

Bill No. \_\_\_\_\_

Ordinance No. 11

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS CONCERNING THE KEEPING OF ANIMALS WITHIN THE VILLAGE LIMITS OF WESTLINE, MISSOURI, PROHIBITING THE KEEPING OF CERTAIN ANIMALS WITHIN THE VILLAGE LIMITS, PROHIBITING ANIMALS RUNNING AT LARGE WITHIN THE VILLAGE LIMITS, REQUIRING SOME ANIMALS WITHIN THE VILLAGE LIMITS TO BE LICENSED, LIMITING THE NUMBER OF ANIMALS WITHIN THE VILLAGE LIMITS, PROVIDING FOR THE IMPOUNDMENT OF ANIMALS AND THE HUMANE DISPOSITION OF ANIMALS, ENFORCEMENT METHODS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESTLINE AS FOLLOWS:

**Section 1.**    Definitions.

Whenever in this chapter the following terms are used, each shall have the meaning respectively ascribed in this section.

**Adequate care:** Normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal.

**Adequate food:** Wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age and condition.

**Adequate health care:** The provision to each health animal of all immunizations and preventative care required to maintain good health; space adequate to allow the animal rest and exercise sufficient to maintain good health; and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

**Adequate shelter:** A structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The condition of the shelter should be such as to not exacerbate existing weather conditions, e.g. a metal dog house in hot sun.

**Adequate water:** A continual access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal in sufficient amounts to maintain good health in the animal. Such water will be provided in a secure manner so that the container cannot be overturned.

**Animal:** Any live, vertebrate creature, domestic or wild, other than humans.

**Animal control officer:** The duly appointed dog catcher, village police officer, any other village employee, or village official.

**Animal shelter:** The facility or facilities designated by the Board of Trustees of the Village of Westline, Missouri for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

**Commercial animal establishments:** Any pet shop, grooming shop, boarding kennel, sentry or guard dog service, animal trainer, business keeping animals in stock for retail or wholesale trade, or any establishment performing one (1) or more of the principal activities of the aforementioned establishments.

**Harboring:** Any person who offers asylum, refuge, or sanctuary to any animal on a basis so temporary as to not be deemed to be owing or keeping shall be deemed to be harboring.

**License tag:** Any system or systems of animal identification approved by the Board of Trustees.

**Owning or keeping:** Any person who feeds or shelters any animal for five (5) or more consecutive days or who professes ownership of such animal shall be deemed to be owning or keeping.

**Primary enclosure:** Any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool or hutch.

**Public nuisance:** Any animal (or group of animals) which:

- (1) Molests any passerby or chases passing vehicles including bicycles.
- (2) Attacks any other animal.
- (3) Is in heat and not properly confined.
- (4) Is at large in violation of section 2.
- (5) Damages public or private property.
- (6) Barks, whines, howls, meows or creates any other disturbance which is continuous or untimely so as to disturb an individual who is a neighbor ( a neighbor for this purpose is hereby defined as an individual residing in a residence structure which is within one hundred (100) yards of the property on which the animal is kept or harbored) and who does in writing state that he will so testify if called upon to testify about such matter under oath.
- (7) Causes injury to a person or persons.
- (8) Threatens or causes a condition which endangers public health or safety.
- (9) Impedes refuse collection by ripping any bag or tipping any container of such.

**Sanitary:** Clean and free from infectious or deleterious influences.



**Veterinary medical care facility:** A facility which has the primary function of providing medical care for animals and is operated by a currently licensed veterinarian.

**Wild animal:** Any animal which is predominantly free-roaming as opposed to domesticated.

## **Section 2. Dogs running at large prohibited.**

(a) It shall be unlawful for any person owning, keeping or harboring any dog to permit, suffer or allow said dog to run at large within the village. For the purpose of this section, any dog shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harbinger, to run at large when found outside of the owner's property and not effectively physically restrained on a chain or leash.

(b) A legally blind person using a seeing eye dog in the customary manner shall be deemed to be in compliance with this section.

(c) Official use of dogs by any governmental unit shall be deemed in compliance with this section.

## **Section 3. Impoundment and violation notice.**

(a) Any unrestrained dog or any animal defined as a public nuisance by this chapter may be taken by the police or animal control officer and impounded in the animal shelter or at a designated holding place and be there confined in a humane manner pending further action pursuant to this chapter or other law. If an owner or keeper is present, in lieu of impoundment a general ordinance summons may be issued to that person and said person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other section of this ordinance.

(b) Whenever any animal is confined by authority of this chapter, it shall be the duty of the animal control officer to release the same upon satisfactory proof that the party claiming the animal is entitled to possession thereof and upon payment to the village clerk of all applicable fees prescribed by this ordinance or otherwise, and the fee for any license that may be required by this ordinance. However, if an animal is deemed to be vicious and/or a danger to the public health and safety, the animal control officer may retain such animal and refuse redemption or sale of said animal and dispose of such animal in a humane fashion.

## **Section 4. Notification of capture and impoundment.**

After the impoundment of any animal where a general ordinance summons has not been issued to the owner or keeper, the animal control officer shall promptly notify the owner of such animal of its impoundment if the owner can be determined and located by

reasonable investigation; however, no liability shall attach to the village or to the animal control officer, his staff, or the person or persons operating the holding pen at which the animal is held, for failure to give such notice. The owner of an impounded animal who does not redeem his animal may still be proceeded against for violation of any applicable section or sections of this or any other applicable ordinance.

#### **Section 5. Powers of Chairman to declare emergency.**

In the event that the Chairman determines that a rabies or other contagious disease control emergency exists, he shall so declare, to issue emergency regulations and take all steps necessary within the provisions of this chapter and state law to abate the threat. Such emergency steps and regulations shall be in effect only during the period of the declared emergency.

The Chairman is also hereby empowered to issue standing regulations for rabies and contagion control that he finds necessary to protect the public health which standing regulations shall be filed with the village clerk. Such regulations shall be in keeping with the United States Public Health Service guidelines and Missouri State Law.

#### **Section 6. Abandonment.**

It shall be unlawful for any owner or keeper to abandon any animal. For the purpose of this section, "to abandon" includes but is not limited to any instance where the owner or keeper leaves an animal without demonstrated or apparent intent to recover or to resume custody; or leaves an animal for more than twelve (12) hours without providing for adequate food, water and shelter for the duration of the absence; or turns out or releases an animal; or dumps or releases an animal from a vehicle.

#### **Section 7. Rabies.**

Every animal exposed to rabies shall be immediately confined by the owners, who shall immediately notify the animal control officer of the animal's exposure. The owner shall immediately, upon request, surrender such animal to the animal control officer or any authorized agent of the village or Cass County for confinement in a licensed veterinary hospital of the owner's choice in the vicinity of Westline, Missouri, or surrender such animal for confinement in an animal shelter designated by the village. The animal shall be confined for a minimum period of ten (10) days from the date of exposure. All costs of confinement shall be assessed against and paid by the owner.

(a) No person shall kill a known or suspected rabid animal or an animal exposed to rabies, nor remove such animal from the village limits or Westline, Missouri without the permission of the animal control officer, except when it is necessary to kill such animal to prevent its escape or attack on any person or animal.



(b) The location of the remains of any dead animal known or suspected to have been exposed to rabies prior to death shall be reported to the animal control officer and remains shall be surrendered to the animal control officer for laboratory examination.

(c) Any animal that has been bitten or scratched by another animal that is known or suspected of being rabid, shall be immediately confined in such place as may be directed by the animal control officer who shall have authority to promulgate rules and regulations concerning the confinement of such animals. If the animal that made the bite or scratch is determined to be rabid, or evidences positive signs of rabies, such animal that was bitten or scratched will be kept in such confinement for a period of ten (10) days from the date of scratch or bite, or destroyed and its body surrendered to the animal control officer, or otherwise confined or disposed of as may be directed by the animal control officer.

#### **Section 8. Pot-bellied pigs.**

Domesticated Vietnamese pot-bellied pigs may be kept in residentially zones areas of the village provided that males over the age of four (4) weeks and females over the age of one hundred twenty (120) days are neutered and adult pigs do not exceed ninety-five (95) pounds in weight. All such animals must be of proven pure-bred lineage, and the owner must be able to produce litter papers to verify pedigree. In addition, pigs over the age of one hundred twenty (120) days must be registered and licensed as required of dogs. Fees for such licenses will be the same as required for dogs and must be obtained from the village clerk, who must receive a certificate of immunization from a licensed veterinarian that such Vietnamese pot-bellied pig has been vaccinated against pseudorabies prior to issuing such license. All sections of this ordinance relative to dogs running at large shall be applicable to pot-bellied pigs.

#### **Section 9. Abuse and neglect of animals.**

(a) No owner or keeper of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry, shaded and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise as determined by the animal control officer. The area where animals are kept must also be kept free from unsanitary conditions, vermin-harboring debris, junk or any other dangerous protuberances which can provide an opportunity for injury or a danger to the animal's health. Any owner, keeper or harbinger of an animal in this village by the act of owning, keeping or harboring such animal does hereby authorize the animal control officer to enter the yard where such animal is kept, if the animal control officer reasonably believes that the animal is kept in an unlawful, negligent, cruel, abusive or inhumane manner. If an animal control officer cannot view and observe the animal in plain sight, the owner, keeper or harbinger, upon request, must exhibit for inspection any and all animals which are not in plain sight but are on or inside the premises

(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, or other combat between animals or between animals and humans; and any animal so used shall be seized, impounded and promptly humanely destroyed. In addition, no person shall place or attempt to place an animal in an enclosure or in any other place for the purpose of fighting or combat. Nor shall any person attend such unlawful exhibition or be umpire, judge or spectator at such.

#### **Section 10.** License required for dogs and cats.

It shall be the duty of every person owning, keeping or harboring in the village any dog or cat over one hundred eighty (180) days old to procure a license therefore from the village clerk. The receipt issued for the license shall constitute a certificate of registering and evidence of licensure for the keeping of such dog or cat within the village. A delinquent fee of ten dollars (\$10.00) will be assessed for any license not purchased within sixty days (60) of the required date of licensure.

#### **Section 11.** License fee, exception.

For the issuance of each dog and cat license required by this section, the owner or keeper shall pay to the village, the sum of \$1.00. However, any such applicant is exempt from paying said fee if they submit such proof as may be required by the village clerk that a dog is fully trained as a "seeing eye dog" or a "hearing dog" and is regularly used in the service of a blind or deaf person or that a dog is owned by a governmental unit, then, and in such event, such license shall be issued without the payment of such fee.

#### **Section 12.** Licensing period.

The licensure evidenced by the certification of registry shall entitle an owner or keeper to keep the licensed dog or cat in the village until the 31st day of December of each calendar year. All licenses shall be issued for the calendar year and shall be due on January 1 and delinquent after January 31 of each calendar year.

#### **Section 13.** Certificate of immunization - Licensure prerequisite.

Before the village clerk issues any license or tag for a dog or cat, the owner or keeper thereof shall file with the village clerk a certificate from a licensed veterinarian showing that within three hundred sixty-five (365) days next preceding the issuance of such license, the dog or cat was immunized against rabies or show proof of purchase of rabies vaccine. Rabies vaccination is required of all dogs and cats even if a village license is not purchased.

#### **Section 14.** Records of dog and cat registration.

The village clerk shall keep a record giving the name and address of the owner or keeper



of each licensed dog or cat and the number of the certificate of registry, together with a general description of the dog or cat.

**Section 15. License tags; replacement tags.**

At the time of the issuance of a license required by this section, the village clerk shall deliver therewith a license tag showing the registration number and expiration date of the license. A replacement license tag shall be furnished by the village clerk to any such owner or keeper upon application satisfactory to the village clerk and payment of one dollar (\$1.00).

**Section 16. Wearing of license or identification tags required.**

The license or identification issued by the village shall be attached to the collar of the animal for which it was issued.

**Section 17. Dangerous dogs.**

(a) Confinement. Other than when using a dog as a guard dog or when as a commissioned officer using a dog for law enforcement, no person shall own, keep, harbor or allow to be upon any premises occupied by him or under his charge or control any dog of a cross, dangerous or ferocious disposition, which categories shall be defined to include but not be limited to any dog which has bitten two (2) or more persons within the prior twelve (12) months, without such dog being confined within a locked covered dog run or behind a fence from which it cannot escape; and if confined behind a fence, it shall also be securely chained in such matter that the animal cannot range within closer than three (3) feet to the property line of the property of the owner, keeper or harborer or within three (3) feet of said fence if said fence is not on said property line.

(b) Placarding premises. When any dog is required by this section to be confined, it shall be required that a conspicuous notice (which shall be at least two (2) feet by three (3) feet) be posted and maintained at the place of confinement stating either "Dangerous Dog" or "Vicious Dog" (in at least two-inch block letters) so as to warn the public of the nature of the dog therein confined.

(c) Guard dogs. Any guard dog (for the purposes of this section here defined as a dog not owned by a governmental unit which dog is used to guard private commercial property or public property) used in the village by virtue of such use is hereby declared to be subject to the license requirements of this chapter; must be vaccinated against rabies by a licensed veterinarian; must, if brought into the village from without the State of Missouri, be accompanied by the official health certificate required by the Code of State Regulations as 2 CSR 30-2.01 (8), which certificate shall be exhibited upon the request of any village animal control or police officer; must be effectively physically restrained to the premises guarded; must be controllable by its keeper; and must not be used in a manner which, as determined by the supervisor of animal control, endangers individuals not on the premises guarded.

Any person operating a guard dog service in the village shall register such business with the supervisor of animal control before such service begins.

(d) Dangerous or vicious dogs in custody. Any dog which is in the custody of the animal control officer, and which in the judgment of the animal control officer would constitute a menace to the health, safety or welfare of the public if released from such custody, may be humanely killed by the animal control officer.

#### **Section 18.** Disposition of animals.

(a) Impounded dogs and other animals shall be kept for not less than five (5) days, except:

- (1) When given to be disposed of by an owner, keeper or harborer, in which case the animal shall be held until the next calendar day before making a disposition;
- (2) When an animal arrives at the shelter in so sick or injured a condition that in the judgment of the animal control officer or a licensed veterinarian human compassion requires that the suffering be promptly ended, in such instance said time period shall not apply and the animal will be humanely killed to prevent needless suffering.

(b) Whenever any dog or animal shall remain in the animal shelter or at the place of impoundment of a designated representative for a period longer than five (5) days from the impoundment of such dog or animal, said dog or animal shall be disposed of in a humane manner by a licensed veterinarian. The above times for holding shall not include Sundays or holidays.

(c) The animal control officer may, in lieu of having any unclaimed animal killed as provided herein, give such animal into the custody of any adult requesting custody (animal adoption) of such specific animal as a pet after viewing it, provided that in the judgment of the animal control officer said person will humanely care for such animal and will not permit its use for laboratory or experimental purposes. However, the provisions regarding laboratory or experimental purposes shall not apply to dead animals.

#### **Section 19.** Impounded animal fees.

A ten dollar (\$10.00) fee shall be charged when any animal is picked up by the animal control officer and transported to the animal shelter or other village designated place of impoundment or, if licensed, the animal may be returned directly to the owner. The fee for the care of any animal during the period of impoundment shall be at a rate that shall be approved by motion from time to time by the Board of Trustees.

#### **Section 20.** Limitation on number of dogs and cats.



After the passage of this ordinance, it shall be unlawful and a public nuisance for any person in charge of a residence to keep or allow to be kept more than four (4) dogs or four (4) cats or any combination of such animals exceeding four (4) in number over the age of one hundred twenty (120) days at such residence.

**Section 21.** Dangerous and prohibited animals - Pit Bulls Prohibited

Except as may otherwise be permitted under Section 17 of this ordinance, no person shall be allowed to keep or harbor any dog which is made up of more than 25% of the Pit Bull breed. Except as otherwise provided herein, the keeping or harboring of dangerous animals within the village limits is hereby prohibited. Other than by registered and licensed dealers within the village, the keeping or harboring of any poisonous animal or any warm-blooded carnivorous, herbivorous, or omnivorous animal (including but not limited to nonhuman primates, raccoons, skunks, venomous snakes, ferrets, foxes, leopards, panthers, tigers and lions, but excluding fowl, dogs, house cats, and small rodents of varieties used for laboratory purposes) is hereby prohibited. All snakes shall be kept in locked escape proof cages, except when being handled.

**Section 22.** Penalties.

Any person found guilty of violating this ordinance shall be punished by a fine of not less than \$15.00 nor more than \$500.00. The following minimum fine schedule is hereby adopted:

2nd offense	\$25.00
3rd offense	\$50.00
4th offense	\$75.00

**Section 23.** Effective date.

This ordinance shall become effective and in full force and effect on its passage and approval.

Read two times by title only and passed by the Board of Trustees of the Village of Westline, Missouri this 14<sup>th</sup> day of May, 1996.

Joyce Minnick  
Village Clerk

Judith L. Swanson Mayor  
Chairman of the Board of Trustees

Approve this 14<sup>th</sup> day of May, 1996

Joyce Minnick  
Village Clerk

Judith L. Swanson Mayor  
Chairman of the Board of Trustees