ending one week after Easter Sunday.

(b) *Exception.* This section shall not be construed to prohibit the display or sale of natural chicks, rabbits or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes or domestic purposes.

Sec. 18-13. Possession, display or sale of dangerous snakes or reptiles.

(a) *Prohibited.* It shall be unlawful for any person to keep, possess, display or offer for sale any dangerous or deadly snake or any dangerous or deadly reptile within the city.

(b) *Exception.* This section shall not apply to common carriers transporting snakes or reptiles for hire in the usual course of their business, or to any authorized zoo keeping and possessing them for exhibition purposes. An authorized zoo, for the purposes of this section, shall only be such zoos as are owned and maintained by the city or any department of any state or federal government or

by a nonprofit organization which makes no charge for admission to such zoo, either directly or indirectly.

Sec. 18-14. Keeping of livestock generally—Cattle, horses, sheep and goats.

(a) *Distance from dwellings and other structures.* No person shall keep a cow, bull, mule, jack, horse, goat or sheep in an outdoor enclosure or pasture, the exterior boundary of which is within 200 feet of the dwelling house of another, a church, a school or a place of business of another.

(b) *Limitation on number kept.* No person shall keep more than one cow, bull, jack, horse, goat or sheep or any combination of such animals in an outdoor enclosure or pasture unless such enclosure or pasture shall have an area of 21,780 square feet for each of such animals; provided that this area requirement shall not apply to the keeping of suckling offspring of a cow or mare.

(c) *Animals prohibited on street or sidewalk.* No person shall pasture cattle, mules, jacks, horses, goats or sheep in such manner as to permit them to get upon a sidewalk or in a street.

Sec. 18-15. Same—Keeping of swine.

(a) *Restricted.* No person shall keep or permit the keeping of hogs, swine or pigs on premises owned or controlled by him within the city, except as otherwise provided in this section.

(b) *Keeping permitted.* No hog, swine or pig shall be kept on any tract of land or premises not presently used for such purpose on the date of passage of this ordinance. No hog, swine or pig shall be kept by any person to a greater number than one per each one acre of land owned or controlled by such person. Any hog, swine or pig so kept shall be allowed the freedom of the entire tract of land, and no person within the City of Galena shall keep any hog, swine or pig

in a common pen or sty. No hogs, swine or pigs shall be kept within 300 feet of any inhabited dwelling, house, school, church or business.

(c) *Termination of right to keep.* Any person who shall keep hogs, swine or pigs under the terms of this section and shall, at any time in the future, cease keeping the hogs, swine or pigs, shall thereupon lose the right to keep hogs, swine or pigs within the city.

(d) *Exceptions.* The provisions of this section shall not apply to any lawfully operated stockyard or slaughterhouse.

Sec. 18-16. Keeping of livestock in districts for agricultural uses.

Notwithstanding any other section of this Code to the contrary, hogs, swine, pigs or livestock may be kept on a farm in any area in which agricultural uses are allowed pursuant to law or city ordinance of ten acres or more; provided, however, that hogs, swine, pigs or livestock shall be kept at least 300 feet from any inhabited nonfarm dwelling, school, church, or property used for single-family dwelling purposes, two-family dwelling purposes or multifamily dwelling purposes. The provisions of section 18-14 pertaining to minimum area required for the keeping of livestock shall not apply to any zone in which agricultural uses are allowed pursuant to law or city ordinance, provided the farm is ten acres or more.

Sec. 18-17. Purchase or sale of livestock on streets.

No person shall buy, offer to buy or solicit the sale of any cattle, sheep, swine or other livestock of any description upon any of the streets, street rights-of-way or sidewalks within the city.

Sec. 18-18. Parking of vehicles used for transporting livestock or poultry.

No person shall park or leave standing on any alley, street or public place any vehicle used for

the purpose of transporting or moving livestock or poultry while such vehicle is being used to transport or move livestock or poultry, and no person shall park or leave standing on any alley, street or public place any vehicle which has been used for the purpose of transporting or moving livestock or poultry which shall contain any manure, droppings or waste matter.

Sec. 18-19. Disposition of manure from stables.

Every stable, shed or other building where a horse, cow or other animal is kept shall have, either within or immediately adjoining it, a flyproof, covered, watertight box, bin or other receptacle for receiving and holding manure and litter accumulating between the times of removal from the premises. Such receptacle shall be kept tightly closed at all times, except when being filled or emptied. Such receptacle shall be completely emptied whenever filled, such emptying to take place at least once each week from April 1 to November 1. Such receptacle shall be cleaned and disinfected with a solution of lime or other disinfectant whenever so ordered by the department of public health and welfare.

Sec. 18-20. Cleaning of stable floors.

The floors of the buildings described in section 18-19 shall be cleaned daily and all manure and litter removed and deposited in the receptacle required by such section. Such floors shall be disinfected with a solution of lime or other disinfectant whenever so ordered by the department of public health and welfare.

Sec. 18-21. Yards surrounding stables.

All yards surrounding stables or buildings where animals are housed shall be kept well drained and free from standing water and filth.

Sec. 18-22. Depositing manure; transport of manure.

No manure shall be thrown or deposited in any alley, street or public place or on any vacant lot; provided that the scattering of manure on lawns or gardens for fertilizing purposes shall be permitted if such scattering is not of such a nature as to be a nuisance to the surrounding neighborhood. No manure shall be transported over the streets in such a manner as to permit it to drop out on such streets and no vehicle hauling manure shall stand on any street, except for the purpose of loading or unloading.

Sec. 18-23. Fowl running at large.

No person owning any chickens, guineas, geese, ducks, turkeys or other domestic fowl shall allow or permit the fowl to run at large, except on premises owned or controlled by such person.

Sec. 18-24. Keeping of fowl.

(a) No person shall keep any chicken or other domestic fowl in any pen having an area of less than 144 square feet or the exterior boundary of which is less than 100 feet at the nearest point from the dwelling of another, a church, a school or a place of business of another. If more than 12 chickens or other fowl are kept in a pen, the pen shall have an area equal to 12 square feet for each chicken or other fowl kept in such pen.

(b) No person shall keep 5 or more chickens, chicks or other domestic fowl in a battery located in a building or structure unless the battery is located more than 100 feet at the nearest point from any dwelling of another, church, school or place of business of another. Not more than 24 chickens, chicks or other domestic fowl may be kept in a battery located inside a building or structure if the battery is more than 25 feet from the dwelling of another, a church, a school or a place of business of another. This subsection shall not apply to any lawfully operated hatchery.

(c) All batteries shall be constructed in such manner as to prevent droppings from falling on the ground or floor.

(d) "Fowl" as used in this ordinance shall include any pigeon or pigeons.

Sec. 18-25. Offensive or noxious odors from keeping of animals or fowl.

No person shall keep or allow or permit to be kept on any premises occupied by him, or under his charge or control, any animal or fowl in a pen or other enclosure under such conditions that an offensive or noxious smell or odor shall arise therefrom, to the injury, annoyance or inconvenience of any inhabitant of the neighborhood.

Sec. 18-26. Livestock running at large.

(a) *Prohibited.* It shall be unlawful for any person to permit, suffer or allow any swine, horses, mules, asses, sheep, goats or cattle to run at large within the city, or to herd or pasture such animals in or upon any street, park or other public grounds of the city. No person shall keep any such animals, or herd such animals, on any unenclosed land within the city unless securely tied or tethered so that the animals may not freely run at large therefrom upon the public lands or the lands of others.

(b) *Impoundment authorized.* Whenever any member of the police department shall be notified of or discover any animal running at large or pastured or kept in violation of the provisions of subsection (a) of this section, such officer shall cause such animal to be taken up and impounded, to be kept, returned or disposed of as provided in this section.

(c) *Procedure for impoundment; impounding facilities.* Any animal impounded under the provisions of subsection (b) of this section shall be kept in facilities provided therefor by the city, if such facilities shall be in existence; and unless or until there shall be such facilities, the purchasing agent is hereby authorized to enter into a contract on behalf of the city from time to time, after ample opportunity is given for competitive bidding, for the taking up and for the care and keeping of such impounded animals. If there shall be no such city facilities, all impounded animals shall be kept in the facilities provided under such contract or agreement, and the person providing such facilities shall be deemed the agent of the city for such purposes.

(d) *Release or sale of impounded animals.*

(1) When any animal shall be impounded as provided in this section, it shall be the duty of the person designated by the Authority, or other person in charge of such animal, to release the animal to the owner thereof upon payment to the city of all costs which it incurs as a result of providing care for such animals.

(2) The city will periodically contract with private individuals for the care and custody of horses, mules, asses, cows, hogs, swine, sheep, goats or other animals which it does not have the facilities to keep, by periodically taking bids and placing animals with the lowest responsible bidder. If the owner of an animal seeks to have the animal released, he shall be required to pay to the city a sum of money equivalent to the charges that the city has paid for the care and custody of the animal pursuant to its agreement with the successful bidder.

(3) The party claiming any such animal shall make satisfactory proof that he is entitled to the possession of the animal. If any such animal shall remain in the impounding facilities for five days without having been claimed, the Authority shall cause the sale of the animal to the person making the best offer therefor after ample opportunity for bidding has been given. The Authority shall keep a record of all bids received for all animals, showing the date of the sale thereof and the name of the person purchasing any such animal.

(e) *Turning animal loose for purpose of causing impoundment.* It shall be unlawful for any person to turn or cause to be turned loose any animal for the purpose of causing the animal to be impounded.

(f) *Payment of proceeds of sale to owner of animal.* If any animal shall have been sold under the provisions of subsection (d) of this section and the owner shall thereafter appear and make satisfactory proof of such fact within a period of one year from the date of sale, then the city shall

return to the owner the difference between the cost to the city for the taking up, care and keeping of such animal and the cost of advertisement and any other costs directly related to the sale of such animal, and the price paid for the animal.

Secs. 18-27—18-50. Reserved.

ARTICLE II. DOGS, CATS AND FERRETS*

DIVISION 1. GENERALLY

Sec. 18-51. Vaccination.

(a) *Required.* It shall be unlawful for any person to keep, harbor or own a dog, cat or ferret within the city, until and unless such person has the dog, cat or ferret vaccinated for rabies and secures a rabies vaccination certificate from any veterinarian who holds a current license from the state. Owners of dogs shall also secure a tag of registration vaccination issued from such veterinarian which shall be displayed on the dog for which it was issued. Owners of cats or ferrets shall also secure a tag of registration, however, the tag shall not be required to be displayed on the cat or ferret, provided the owner of the cat or ferret shall be required to retain at all times a copy of the vaccination certificate or the tag.

(b) *Type of vaccine.* The rabies vaccine to be used shall be that approved by a veterinarian licensed by the State of Missouri.

(c) *Dogs, cats and ferrets owned by temporary residents of city.* Any dog, cat or ferret owned by temporary residents of this city may be deemed in compliance with subsection (a) of this section if the dog, cat or ferret holds a valid rabies vaccination certificate issued by any graduate veterinarian.

(d) *Procedures; records.* The owner of a dog, cat or ferret may present his dog, cat or ferret to any veterinarian and, at his own expense, receive a protective dose of approved rabies vaccine. In addition, the owner shall receive one copy of a certificate and a colored tag, both bearing a registration-vaccination number. This tag and certificate only shall be evidence of registration-vaccination and confer the right to keep a dog, cat or ferret in the city. The veterinarian shall keep one copy of the rabies vaccination certificate on file by name. If a registered dog, cat or ferret possessing a registration-vaccination tag shall bite or scratch any person or exhibit clinical symptoms suggestive of rabies, then the city policeman on duty shall have the right to request the veterinarian, and thereupon it shall be the duty of the veterinarian who issued the tag or the rabies vaccination certificate, to deliver to the city the name and address of the owner shown on the veterinarian's copy of the registration-vaccination certificate corresponding with the number found upon the dog or on the registration vaccination certificate for the cat or ferret. No veterinarian shall destroy his copy of the certificate of registration-vaccination until at least one year after the time that the vaccination certified therein shall have expired.

(e) *Time and frequency of vaccination.* The vaccination procedure described in subsection (d) of this section may be carried out at any time of the year. The resulting vaccination shall be valid for the length of time set forth in the compendium.

Sec. 18-52. Tags.

(a) *Attachment to collar or harness on dogs.* The tag issued after registration-vaccination shall be attached to the dog for which it was issued by means of a secure collar or harness. A rabies vaccination certificate issued after registration-vaccination of the cat or ferret shall be kept in the possession of the owner of the animal which certificate shall be presented if requested to the director of public health and welfare.

(b) *Replacement of tags.* If a tag is lost, another tag of the same shape may be obtained from the veterinarian who issued the original, upon presentation of the original certificate and upon payment of a fee not to exceed \$2.00.

(c) *Alteration or use of facsimiles prohibited.* No person shall provide a facsimile or deface or change the tag or rabies vaccination certificate issued in any way which shall make or cause the tag to appear valid for a longer period of time than originally intended.

(d) *Transfer.* A tag or rabies vaccination certificate shall not be transferred from the dog, cat or ferret for which it was issued to any other dog, cat or ferret.

Sec. 18-53. Running at large prohibited; minimum fine.

(a) It shall be unlawful for any person owning, controlling, harboring, possessing, or having the management or care of any dog to permit such dog to run at large.

(b) The minimum fine for violation of this section shall be not less than \$10.00 for each separate violation, which minimum fine shall be the minimum fine levied.

Sec. 18-54. Impoundment of dogs running at large.

Any dog found running at large, regardless of registered vaccination, shall be impounded. A dog running at large is hereby declared to be a public nuisance and it shall be the duty of employees of the department of public health and welfare to abate the nuisance. Employees of the City police department shall have authority to enter upon private property in pursuing a dog which is running at large and they shall have authority to open gates, cross fences and take whatever steps that are necessary to abate the nuisance so as to impound the dog that is running at large, except nothing contained in this section shall be construed to authorize the city employee to enter into a dwelling of a person.

Sec. 18-55. Holding and disposition of impounded dogs.

All dogs impounded shall be kept in the custody of the police department of the city for a period of not less than 72 hours. They shall be fed, watered and shielded from the elements in a manner acceptable to good veterinary practice. During the 72-hour period, the dog may be released by the animal control officer to any person who shall sign an affidavit swearing the dog is his personal property. The animal control officer shall, in addition, issue a summons to the owner for violation of section 18-51(a), 18-52(a) or 18-53, and shall impose a claiming fee as provided for in section 18-3 and shall require that the dog's owner fulfill vaccination procedures before release, or that he carry out vaccination as set forth in section 18-56. At the end of the 72-hour period, if a dog has not been claimed as set out in this section, the animal control officer is at liberty to dispose of the dog in any one of the following ways:

- (1) Humane euthanasia in accordance with regulations promulgated by the director of the state department of agriculture.
- (2) Releasing the dog to any person expressing a desire for any given dog, after payment of an adoption fee as provided for in section 18-3 and completion of the registration-vaccination procedure before release or completion of the procedures set forth in section 18-56.
- (3) 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 Authority, and upon payment of an impounding fee as provided for in section 18-3.
- (4) Releasing the animal to the Southwest Missouri Humane Society at no charge, provided the society agrees to indemnify and hold harmless the city from any and all liabilities that might arise from such transaction.
- (5) Any other method approved by the American Humane Association.

Sec. 18-56. Release of impounded dogs, cats or ferrets that have not been vaccinated and registered.

When any impounded dog, cat or ferret shall be released from the custody of the department of public health and welfare to the original or a new owner and such dog, cat or ferret has not completed a valid registration-vaccination procedure at the time or prior to release, the dog, cat or ferret shall be accompanied with a form to be supplied by the department of public health and welfare, and within seven days after release the dog's, cat's or ferret's owner shall complete the registration-vaccination procedure and shall leave with the vaccinating veterinarian such form to be completed by the veterinarian and returned to the department of public health and welfare.

Sec. 18-57. Refusal to deliver dog, cat or ferret to animal control officer.

No person shall refuse to deliver up to the animal control officer his dog, cat or ferret when requested to do so under the provisions of this chapter.

Sec. 18-58. Exemption for police dogs.

The provisions of this article shall not apply to any federal, state or local law enforcement agency or dog used by or belonging to such agency, provided that such dog shall be vaccinated for rabies as required by this article, and the dog's handler shall have proof of such vaccination in his possession for display as may be required. Also, at any time such dog is off its leash or otherwise at large, it shall be under the control of or in the performance of functions of duties for a law enforcement officer or handler acting on behalf of a law enforcement agency.

Secs. 18-59--18-80. Reserved.

DIVISION 2. DANGEROUS DOGS

Sec. 18-81. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous dog means any dog that:

- (1) Has a known propensity, tendency or disposition to attack when unprovoked upon the streets, sidewalks or any public grounds or places or upon the property of another, or to cause injury or otherwise endanger the safety of human beings or domestic animals, or approaches a person in a menacing fashion or apparent attitude of attack;
- (2) Bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on private or public property; or
- (3) Is owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting, as defined by section 18-87(b).

Department means the city police department, to which all references to department of public health and welfare shall apply.

Director means the Authority, being the Animal Control Authority as defined in Section 18-1, above, to which all references to the director of public health and welfare shall apply.

Dog means any member of the species *Canis familiaris*.

Owner means any person possessing, harboring, keeping or having control or custody of a dog, or a city resident who has a financial interest in any dog.

Person means any individual, partnership, firm, joint stock company, corporation or employee thereof, or other legal entity, unless otherwise stated.

Severe injury means any physical injury which results in broken bones or lacerations requiring either multiple stitches or cosmetic surgery.

Unprovoked means action by the dog not in response to being tormented, abused or assaulted by any person, or if the dog's action was not in response to pain or injury or to protect itself, its kennel or its offspring.

Sec. 18-82. Penalty.

Any person who violates any provision of this division or any regulations promulgated under this division shall be guilty of a misdemeanor punishable in accordance with section 18-130.

Sec. 18-83. Enforcement; search and seizure warrants.

(a) Authorized officers of the City of Galena police and other persons designated by the director, as defined above,

shall be empowered to enforce the provisions of this division or any rule or regulation promulgated under this division.

(b) Persons authorized to enforce the provisions of this division or any rule or regulation promulgated under this division shall have the authority to seek and execute search and seizure warrants as set forth in section 18-10.

Sec. 18-84. Construction of division.

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

Sec. 18-85. Exemptions.

The provisions of this division shall not apply to any federal, state or city law enforcement agency or dog specifically exempted by order of the director, as defined above, pursuant to regulations promulgated pursuant to section 18-94.

Sec. 18-86. Applicability of other animal control regulations.

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

Sec. 18-87. Sale, purchase or breeding prohibited; keeping or sale of dogs used for dogfighting.

(a) No person shall knowingly sell, offer for sale, breed, buy or attempt to buy any dangerous dog within the city. A dog deemed dangerous under provisions of this division shall not be sold or given away without the knowledge and permission of the health authority.

(b) No person shall knowingly own, harbor, sell or offer for sale any dog which is to be used for the purpose of dogfighting or to be trained, tormented, badgered or baited for the purpose of causing or encouraging the dog to attack human beings or domestic animals when not provoked, unless such dog has been exempted by the director pursuant to Section 18-85.

Sec. 18-88. Possession of equipment used in training for dogfighting.

It shall be unlawful for any person within the corporate limits of the city to own, maintain or have in his possession equipment designed for the purpose of training dogs to attack other animals as in dogfighting. This provision shall not be deemed to include those items common to training sporting dogs for the pursuit of wild game or common to the training of guard dogs or standard obedience training.

Sec. 18-89. Determination that dog is dangerous.

Upon receipt of a written complaint by any person in a form approved by the director, as defined above, the director, after reviewing the facts of the complaint, may conduct a hearing to determine if such dog is dangerous.

Such a hearing shall be conducted within 25 days of the receipt of the complaint or seizure of the dog, whichever is later. The director shall provide notice to the owner of the dog either in person or by certified mail, return receipt requested, and to the complainant by regular mail, of the date, time and location of the hearing, and in no event shall the hearing be conducted less than six days after such notice has been mailed to the owner of the dog. At such hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. If the dog has caused severe injury to any person, the director may impound the dog, at the owner's expense, pending the hearing and determination of the complaint. If the director or the impounding agent cannot, with due diligence, locate the owner of a dog that has been seized pursuant to this division, the impounding agent shall cause such dog to be impounded for no fewer than three days. If after no fewer than three days no person appears to claim that he is the dog's owner or is an authorized agent of the owner, the director may cause the dog to be humanely destroyed. If during the time the dog is impounded its owner claims it, the owner shall be served with a notice of hearing as provided for in this section.

Sec. 18-90. Sanctions and orders after dog has been determined dangerous.

Upon conclusion of a hearing as set forth in section 18-89, and upon a determination by the director, as defined above, that the dog is dangerous, the director may order the owner of the dog to comply with one or more of the following, in any combination thereof:

- (1) *Registration.* The director may order the owner of a dangerous dog to register such dog with the department. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and other identifying marks of the dog, the location where the dog is to be kept, if not at the address of the owner, and such other information that the director may require. The application for registration pursuant to this subsection shall be accompanied by a registration fee of

\$25.00. This fee shall not be effective until approved by a vote of the people. Each dog registered pursuant to this subsection shall be assigned an official registration number by the department. Such registration number shall be inscribed on a metal tag which shall be attached to the dog's collar at all times. The tag and a certificate of registration shall be of such form and design and shall contain such information as the director shall prescribe and shall be issued to the owner upon payment of the registration fee and the presentment of sufficient evidence that the owner has complied with all of the orders of the director as prescribed at the determination hearing.

- (2) *Confinement.* The director may order the owner of a dangerous dog to confine the dog at all times either indoors or, if outdoors, in a proper enclosure for a dangerous dog, which shall consist of a securely enclosed and locked pen or structure, suitable to prevent the entry of young children or any part of their bodies, and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and prevent the dog from digging his way out through the bottom. The pen or structure shall also provide the dog with protection from the elements. The owner shall also conspicuously display signs designed with a warning symbol approved by the director which indicates to both children and adults the presence of a dangerous dog, on the pen or structure and on or near the entrances to the residence where the dog is kept. At any time such dog is not on the premises occupied by the owner, then the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person and kept on a leash no longer than six feet with the owner or some other responsible person attending such dog, or confined in a location or facility approved by the director. The operator or owner of such approved location or facility shall be informed by the owner of the status of the

dog as a dangerous dog and any restrictions on the use, movement and boarding of the dog.

- (3) *Liability insurance.* The director may order the owner of a dangerous dog which has caused a severe injury to any person to maintain in full force and effect a liability insurance policy in the amount of \$100,000.00 for coverage against personal injury or death of any person resulting from an attack from such dangerous dog, or to provide such proof of financial responsibility for personal injury or death of any person resulting from an attack from such dangerous dog as the director of public health and welfare shall deem satisfactory and acceptable. Such proof of financial responsibility may include but is not limited to a bond or pledge of property.
- (4) *Spaying or neutering.* The director may order the owner of a dangerous dog to arrange for the alteration of its reproductive capacity through spaying or neutering of such dangerous dog. Such alteration shall be at the owner's expense.
- (5) *Humane destruction.* The director may order the humane destruction of any dog that has been found to have killed or caused severe injury to any person or other domestic animal.

Sec. 18-91. Liability for injury or damage caused by dog owned by minor.

If the owner of a dangerous dog is a minor, the parent or guardian of such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by such dangerous dog.

Sec. 18-92. Seizure and impoundment.

(a) If the owner of a dangerous dog violates any order of the director of public health and welfare as provided at the determination hearing, such dangerous dog may be seized and impounded by the department of public health and welfare upon order of the director. In addition,

any dog shall be immediately seized by the department if the dog bites or attacks a person or another domestic animal at the sufferance of its owner, is engaged in or apparently engaged in a dogfight contest or is approximately near the area in which a contest is being conducted.

(b) If a previously declared dangerous dog has been seized by the department by order of the director or seized pursuant to subsection (a) of this section, or after such dog bites or attacks a person, the director shall conduct a hearing to determine if the dog should be returned to the owner or forfeited. Such hearing shall be conducted no sooner than eight days from the date of seizure and the director shall provide written notice of such hearing either in person or by certified mail, return receipt requested, to the owner of the dog. In no event shall such hearing be conducted within five days after such notice has been mailed to the owner of the dog.

(c) After such hearing has been conducted, the director may either order that the dog be returned to the owner or declare that the dog has been forfeited. In addition, the owner shall be subject to the penalties prescribed in this Code.

Sec. 18-93. Excused behavior.

No dog shall be declared dangerous pursuant to any section of this division if the threat, injury or damage caused by such dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or was tormenting, abusing or assaulting the dog or has in the past been observed or reported to have tormented, abused or assaulted a dog, or was committing or attempting to commit a crime; nor shall any dog be declared dangerous if it was responding to pain or injury, or was protecting itself, its kennel or its offspring.

Sec. 18-94. Authority to prescribe additional regulations.

The director, in his discretion may, when necessary, promulgate such regulations as are necessary to carry out the provisions of this

division and to promote the health, safety and well-being of the public. Such regulations shall be approved by the city council and placed on file with the city clerk.

Secs. 18-95—18-120. Reserved.

ARTICLE III. RABIES CONTROL*

Sec. 18-121. Procedure when person bitten or scratched by animal.

(a) The owner of any animal which, through biting or scratching, breaks or abrades the skin of any person, regardless of the circumstances or whether the animal is vaccinated and registered or not, shall be required to place the animal in a veterinary hospital maintained by a licensed veterinarian for a period of not less than ten days following the evening of the day of the bite for clinical observation based upon the most current medical information. The observation and disposition of other animals involved in biting or scratching any person shall be specified by the department of public health and welfare.

(b) All expenses shall be borne by the owner of the animal. If such animal develops symptoms suggestive of rabies, the department shall determine the necessity of euthanasia or the animal may be allowed to die a natural death. If the animal should die while in confinement for any reason, the head of such animal shall be removed and submitted to any qualified official laboratory. When the director as defined herein determines that an immediate examination of the animal is proper in order to provide for adequate protection of human life or safety, then the animal may be euthanized for purpose of examination before the lapse of ten days. If at the end of the ten-day period the animal is alive and healthy, it may be released to its owner. Only under special circumstances to be specified by the department shall an animal be confined to the owner's or other's premises for the ten day period.

(c) Should it be deemed advisable by the director, as defined above, animals impounded under this section may be kept at the animal shelter for the costs provided for in section 18-3.

(d) All animals under clinical observation for rabies must fulfill all other conditions of this chapter prior to release. At the time of the biting, a summons shall be issued to the owner if in violation of any other parts of this chapter.

Sec. 18-122. Pursuit and impoundment of animals suspected of having bitten or scratched a person.

(a) *Pursuit.* Whenever an animal control officer or police officer of the city shall have reasonable grounds to believe that a person has been bitten or scratched by a dog, cat, rodent or other animal and shall have reasonable grounds to believe any particular dog, cat, rodent or other animal to be guilty of having inflicted the bite or scratch, then such officer shall be authorized to pursue such dog, cat, rodent or other animal onto or into the property of any person whomsoever for the purpose of taking up such animal and impounding the animal, and shall be authorized to enter any place, building or property of another when the officer has reasonable grounds to believe that such dog, cat, rodent or other animal is thereon or therein for the purpose of taking up such animal and impounding the animal; provided, however, no officer shall enter the dwelling place of another without first giving opportunity to the occupant thereof, if he can be found, to deliver such animal. It shall be unlawful for any person to interfere with any officer proceeding in accordance with the provisions of this section.

(b) *Impoundment; notification of owner.* When any such officer shall have so impounded any dog, cat, rodent or other animal, it shall be the duty of the director, as defined above, of the city to immediately notify the owner, if he is known, of such dog, cat, pet rodent or other animal, and it shall be the duty of such owner to comply with the provisions of section 18-121.

(c) *Search and seizure warrant.* Whenever an animal control officer or the police of the city shall have probable cause to believe that an animal has bitten or scratched a person, such officer may, in addition to other remedies provided in this section, request that a warrant be issued to search for and seize such animal pursuant to section 18-10.

Sec. 18-123. Impoundment of suspected rabid animals.

(a) Any animal which exhibits clinical symptoms suggestive of rabies may, at the discretion of the director, after written certification by the department, as defined above, to the owner, be impounded on or off the property of the owner. This animal shall be held for ten days at the city's impounding facilities for clinical observation and, if alive at the termination of this period, may be returned to the owner. As an alternative procedure, the owner may designate any veterinary hospital in the city for a similar ten-day period. All expense shall be borne by the owner.

(b) If such animal shall die during the observation period, regardless of the location, the head shall be removed and submitted to a qualified official laboratory for examination.

Sec. 18-124. Animals exposed to rabies.

Any animal which has been exposed to rabies shall be immediately destroyed or otherwise handled in accordance with procedures prescribed by the state department of health in the latest issue of the Rabies Policy and Procedures Manual, a copy of which is on file with the office of the city clerk. All related costs shall be borne by the owner of the animal involved.

Sec. 18-125. General quarantine of animals.

When the director, as defined above, shall deem it necessary because of the prevalence of rabies among the animal population of the city, county or state, strict quarantine may be placed on any species or breed of animal in any desig-

nated area of the city. This proclamation shall be construed to mean that all dogs, cats or other animals shall be confined in the owner's home or tied up or placed on a leash and under the direct physical control of a person at least 15 years of age. Violation of this regulation shall be a misdemeanor. Any dog, cat or other animal found otherwise during such a quarantine shall be impounded. Dogs or other animals which are impossible to capture shall be shot, if the director as defined above, so designates.

Sec. 18-126. Report of rabies cases by veterinarians.

All veterinarians in the city shall report at once all cases of clinical rabies to the division of veterinary services of the department of public health and welfare.

Sec. 18-127. Animals exhibiting symptoms of diseases other than rabies.

Any dog or other animal which does not possess a valid registration-vaccination tag and which reveals the symptoms of any disease clearly not those of rabies; as determined by the department of city police of Galena, may be subject to disposal as set forth in section 18-55(1) at the earliest possible time by the animal control officer.

Sec. 18-128. Right of entry of director of public health and welfare.

The director, as defined above or his duly appointed representative shall have the right of entry to any property or premises for the purpose of examining and impounding any animal involved in a bite or scratch or exposed to or exhibiting clinical symptoms of rabies; provided, however, if time and circumstances warrant, the director, as defined above, may apply to the municipal court for a search warrant for the purpose of seizing the animal which warrant shall be issued upon a showing that a person has been bitten or scratched by an animal and there is

probable cause to believe that the animal is being harbored at the location specified in the search warrant.

Sec. 18-129. Exemption for police dogs.

The provisions of sections 18-121, 18-122, 18-125 and 18-127 shall not apply to any federal, state or local law enforcement agency or dog used by or belonging to such agency if such a dog bites a person, provided that the law enforcement agency has and follows established alternative procedures for such an event, and such procedures have been approved by the director, as defined above, as providing an appropriate level of protection to the public. Any dog bites of a person by such a dog, other than those occurring in the course of any law enforcement agency training involving the dog, shall be reported as soon as possible by the law enforcement agency using or owning the dog to the director of public health and welfare or his designee.

Sec. 18-130. Penalties.

If not otherwise specified, any person who commits a violation of any provision of this ordinance shall be punishable by a fine not less than \$10.00 and not to exceed \$500.00, or incarceration for not to exceed ninety days, or by both such fine and incarceration. Each day that a violation is permitted to occur shall be deemed a separate violation.

This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this 3rd day of September, 2002, with the following aldermen voting "Aye:"

Karl Patton, Terry Johnson and Hazel Thomas

and the following aldermen voting "Nay:"

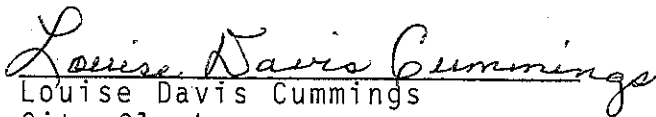
None

THE CITY OF GALENA, MISSOURI

By: 

Mary Viszneki Mayor

ATTEST:


Louise Davis Cummings
City Clerk

18:19