

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 172-11

**AN ORDINANCE**

amending Chapter 5 of the City Code relating to animals and fowl; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 5 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 5-1. Definitions.

The following words and terms, as used in this chapter, shall be deemed to have the following meanings:

Dangerous exotic animal includes the following exotic animals:

- (1) Lions, tigers, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, jaguarundis, bears, hyenas, wolves and coyotes.
- (2) Deadly, dangerous or venomous reptiles and venomous arthropods.
- (3) All nonhuman primates.
- (4) Any other exotic animal declared by the director to be dangerous.

Department means the department of public health and human services except where the context clearly indicates otherwise.

Director means the director of public health and human services.

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*Exotic animal* includes the following:

- (1) Any mammal not generally accustomed to live in or near human populations.
- (2) Any mammal not considered to be a member of the class generally referred to as domesticated animals.
- (3) ~~Poisonous~~ Venomous reptiles and ~~poisonous~~ venomous arthropods.
- (4) All nonhuman primates.
- (5) All animals listed on the endangered species list as designated by the U.S. Department of Interior in the Endangered Species Act of 1969.
- (6) All animals protected from hunting and capture by federal and state law.
- (7) All predatory birds.

*Feral cat* means any cat of any breed that is or becomes undomesticated, untamed, wild or is not a pet.

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Sec. 5-2. Animal habitats to be clean, sanitary; inspections authorized.

All structures, pens, coops or yards wherein animals or fowl are kept or permitted to be, 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 person ~~inhabitant of the neighborhood~~. The interior walls of all such structures shall be whitewashed or painted annually or oftener as the health officer shall direct. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The health officer may at any time inspect, or cause to be inspected, any structure or premises and issue any such order as may be necessary to carry out the provisions of this section.

Sec. 5-3. Disposition of animals biting or attacking persons.

(a) Except as provided in subsections (b), (c) and (d), any dog or cat which bites, injures or attacks any person shall be immediately impounded for a period of ten (10) days. The animal shall be impounded in Boone County, Missouri by the animal's owner with a veterinarian of the owner's choice or with a veterinarian in another location approved by the ~~director of public health~~ or the director's designee. It shall be unlawful for the animal's owner to refuse to so impound the animal. If the animal's owner does not impound the animal, the animal control officer is authorized to impound the animal in the city pound. If, within the period of ten (10) days, the animal does not develop or manifest rabies, it may be

redeemed by the owner upon the payment of the boarding fee and impoundment fee provided for in section 5-5 if the animal is in the custody of the city, or the payment of usual and customary fees if the animal has been in the custody of a veterinarian of the owner's choice. If the animal is not redeemed at the end of the ten-day period, it shall be humanely disposed of, as provided for in this chapter. If the animal develops signs of rabies, the animal control officer shall have the animal examined by a licensed veterinarian. Any other warm-blooded animal ~~which that is suspected of having rabies or that~~ bites, injures or attacks any person may, upon the order of the ~~director-municipal judge~~, be impounded and humanely euthanized, and the brain or other structures may be submitted for rabies diagnosis subject to the provisions of article VII.

(b) Any trained dog maintained and utilized by the Columbia Police Department as a police dog which has been vaccinated against rabies as required by this Code and which while under the control or direction of the Columbia police bites or attacks any person shall be examined, impounded or tested as the ~~director of public health~~ deems appropriate.

(c) If any dog or cat that has been vaccinated against rabies as required by this chapter bites a veterinarian while the veterinarian is examining or treating the animal, the animal shall be examined, impounded and tested only to the extent the veterinarian deems appropriate.

(d) In lieu of the impoundment requirements of subsection (a), a dog or cat that bites, injures, or attacks any person may, at the discretion of an animal control officer, be impounded at its owner's place of residence, if all of the following requirements are met:

- (1) The animal has been vaccinated against rabies, as required by this chapter;
- (2) The animal was properly licensed by the city at the time of the incident;
- (3) Neither the animal nor any other animal kept at the owner's residence has a history of running at large;
- (4) The animal does not have a history of causing injury to any person or animal;
- (5) The animal's owner authorizes animal control officers to monitor the animal's condition for ten (10) days; ~~and~~
- (6) The animal's owner agrees to have the animal examined by a veterinarian on the tenth day of impoundment; and;
- (7) No one is being charged with a violation of section 5-57 involving the animal to be impounded.

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Sec. 5-5. Redemption; microchipping; neutering; payment of fees; disposition of unredeemed animals.

(a) The owner of any animal impounded for running at large that is not a dangerous exotic animal or a dangerous or aggressive animal may redeem the animal upon proof of ownership satisfactory to the animal control officer and upon paying a boarding fee of fifteen dollars (\$15.00) for each day or part of day the animal has been impounded and an impoundment fee of twenty-five dollars (\$25.00) for each impoundment. If the animal is a domestic dog or cat that has not been implanted with a readable identifying microchip, the animal shall be implanted with an identifying microchip before being released. The owner shall pay a microchip implantation fee of ten dollars (\$10.00) plus the cost of the microchip before the dog or cat is released. If the animal has previously been implanted with a microchip, the owner shall notify the department and any applicable national registry of any change in address or telephone number. Intact dogs and cats impounded for the third time shall be spayed or neutered before being released, with the following exceptions:

- (1) Dogs being used by law enforcement agencies for law enforcement activities or such dogs designated as breeding stock by an appropriate agency or organization approved by the director,
- (2) Dogs that have been appropriately trained and are being used as service dogs such as a guide dog, hearing dog, assistance dog, seizure alert dog or social/therapy dog or such dogs designated as breeding stock by an appropriate agency or organization approved by the director,
- (3) Dogs that have been appropriately trained and are being used by search and rescue agencies for search and rescue activities or such dogs designated as breeding stock by an appropriate agency or organization approved by the director,
- (4) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed or neutered,
- (5) Dogs that have been appropriately trained and are being used for herding of other animals or as livestock guardian dogs, or such dogs designated as breeding stock by an appropriate agency or organization approved by the director,
- (6) Dogs or cats boarded in a licensed kennel or licensed business which boards such animals for professional training or resale,

The owner shall pay a spay or neuter fee of seventy-five dollars (\$75.00) before the dog or cat is released.

(b) In addition to paying the fees prescribed in subsection (a), if the animal is a domestic dog or cat, the owner may redeem the animal only upon proof satisfactory to the animal control officer that the animal has been vaccinated for rabies by a licensed veterinarian with a vaccine that will be effective during the full term for which the animal license is issued. If the owner cannot present satisfactory proof that the animal was vaccinated, the animal control officer shall not release the animal unless the officer is satisfied that the animal will be properly vaccinated.

(c) Subject to the provisions of article VII, at At the end of five (5) days, except as otherwise herein provided, if an animal impounded for running at large that is not a dangerous exotic animal or a dangerous or aggressive animal has not been redeemed, the animal control officer may dispose of the animal in any one (1) of the following ways:

- (1) Release of the animal to the local humane society at no charge.
- (2) Humane destruction of the animal in a manner approved by the director ~~of public health~~.
- (3) Release of the animal to any responsible person ~~over seventeen (17)~~ eighteen (18) or older who expresses a desire for any given animal after payment of the prescribed impoundment fees and completion of the ~~licensing-vaccination procedure before release~~ procedures.
- (4) Release of the animal to an accredited school, college or university within the state which has a recognized research program and whose methods of animal care and use are approved by the director ~~of public health~~, upon payment of outstanding fees.

(d) All fees collected by the animal control officer shall be paid over to the director of finance.

(e) The director ~~of public health~~ may waive all or a portion of the boarding fee and impoundment fee if the director determines that the animal is not vicious and that the owner of the animal is unable to pay the fees.

Sec. 5-6. Animal abuse; unlawful impoundment; unlawful confinement.

- (a) *Unlawful acts.* It shall be unlawful for any person to:
- (1) Cruelly overwork any domestic animal;
  - (2) Cruelly work any domestic animal that is unfit for labor;
  - (3) Abandon any domestic animal to die;

- (4) Beat, ill-treat, torment or cause injury or unnecessary pain to any animal; ~~or~~
- (5) Carry or cause to be carried any animal in or on any vehicle in a cruel or inhumane manner; ~~or~~
- (6) Tether an animal as the primary method of restraining an animal to any property;
- (7) Tether an animal using a choke collar;
- (8) Tether an animal without using a properly fitted collar or harness made of nylon or leather; or
- (9) Tether an animal without using a tether of appropriate length and weight for free animal movement that includes swivels at both ends.

(b) *Unlawful impoundment.* It shall be unlawful for any person to impound or confine any animal or cause any animal to be impounded or confined without supplying the following:

- (1) A structurally sound, properly ventilated, sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal. The shelter must be free of litter and hazardous substances and objects and must have access to shade from direct sunlight and must allow regress from exposure to inclement weather conditions;
- (2) Wholesome food suitable for the species which is provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in the animal considering its age and condition;
- (3) Constant access or access at suitable intervals to a supply of clean, potable, unfrozen water, provided in a sanitary manner and in sufficient amounts for the animal to maintain good health; and
- (4) Normal and prudent attention to the needs of the animal, including all necessary immunizations, sufficient exercise and rest to maintain good health and the provision to each sick or injured animal of the necessary veterinary care or humane death.

(c) *Unlawful confinement in vehicle.* It shall be unlawful for any person to confine any animal or cause any animal to be confined in a vehicle under weather conditions that endanger the health of the animal.

(d) *Defenses.* Nothing in this section shall be construed to prevent persons from taking whatever action is necessary to defend themselves, other individuals or animals when endangered by an animal attack. Nothing in this section shall be construed to prevent any person from performing any act permitted by section 578.007 RSMo or by any other Missouri or federal law.

(e) *Removal of animals; impoundment.* Each animal control officer ~~and authorized agent of the Central Missouri Humane Society~~ may ~~recommend to the director of public health that an animal be removed~~ an animal from a private owner and placed it in the custody of the department ~~director of public health in cases where~~ when the health or safety of the animal is in immediate danger or when ~~where~~ the animal shows evidence of neglect or abuse. ~~The department director, upon determining that an animal is in immediate danger or shows evidence of neglect or abuse, may authorize the animal control officer or Humane Society agent to remove such animal, for the protection of the animal, and may retain custody of such animal until the threat to the health or safety of the animal, in the opinion of the director, has been removed.~~ Except for exigent circumstances, if the owner of an animal that is neglected, abused or in danger does not consent to removal of the animal or if the owner of the property on which the animal is located does not consent to entry onto the property, the animal control officer ~~or Humane Society agent~~ shall enter the property and remove the animal only pursuant to a warrant issued by a judge. Any expense incurred in the impoundment of an animal under this section becomes a lien on the animal impounded and must be discharged before the animal is released from the custody of the director. Fees for dogs, cats and other small animals shall be consistent with section 5-5 of this article. In the case of large animals, private livestock haulers, stables, and other services may be used. The actual cost of the city for these services shall be charged in lieu of the costs set forth in section 5-5. ~~The director of public health may delegate the authority conferred on the director by this subsection.~~ An impounded animal may be humanely euthanized if a licensed veterinarian determines that the animal is diseased or disabled beyond recovery.

(f) *Disposal of unredeemed animals.* Subject to the provisions of article VII, when ~~When~~ the impounded animal is not claimed by its owner and all impoundment costs satisfied within five (5) days from the date of impoundment, the animal may be sold or transferred ~~at public or private sale for fair consideration~~ to a person capable of providing care consistent with this section. The proceeds of the sale shall be applied ~~first to discharge the lien, and any balance shall be paid to the owner.~~ If no purchaser is found, the animal may be disposed of in a manner consistent with section 5-5 of this article.

(g) *Interfering with enforcing authority.* It shall be unlawful for any person to interfere with the director or the director's authorized representative in the performance of the duties set forth in this section.

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Sec. 5-9. ~~Reserved~~ Dangerous exotic animals.

(a) No person shall keep, harbor, own or knowingly allow to be in or upon the person's premises any dangerous exotic animal. The provisions of this section shall not apply to a properly maintained and licensed zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital.

(b) Any animal that is determined by an animal control officer to be a dangerous exotic animal shall be immediately impounded. Except for exigent circumstances, if the owner of the dangerous exotic animal does not consent to removal of the animal or if the owner of the property on which the animal is located does not consent to entry onto the property, the animal control officer shall enter the property and remove the animal only pursuant to a warrant issued by a judge. The dangerous exotic animal shall remain impounded until:

- (1) The director determines that the animal is not an exotic dangerous animal; or
- (2) The owner satisfies an animal control officer that the animal will be kept in a lawful manner; or
- (3) The owner relinquishes ownership of the animal and the animal is either humanely destroyed or placed with a person who shall keep the animal in a lawful manner; or
- (4) A person charged with a violation of this section has been found not guilty and the judge orders the animal released; or
- (5) A court determines that the animal is not a dangerous exotic animal.

(c) The owner of the dangerous exotic animal shall pay the boarding fee and impoundment fee provided for in section 5-5 plus any additional cost incurred by the city in feeding and caring for the animal. The owner shall be billed periodically by the city for such fees and expenses. If the owner fails to pay such a bill within ten (10) days after it was mailed, ownership of the animal shall be deemed relinquished and, after the procedures of this section have been followed, the animal may either be humanely destroyed or placed with a person who shall keep the animal in a lawful manner. Bills for fees and costs under this section shall notify the animal owner that if the bill is not paid within ten (10) days, the animal will be destroyed or placed with some person who shall keep the animal in a lawful manner. The bill shall also state that the animal owner may meet with the director or the director's designee to dispute whether the animal is a dangerous exotic animal or the amount of the bill before the animal is destroyed or placed with another person. If the animal owner wishes to meet, the owner must request a meeting in writing. The request must be delivered to the director at the address given for this purpose on the bill. The request must be delivered before the deadline for disposition of the animal indicated on the bill.

Sec. 5-10. ~~Sale of e~~Exotic animals prohibited restrictions.

(a) No person shall sell, or offer for sale, within the limits of the city, any exotic animal, as defined in section 5-1 of this chapter.

(b) No person shall allow an exotic animal to be in any public place. This subsection shall not apply to:

- (1) Animals owned by and properly confined in a properly maintained and licensed zoological park.
- (2) Animals owned by a circus that are properly confined or under the control of an animal trainer or handler.
- (3) Animals confined in a scientific or educational institution, research laboratory or veterinary hospital.

(c) No person shall keep, harbor, own or allow on the person's premises any exotic animal unless the animal is not a dangerous exotic animal and is registered with and permitted by the director. The registration shall contain the name and contact information of the person registering the exotic animal. The director may place reasonable conditions on approval of an exotic animal permit. The permit shall be in effect for one (1) year from the date it is issued. The director may deny or revoke a permit if the permit applicant or holder has violated any provision of this chapter or any condition of an exotic animal permit. The applicant or permit holder is entitled to a hearing under article VII to contest the denial or revocation.

Sec. 5-11. Sale of reptiles.

(a) It shall be unlawful for any person to sell a reptile to any person under the age of eighteen (18) unless the purchaser is accompanied by a parent or legal guardian of the purchaser.

(b) It shall be unlawful for any pet store owner or employee to sell a reptile unless the seller gives the purchaser written information provided by the health director describing the human health and safety risks associated with reptile ownership. The seller shall require the purchaser to sign a statement acknowledging receipt of such information. The seller shall retain the statement for at least one (1) year from the date of sale.

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Sec. 5-14. Avian nuisances—Abatement by ~~health~~-director or designee.

Whenever the ~~health~~-director becomes aware that birds, not otherwise protected, regulated or controlled by federal or state law, rule or regulation, are congregating or flocking together in such numbers as to cause a health hazard or are interfering with the peace, quiet, comfort or repose of the inhabitants of the city, ~~he~~-the director may take whatever steps are necessary to remove or disperse the congregation or flock.

Sec. 5-15. Same—~~Health~~-Director may delegate certain powers.

(a) In order to remove or disperse congregations or flocks of birds constituting a nuisance as defined by ordinance, the ~~health~~-director may delegate the implementation of ~~his~~-a dispersal plan to any responsible citizen or citizens in the affected neighborhood by permit specifying the name of the permittee, date of issuance, date of expiration and details of the plan so delegated.

(b) This section shall not be construed to empower the ~~health~~-director to authorize any private citizen to discharge any firearm or to use any device which launches a projectile of any type.

Sec. 5-16. Penalties for chapter violations.

Any person violating, neglecting or refusing to comply with any regulation, requirement or provision of this chapter, where no penalty is otherwise provided, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than ~~five hundred dollars (\$500.00)~~-one thousand dollars (\$1,000.00); or by imprisonment in the city jail for a period of time not to exceed thirty (30) days; or by both such fine and imprisonment.

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Sec. 5-28. Appointment of deputy license administrators for collection of animal license tax.

Each licensed veterinarian engaged in such practice within the city shall, upon application to the business license administrator, be appointed by the business license administrator as a deputy business license administrator for the sole purpose of collecting the animal license tax and, issuing a certificate and metallic tag, to be supplied by the business license administrator, evidencing payment of such tax. The deputies may charge a fee for providing this service. Such deputies shall be accountable to the business license administrator for such metallic tags and certificates received, and all license taxes collected. It shall be a misdemeanor for any deputy business license administrator to fail to pay over to the business license administrator the license tax herein provided to be paid to such business license administrator. In addition to penalties provided by law for

misdemeanor, the business license administrator may revoke such deputy's appointment and remove him from office.

Sec. 5-29. ~~Dangerous exotic animals~~ Reserved.

(a) ~~No person shall keep, harbor, own or knowingly allow to be in or upon the person's premises any dangerous exotic animal including any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote, any deadly, dangerous or venomous reptile or any other exotic animal declared by the director of public health to be dangerous. Provided, that the provisions of this section shall not apply to a properly maintained and licensed zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital.~~

(b) ~~Any animal that is determined by an animal control officer to be a dangerous exotic animal shall be immediately impounded. Except for exigent circumstances, if the owner of the dangerous exotic animal does not consent to removal of the animal or if the owner of the property on which the animal is located does not consent to entry onto the property, the animal control officer shall enter the property and remove the animal only pursuant to a warrant issued by a judge. The dangerous exotic animal shall remain impounded until:~~

- ~~(1) The director of public health determines that the animal is not an exotic dangerous animal; or~~
- ~~(2) The owner satisfies an animal control officer that the animal will be kept in a lawful manner; or~~
- ~~(3) The owner relinquishes ownership of the animal and the animal is either humanely destroyed or placed with a person who shall keep the animal in a lawful manner; or~~
- ~~(4) A person charged with a violation of this section has been found not guilty and the judge orders the animal released; or~~
- ~~(5) A court determines that the animal is not a dangerous exotic animal.~~

(c) ~~The owner of the dangerous exotic animal shall pay the boarding fee and impoundment fee provided for in section 5-5 plus any additional cost incurred by the city in feeding and caring for the animal. The owner shall be billed periodically by the city for such fees and expenses. If the owner fails to pay such a bill within ten (10) days after it was mailed, ownership of the animal shall be deemed relinquished and, after the procedures of this section have been followed, the animal may either be humanely destroyed or placed with a person who shall keep the animal in a lawful manner. Bills for fees and costs under this section shall notify the animal owner that if the bill is not paid within ten (10) days, the animal will be destroyed or placed with some person who shall keep the animal in a lawful~~

manner. The bill shall also state that the animal owner may meet with the director of public health or the director's designee to dispute whether the animal is a dangerous exotic animal or the amount of the bill before the animal is destroyed or placed with another person. If the animal owner wishes to meet, the owner must request a meeting in writing. The request must be delivered to the director of public health at the address given for this purpose on the bill. The request must be delivered before the deadline for disposition of the animal indicated on the bill.

Sec. 5-30. Ferrets.

(a) It shall be unlawful for any person to own, or allow to remain on the person's premises, any ferret over four (4) months of age unless the ferret has received a rabies vaccination by a licensed veterinarian within the past twelve (12) months and the person exhibits proof of such vaccination upon the demand of an animal control officer.

(b) The provisions of section 5-3 pertaining to dogs shall apply to any ferret that bites, injures or attacks any person.

(c) The licensing provisions of article III shall apply to ferrets.

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Sec. 5-57. Dangerous or aggressive animals.

(a) No person shall own, keep, harbor or allow to be in or upon his premises any dangerous or aggressive animal unless it is confined in accordance with the provisions of this section. An animal is dangerous or aggressive:

- (1) If it bites or otherwise injures any person or domestic animal or pet, or
- (2) If it habitually snaps at, growls or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet, or
- (3) If it causes any person to have a reasonable fear of immediate serious physical injury.

Any trained dog maintained and utilized by the Columbia Police Department as a police dog shall not be considered a dangerous or aggressive animal so long as it is maintained and utilized by the Columbia Police Department as a police dog.

(b) Dangerous or aggressive animals shall be securely confined indoors or in a securely enclosed and locked kennel or cage. The kennel or cage shall be of a size appropriate to the size of the animal kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply.

The kennel or cage must have secure sides and a secure top attached to the sides. Such kennel or cage must have a secure bottom or floor attached to the sides or the sides must be embedded in the ground. The kennel or cage must be locked with a key or combination lock when such animals are within the structure. Any such kennel or cage must be located at least ten (10) feet from any property line and must comply with all zoning and building regulations of the city. Kennels for dangerous or aggressive dogs must be at least six (6) feet in height and, unless a secure bottom or floor is attached to the sides, the sides must be embedded in the ground no less than two (2) feet.

(c) When confined indoors, no dangerous or aggressive animal may be kept on a porch, patio or in any part of a house, building or structure that would allow the animal to exit such building on its own volition. No such animal may be kept in a house, building or structure when the windows are open. No dangerous or aggressive dog may be kept in a house, building or structure when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) No person shall permit a dangerous or aggressive animal to go outside its kennel, cage or secure structure unless that person has the animal securely leashed on a leash no longer than four (4) feet in length and that person has physical control of the leash. Such animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Additionally, all such animals on a leash outside the animal's kennel, cage or secure structure must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(e) A sign or signs shall be conspicuously posted upon the kennel or cage of any dangerous or aggressive animal with letters at least two (2) inches high containing a warning to beware of the dangerous or aggressive animal.

(f) Any dangerous or aggressive animal that is not confined in accordance with this section may be impounded by an animal control officer. Except for exigent circumstances, if the owner of a dangerous or aggressive animal does not consent to removal of the animal or if the owner of the property on which the animal is located does not consent to entry onto the property, the animal control officer shall enter the property and remove the animal only pursuant to a warrant issued by a judge. The dangerous or aggressive animal shall remain impounded until:

- (1) The owner satisfies an animal control officer that the animal will be confined in accordance with this section; or
- (2) The owner relinquishes ownership of the animal and the animal is either destroyed or placed with a person who will keep the animal in a lawful manner; or
- (3) A person charged with a violation of this section has been found not guilty and the judge orders the animal released; or

(4) A court determines that the animal is not a dangerous or aggressive animal or that the animal has been confined in accordance with the requirements of this chapter.

(g) The owner of the dangerous or aggressive animal shall pay the boarding fee and impoundment fee provided for in section 5-5 plus any additional cost incurred by the city in feeding and caring for the animal. The owner shall be billed periodically by the city for such fees and expenses. If the owner fails to pay such a bill within ten (10) days after it was mailed, ownership of the animal shall be deemed relinquished and, after the procedures of this section have been followed, the animal may either be humanely destroyed or placed with a person who shall keep the animal in a lawful manner. Bills for fees and costs under this section shall notify the animal owner that if the bill is not paid within ten (10) days, the animal will be destroyed or placed with some person who shall keep the animal in a lawful manner. The bill shall also state that the animal owner may meet with the ~~director of public health~~ or the director's designee to dispute whether the animal is a dangerous or aggressive animal or the amount of the bill before the animal is destroyed or placed with another person. If the animal owner wishes to meet, the owner must request a meeting in writing. The request must be delivered to the ~~director of public health~~ at the address given for this purpose on the bill. The request must be delivered before the deadline for disposition of the animal indicated on the bill.

(h) All dangerous or aggressive animals shall be photographed and implanted with an identifying microchip at the owner's expense in accordance with rules established by the ~~director of health services~~. All dangerous or aggressive animals shall be spayed or neutered at the owner's expense.

(i) No person shall own, keep or harbor any dangerous or aggressive animal without a current annual dangerous or aggressive animal registration issued by the department of health. The annual fee for a dangerous or aggressive animal registration shall be two hundred seventy-five dollars (\$275.00). A prorated portion of the fee shall be refunded if the dangerous or aggressive animal dies or has been permanently moved outside the city limits.

(j) Upon conviction of any person of a violation of this section, the municipal judge may, in addition to the usual judgment upon conviction, order the animal control officer to forthwith take up and put to death such dangerous or aggressive animal.

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#### Sec. 5-60. Limitation upon number of dogs and cats kept.

No person shall, at any time, keep, harbor or own, at one location within the city, more than a total of four (4) dogs or cats over the age of six (6) months. This provision shall not apply to a lawfully operated commercial kennel, a kennel maintained in connection with

a small animal hospital, ~~or the city pound~~ or persons in their role as registered caretakers of feral cats.

Sec. 5-61. Vaccination of domestic dogs and cats—Required.

No person shall own, keep, harbor or permit to be or remain on or about his premises any dog or cat which, if over three (3) months of age, has not been vaccinated by a licensed veterinarian with a vaccine approved and listed in the current rabies compendium which will, in the opinion of the ~~director of public health~~, be effective during the full term for which such license is issued.

Sec. 5-62. Same—Evidence prior to license issuance.

Prior to issuing a license tax certificate and license tag, the deputy business license administrator shall require the owner to present satisfactory evidence that the animal has been vaccinated for rabies and that such vaccination, if any, will be effective during the full term for which such animal license is issued. If the owner cannot present such satisfactory evidence of such vaccination, the deputy shall, before issuing a license certificate, cause the animal to be vaccinated for rabies at the expense of the owner with a type of vaccine approved by the ~~director of public health~~. In evidence of such vaccination, the deputy shall issue to the owner an appropriate certificate of such vaccination bearing the date of vaccination, vaccination certificate number, and the name and address of the veterinarian.

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Sec. 5-81. Keeping within city restricted.

(a) No person shall keep livestock in an outdoor enclosure, outbuilding or pasture, the exterior boundary of which is within one hundred (100) feet of the dwelling house of another, or a church, school or place of business, without the consent in writing of the occupant of such dwelling house, trustees of such church or school, or owner of such place of business.

(b) No person shall keep livestock in an outdoor enclosure, outbuilding or pasture, unless such enclosure, outbuilding or pasture shall have an area of one-half acre for each of such animals and fowl; provided, that this area requirement shall not apply to the keeping of suckling offspring of a cow or mare.

(c) The provisions of this section shall not apply to any lawfully operated stockyard, slaughterhouse, or any university or college.

(d) No person shall keep more than four (4) weaned rabbits on any parcel of land less than one acre.

(e) Upon proper application, the director, in the director's discretion, may approve a variance from or a waiver to compliance with this section. The director may impose terms or conditions in association with the grant of a variance or waiver. Any act or conduct that is not in compliance with the terms and conditions of the variance or waiver shall be deemed a violation of this section.

...

Sec. 5-84. Same—Impoundment of unconfined livestock; costs.

...

(b) *Sale of unclaimed, unpaid-for livestock.* In the event that impounded livestock is not claimed or charges associated with the impoundment of livestock are not paid within fifteen (15) days, the director ~~of health services~~ may direct that the livestock be sold at public auction, which shall occur no sooner than ten (10) days after notice of the time, date and place of sale, and a description of the livestock and location of capture has been posted in at least five (5) public places in the city. In case no bidders appear at such sale, the director ~~of health services~~ may sell the livestock at private sale, securing the best possible price. From the proceeds of any sale held hereunder, the director shall first deduct ~~his~~ the director's charges or expenses and pay ~~his~~ the director's charges or expenses, and pay the balance into the city treasury, and such sums shall become a part of the general revenue fund. If at any time prior to the sale, the owner of such livestock shall exhibit satisfactory proof of ~~his~~ the owner's ownership, ~~he~~ the owner shall be entitled to redeem the livestock upon the payment of all fees and expenses. If, within six (6) months after the sale of the livestock, as above provided, the owner of any such livestock so sold shall exhibit to the council satisfactory proof of ~~his~~ the owner's ownership, the proceeds coming into the city treasury from such sale, after deduction of all charges and expenses, shall be refunded to ~~him~~ the owner. Should the proceeds of the sale be inadequate to meet the city expenses, the owner shall be billed for the unpaid balance.

...

## ARTICLE VI. FERAL CATS

Sec. 5-111. Feeding a feral cat colony without a permit.

No person shall provide food, water or other forms of sustenance to a feral cat colony without a feral cat colony caretaker permit.

Sec. 5-112. Feral cat colony caretaker permit.

(a) Any organization or individual over the age of eighteen (18) may submit an application to the department for a feral cat colony caretaker permit. The application shall be on a form provided by the department and shall provide the following information:

- (1) A detailed description of the cats in the colony;
  - (2) Proof that the feral cats in the colony have been ear tipped and microchipped, neutered or spayed and vaccinated against rabies or are actively being trapped to perform the ear tipping, microchipping, neutering or spaying and vaccination against rabies;
  - (3) The address of the private property where the colony will be maintained;
  - (4) Written permission from the private property owner to maintain the colony at such address; and
  - (5) Contact information for the applicant and any other information that may be required by the department.
- (b) Feral cat colony caretaker permits shall be issued for a period of two (2) years.
- (c) A permit fee of twenty-five dollars (\$25.00) shall be paid when the original application is submitted and biannually for permit renewals.
- (d) An animal control officer may inspect the private property where the feral cat colony will be maintained.
- (e) No feral cat colony caretaker permit shall be issued for a feral cat colony located on public property.

Sec. 5-113. Requirements for care of feral cat colonies.

Every person issued a feral cat colony caretaker permit shall comply with the following requirements:

- (1) Regularly feed the cat colony, including weekends and holidays.
- (2) Annually trap each cat over the age of eight (8) weeks in order to comply with requirements (3) through (6).
- (3) All cats must be spayed or neutered.
- (4) All cats must be tested annually for feline leukemia and feline immune deficiency virus. Those cats testing positive must be humanely euthanized or isolated indoors.
- (5) Identify all trapped cats by tipping their ears and insertion of a microchip.

- (6) Have all cats vaccinated for rabies in addition to any other vaccinations or immunization requirement imposed by the state.
- (7) Maintain records on the location and size of the colonies as well as the vaccination, microchipping, ear tipping and spay and neuter records of the colony cats.
- (8) Take all reasonable steps to a) remove kittens from the colony after they have been weaned; b) place the kittens in homes or foster care; and c) capture and spay the mother cat.
- (9) Obtain medical attention for any colony cat that exhibits illness, signs of rabies or unusual behavior and remove the cat from the colony to prevent disease or injury to other cats in the colony.
- (10) If possible, report number of cats that died or otherwise ceased to be a part of the colony and the number of cats placed in animal shelters or permanent homes as companion cats.

Sec. 5-114. Revocation of permit.

(a) The director may revoke the feral cat colony caretaker permit of any permit holder for any of the following reasons:

- (1) Conviction of any violation of this chapter or any other animal statute or ordinance.
- (2) Failure of the permit holder or property owner to permit an animal control officer to inspect the property at which the feral cat colony is located.
- (3) Failure or inability of the permit holder to provide care for the feral cat colony as required by Sec. 5-113.
- (4) The size of the feral cat colony has increased to such numbers that the colony is a health hazard or interferes with the peace or quiet of any Columbia resident.

(b) Within sixty (60) days of the revocation of permit, the former permit holder shall relocate the colony to the care of one or more feral cat colony permit holders.

Secs. 5-115—5-120. Reserved.

## ARTICLE VII. HEARINGS

### Sec. 5-121. Applicability.

The provisions of this article apply whenever a person is entitled to a hearing to contest an action taken by the department or the director and whenever the department knows the identity of an impounded animal's owner and the department intends to euthanize the animal or release the animal to someone other than the animal's owner or the owner's agent.

### Sec. 5-122. Notice.

The department shall give notice to the person entitled to a hearing to contest an action taken or proposed to be taken by the department or the director. The notice shall inform the owner of the right and manner of requesting a hearing to contest the action.

### Sec. 5-123. Service of notice.

The department shall serve the notice on the person entitled to a hearing by first class mail or by personal service in the same manner as legal process is served under Missouri law. Mailed notice shall be presumed received three (3) days after it is mailed.

### Sec. 5-124. Request for hearing.

The person entitled to a hearing may request a hearing before the director to contest the action of the department or director. The request must be in writing and received by the director within five (5) days of the owner's receipt of the notice of the right to a hearing of the animal. The request for hearing must state an address to which a notice of hearing may be sent.

### Sec. 5-125. Notice of hearing.

The director shall give at least five (5) days written notice of the hearing except in cases where the public health, safety or interest makes a shorter time reasonable. Notice shall be mailed to the address provided by the person requesting a hearing or personally served on the animal's owner in the same manner as legal process is served under Missouri law.

### Sec. 5-126. Hearing and decision.

The director shall conduct the hearing and enter a decision in accordance with the requirements of Chapter 536 RSMo.

Sec. 5-127. Appeal.

An appeal from the decision of the director may be made to the Circuit Court of Boone County in accordance with Chapter 536 RSMo.

Sec. 5-128. Delegation.

The director may delegate the authority and duties set forth in this article.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

**Source:**  
*S. Browning*  
**FISCAL and VISION NOTES:**

Agenda Item No. \_\_\_\_\_

**TO: City Council**  
**FROM: City Manager and Staff**  
**DATE: June 8, 2011**  
**RE: Animal Control Ordinances**



**EXECUTIVE SUMMARY:**

An ordinance amending Chapter 5 of the City Code relating to animals and fowl.

**DISCUSSION:**

After lengthy study and public input, the Board of Health recommends amending Chapter 5 of the City Code relating to animals and fowl. The purpose and intent of the amendment is to modernize the existing code assuring that city policy supports and reinforces responsible animal ownership while protecting the health and safety of both our citizens and animals.

The following substantive changes are proposed:

- Sec. 5-5. Microchip requirement for all domestic dogs and cats impounded by Animal Control prior to release with the cost of the microchip paid by the owner.
- Sec. 5-5. After three impoundments by Animal Control, all intact dogs and cats shall be spayed or neutered prior to release at the expense of the owner. Exceptions to the mandatory spay / neuter requirement exist.
- Sec. 5-6. New restrictions are included around tethering an animal as the primary method of restraint, as well as conditions for the type of tethering collars, harnesses, and length/weight of the tether.
- Section 5-10. Prohibits exotic animals from being allowed in any public place.
- Article VI. Sec. 5-111 to 5-114. New Article related to feral cats allowing for feral cat colony caretakers, care requirements, a permit and fee.
- Article VII. Sec. 5-121 to Sec. 5-128. New Article establishes right to a hearing with the health director to contest an action and establishes related processes.

<b>City Fiscal Impact</b> Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
Estimated 2 yr net costs:	
\$0	One-time
\$0	Operating / On-going
<b>Program Impact:</b>	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
<b>Resources Required:</b>	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
<b>Mandates:</b>	
N	Federal or state mandated? (Y/N)
<b>Vision Implementation Impact</b> Enter Below All That Applies: Refer to Website:	
Y	Vision Impact? (Y/N or if N, go no further)
Item # 11.3	Primary Vision Statement, Goal, and/or Strategy Item#
Item #	Secondary Vision Statement, Goal, and/or Strategy Item#
Task #	FY10/FY11 Implementation Task#

Staff supports the recommendations overall, but has some concerns regarding our ability to enforce Article VI pertaining to feral cat colonies given our limited staff resources.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

**11.3 Goal:** Columbia will be a healthy community. All residents will have timely access to appropriate health care. Effective prevention initiatives will contribute to a healthy community.

**SUGGESTED COUNCIL ACTIONS:**

Should Council agree with the recommendations submitted by the Board of Health to amend Chapter 5 of the City Code, an affirmative vote is in order.