

AN ORDINANCE OF THE CITY OF LEETON REPEALING PRIOR ORDINANCES 275, 276 AND 306 REGARDING DOGS AND CATS AND ADOPTING REGULATIONS FOR DOGS AND CATS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LEETON, MISSOURI AS FOLLOWS:

Section One. Ordinances 275, 276 and 306 are repealed.

Section Two. The following words and phrases, when used in this ordinance, shall have the meanings respectively ascribed to them:

Animal shall mean any living vertebrate member of the animal kingdom, excluding man.

Animal shelter shall mean any premises designated by action of the city for the purpose of impounding and caring for all animals found running at large or in violation of this chapter.

At large shall mean when an animal is off the property of its owner and not under the control of a competent person.

Cat shall mean any domestic feline.

Dog shall mean any member of the canine (genus canis) family.

Euthanize shall mean the humane destruction of an animal.

Impound shall mean to take into custody any animal, by any humane means, for the purposes of confinement.

Kennel shall mean any premises keeping or caring for three or more dogs or cats, or combination of dogs and cats.

Neutered shall mean altered to prevent conception.

Owner shall mean any person owning, keeping, harboring or otherwise having the care or control of an animal.

Under restraint shall mean when an animal is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

Section Three. Impoundment for observation

(a) Any domestic animal that has bitten or scratched a person or other animal must be kept, at owner's expense, in a veterinary hospital or animal shelter for a minimum of ten (10) days for observation. A report shall be rendered to the person bitten or scratched, or the owner of the animal bitten or scratched, of the condition of the confined animal concerning rabies. This report will also be rendered to any official entitled by law to the report. Any animal found to be rabid shall be disposed of as required by this ordinance or applicable state law. If the animal is determined to not be rabid after ten (10) days, it may be redeemed by the owner as provided in herein and upon payment of all costs, or it may be disposed of as otherwise provided by law.

(b) Upon receipt of a report of an animal bite or scratch, the city shall report the incident to the Johnson County Health Department as required by RMsO 322.140.

Section Four. Enforcement of ordinance

This article shall be enforced by employees of the city authorized to enforce the provisions of this chapter, including all law enforcement officers.

Section Five. Vaccination

(a) *Required.* It shall be unlawful for any person within the city limits to own, keep, possess, harbor or permit to remain on his premises any dog or cat over the age of six (6) months which has not been vaccinated against rabies in accordance with the terms set forth in this article.

(b) *By whom performed.* Vaccination against rabies shall be performed by a duly licensed veterinarian or the possessor of an animal shelter or kennel license may vaccinate any dogs owned by them.

Section Six. Licenses and tags for dogs or cats

(a) *Requirements for issuance of license.* A cat or dog license shall be issued by the city clerk when the following requirements have been met:

- (1) The presentation of a current certificate showing the name and address of the owner, the sex of the animal, a description of the animal, and the date of the vaccination against rabies;
- (2) The payment of a license fee in the amount of ten dollars (\$10.00).

(b) *Annual license required; due date; delinquent date.* Licenses shall be required to be purchased annually. Such licenses shall be due and payable on the first day of June, and will be delinquent on the first day of July.

(c) *License to be fastened to collar.* The owner of a dog or cat licensed under this section shall cause the license tag to be fastened securely to a collar worn continuously around the neck of the animal.

Section Seven. Licenses for kennels

(a) *Requirements for issuance of kennel license.* A kennel license shall be issued when the following requirements have been met:

- (1) The presence of three (3) or more dogs owned or harbored by the operator and kept on the premises;
- (2) The presentation of proof satisfactory to the city collector that vaccination against rabies has been performed on the animals in the kennel within prescribed preceding six (6) months of application therefor;
- (3) The payment of a fee of ten dollars.

(b) *Annual license required; due date; delinquent date.* Kennel licenses shall be required to be purchased annually. Such licenses shall be due and payable on the first day of June, and will be delinquent on the first day of July.

(c) *Operational Standards.*

- (1) If any kennel is licensed to operate within 200 hundred feet of a building used or occupied as a residence, except the residence of the keeper or owner of the kennel, the animals shall be continuously confined within the kennel building or the residence of the kennel keeper or kennel owner and shall not be allowed to run at large or to be in any outdoor enclosure of the kennel or residence.
- (2) Kennel premises shall be maintained in a clean and sanitary condition at all times, and sanitary methods shall be used to obliterate or prevent any offensive odors. City officials shall have the right to inspect such kennels at reasonable hours.
- (3) All kennel animals shall be fed, maintained, and housed in separate compartments with separate outdoor runways (if runways are allowed) and shall not come in physical contact with other animals except when breeding, or in cases of mothers and their young, or if all the animals are owned by the kennel owner or kennel keeper. The inside and outside spaces of the kennel shall be completely cleaned at least twice per day.

- (4) The breeding of animals shall take place in an enclosed place and entirely out of public view.

Section Eight. Restraint of dogs and cats

(a) *Required.* The owner of a dog or cat shall keep their animal under restraint at all times and shall not permit such animal to be at large, off the premises or property of the owner, without proper restraint.

(b) *Legal liability for an animal not under restraint.* The owner of any animal who fails to keep his or her animal under restraint shall be held liable for all damages caused by such animal.

(c) *Handling of when not under restraint; summary killing of dogs.* Any dog found running at large and which cannot be safely taken up and impounded, then any police officer or employee of the city authorized to enforce this chapter is hereby authorized to use such force as may be necessary to capture such dog, including the actual killing of the dog.

(d) *Prosecution of owner when animal is at large.* Whenever a dog or cat is at large, known to be owned, harbored, kept or fed at a certain residence or by a certain family, then the head of such residence or family, or any adult living there is hereby declared to be the owner of the animal and shall be charged with a violation of this section even though the animal is not captured; and the officer may, upon request, search the premises where he believes the animal is kept to attempt to verify that the animal is being kept by such person as owner.

Section Nine. Vicious animals

(a) *Possession standards.* It shall be unlawful to keep, harbor, own, buy, sell, give, receive or in any way possess within the corporate limits of the City of Leeton, Missouri, other than animals transported through the city, any vicious dog or cat, except as otherwise provided in this section. "Vicious" is defined to mean:

(1) Any dog or cat which, without provocation, attacks or bites any human being or domestic animal, or any dog or cat which has a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals or which has chased or approached in an attitude of imminent attack any human being or domestic animal.

(2) Any dog which because of its size, physical characteristics or vicious propensities is capable of inflicting serious physical injury or death to humans.

(3) Notwithstanding anything to the contrary herein, no dog or cat shall be deemed a "vicious" if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or if a person at the time of such threat, injury or damage was teasing, tormenting, abusing or assaulting the animal, or was threatening or committing an assault or other bodily harm to the owner or keeper, or the owner or keeper's immediate family or their invitees.

(4) Any dog owned by governmental or law enforcement agencies when being used in the service of those agencies shall be exempt from the requirements specified herein.

(b) Disposition on conviction. Upon conviction of or plea of guilty to violation of this section the owner shall surrender possession of the subject vicious dog or cat and the subject vicious dog or cat shall be destroyed. Failure to turn the animal over pursuant to this section shall be deemed an offense.

(c) Minimum requirements for possession. Vicious dogs or cats residing or located in the city limits may be kept by their owners, keepers or harborers within the city, subject to the following requirements:

- (1) No person shall permit a vicious animal to go outside unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious animal to be kept on a chain, rope or other type of leash outside unless a person is in physical control of the leash. Such animal may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- (2) All vicious animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. The sides of said structure shall be built so that no part of said animal may extend through to the outside of the structure, and so that no part of the human body may extend through to the inside of the structure. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (3) No vicious animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or other structure when

the windows are open or when screen windows or screen doors are the only obstacle to prevent the dog from exiting the structure.

- (4) All owners, keepers or harborers of vicious animals within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Vicious Animal". An identical sign must also be placed in a clearly visible location on the kennel or pen of such animal.
- (5) The owner of a vicious animal shall immediately notify the police department if the animal is loose, unconfined or missing or has attacked another animal or a human being.
- (6) No person shall sell, barter or in any other way dispose of a vicious animal within the city to any person within the city unless the recipient person resides permanently in the same household on the same premises as the owner of such animal, and
- (7) The owner shall keep and maintain and provide proof to the City of a general liability policy covering ownership of the animal in a minimum amount of fifty thousand dollars (\$50,000.00).

(d) Vicious animals at large. Any vicious animal running at large in violation of this section shall be impounded and euthanized after notice as provided herein.

(e) Administrative hearing on seizure.

- (1) *Notice of seizure.* The owner or custodian of any animal seized or surrendered under the provisions of this section, or any other person who is determined to be in possession of the animal, or person determined to be maintaining, sheltering, or harboring the animal shall be given written notice of its seizure by the city, of the city's intention to destroy the animal, and of the right to request a hearing.
- (2) *Request for hearing.* The request for hearing shall be filed in writing at City Hall within five (5) days of notification that the animal has been seized and shall include the name and address of the person requesting the hearing, and their relationship to the animal (owner, custodian, etc.). Only those persons with an ownership or custodial interest in the animal may request a hearing. After written notification of the seizure of the animal is given to any person, and a hearing is not timely requested, or is not properly requested, the animal shall be destroyed after the expiration of the time allowed for requesting a hearing.
- (3) *Time of hearing.* The hearing shall be held not less than ten (10) days after the date the written notice of the time and place of the hearing is mailed to the person requesting the hearing or no less than ten (10) days after the

notice of the time and place of the hearing is personally served upon to the person requesting the hearing.

- (4) *Issues to be addressed.* At the hearing, the only issues to be allowed are whether the animal is a vicious animal as defined in this section and whether the animal was found in the City of Leeton in violation of this section.
- (5) *Disposition after hearing.* If, after hearing, the animal is found to be vicious and is found to have been in the City of Leeton in violation of this section, it shall be destroyed. If, after hearing, the animal is found not to be vicious or it is determined that the animal was not within the City of Leeton in violation of this section, the animal shall be released to the person requesting the hearing and the costs of impoundment shall be borne by the city.
- (6) *Appeal.* The decision of the hearing officer may be appealed pursuant to RSMo Ch. 536.
- (7) *Cost of impoundment.* The person requesting the hearing shall be responsible for all cost of impounding the animal.
- (8) *Hearing officer.* The mayor or their designee shall serve as hearing officer.
- (9) *No hearing required when.* If a vicious animal is surrendered after a judicial finding that it has been kept in violation of this section, no further hearing shall be required under this subsection.

(f) *Destruction of animal, owner/custodian unknown.* If the owner or custodian of an animal seized under the provisions of this section cannot be located after reasonable efforts, the city may destroy the animal after five (5) days. If an animal is found running at large and is taken to a pound under the authority of another section or sections of the ordinances of the City of Leeton nothing contained herein shall prevent the destruction of dog under the pound's ordinary destruction policy.

(g) *Alternate disposition of vicious dogs.* Nothing contained herein shall prevent the city from allowing a dog seized pursuant to the provisions of this section from being removed from the city under specified conditions thereby avoiding the necessity of destroying the dog. Nothing herein shall be construed as requiring removal from the city to be required prior to destruction of the vicious dog.

(h) *Impoundment/destruction per other law.* Nothing contained in this section shall prevent a dog from being impounded by the city or destroyed pursuant to other law.

(i) An allegation that an animal is vicious and being kept in violation of this ordinance may be initiated by issuance of a ticket by the police, or by any city official impounding such animal.

Section Ten. **Females in heat; nuisance declared**

The owner of a female dog in heat shall, during this period, keep it securely confined or enclosed within a building, and every such dog found outside of building in violation hereof, except when out on the owner's premises for toilet purposes when under restraint, is hereby deemed and declared to be a public nuisance.

Section Eleven. **Annoyances prohibited**

It shall be unlawful for any dog or cat owner to permit their animal, while tied or penned, to fight, howl, bark, or yelp for a period of time so that such fighting, howling, barking or yelping shall annoy or disturb any neighbor or neighborhood.

Section Twelve. This ordinance shall be in full force and effect from and after its passage.

Read two times and passed by title this 14th day of March, 2023.



A handwritten signature in black ink, appearing to read "Taylor Elwell", written over a horizontal line.

Taylor Elwell
Mayor

Attest:

A handwritten signature in black ink, appearing to read "Janet Muse", written over a horizontal line.

Janet Muse, City Clerk