

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 205 OF THE CITY CODE IN REGARD TO ANIMALS AND FOWL

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHILLICOTHE, MISSOURI as follows:

Section 1: Certain Sections of Chapter 205 of the City Code of the City of Chillicothe are amended or added as follows:

Article I In General.

Section 205.010. Definitions.

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

ANIMAL — Any living vertebrate creature, domestic or wild, other than humans.

ANIMAL, DOMESTIC—Any living vertebrate creature customarily raised for food, agricultural or riding purposes including, but not limited to, cows, horses, sheep and chickens, but not including dogs, cats or other pet animals.

ANIMAL SHELTER — Any premises designated by action of the City for the purpose of impounding and caring for all animals found running at large in violation of this Chapter.

AT LARGE — Any animal shall be deemed to be at large when it is off the property of its owner and not under the control of a responsible person.

CAT — Any member of the feline family more than four (4) months of age.

CONFINEMENT — "Confinement" or "confined", as used in this Chapter, shall mean constant and continuous, sole and segregated, physical enclosure of the animal.

CONTROL—Under immediate and effective restraint of a responsible person, to include leashes and voice control.

DOG — All animals of the canine species, both male and female.

EMOTIONAL SUPPORT ANIMAL – animals that provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Emotional support animals are not limited to dogs.

EXOTIC OR WILD ANIMAL — Any mammal, fowl, fish or any other species not commonly considered as pets or commonly raised for food or agricultural

purposes which would be a possible threat to the life or health of humans. Any restrictions on the keeping of such animals shall not apply to traveling entertainment shows such as circuses so long as exotic animals which may be a part of such shows are confined in such a manner as to reasonably provide safe separation between exotic animals and the general public. The Chief of Police and the City Animal Control Officer shall be responsible for determining the applicability of this definition to any mammal, fowl, fish or other species. A person desiring to possess any mammal, fowl, fish, or other species which, in the opinion of the Chief of Police and the City Animal Control Officer is prohibited under this definition, shall have the right to request a hearing before the City Council which shall make a final decision.

EXPOSED TO RABIES — When bitten by, or fought with, or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing.

KENNEL, COMMERCIAL — A kennel which performs grooming or training services for animals and may or may not render boarding services in return for a consideration.

LEADER DOG – a service dog trained to assist a visually impaired person.

OWNER — In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to own, keep, or harbor an animal.

PUPPY — Any member of the canine family less than four (4) months of age.

SERVICE DOG – A member of the canine family that is individually trained to do work or perform tasks for a person with a disability. “individually trained” means a dog trained to do a specific task for a specific person with a disability. This training could be done by an organization or a person with a disability can train their own dog to be a service dog. The training is assumed to be done in good faith. A “task” is a specific action or step that a service animal does to assist its handler with a disability. For purposes of this Article, a Service Dog is not considered a pet.

VICIOUS DOG —Any dog that when unprovoked inflicts, bites, or attacks a human being or animal either on public or private property, or in a vicious or terrorizing manner approaches in apparent attitude of attack any person on the streets, sidewalks, any public grounds or places, or a person lawfully upon private property, or

1. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals,
2. Any dog which engages in, or is found to have been trained to engage in, exhibitions of dog fighting, or

3. Any dog at large found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any animal or person, or

4. Any dog at large found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any animal or person.

Vicious dog does not mean:

a. Any dog that attacks or inflicts bites upon a trespasser of a fully enclosed building or fence, or

b. Any dog used by the military or law enforcement if the bites or attack occur while the dog is performing in that capacity.

**Section 205.130. Limitation Upon Number of Dogs and Cats Kept—
Operation of Kennels.**

A. No person or persons who shall own and keep or harbor upon their premises more than three (3) dogs or four (4) cats, or any combination of dogs and cats totaling more than four such animals, excluding dogs and cats under the age of four (4) months, and excluding service dogs, but including emotional support animals, without a kennel license. A kennel may harbor no more than fifty (50) dogs or fifty (50) cats or a combination of the two totaling fifty (50).

If a person is required to have a kennel license, then the person shall file an application for a kennel on a form provided by the City Clerk, which application shall provide information to indicate whether or not the proposed kennel and its operation will violate any provisions of Federal, State, or City laws and ordinances. If it appears that a kennel and its operation will not be in violation of Federal, State, or City laws and ordinances, the City Clerk may issue a kennel license to the applicant upon the payment of the required license fee to the City Clerk. This fee will be in lieu of individual dog and cat licenses for animals in the kennel. The application for a kennel license will be consent for the City Animal Control Officer or the City Police to have the right to enter on and inspect such kennel at reasonable times. The kennel license does not preclude the need for each dog or cat to be vaccinated according to this Chapter, nor the need to obtain other city or state licenses when engaged in a commercial business.

B. The license fee for a kennel, until changed by further ordinance, is one hundred dollars (\$100.00) for each calendar year, with the fee for any partial year to be prorated based upon the days remaining in the year.

C. A kennel license shall permit the applicant to operate the kennel described in the application for the year unless the license is revoked due to any violation of this Chapter. Two (2) or more violations of this Chapter as determined by the municipal court after all appeals have been decided and the decision has become final, or two (2) or more violations of RSMo 578.009 or 578.012, shall constitute sufficient cause for revocation of such license.

D. Location.

No kennel shall be permitted to operate within one hundred (100) feet of a building used or occupied as a residence, except a residence owned by the kennel license holder.

It shall be unlawful for kennels to operate in an area unless it is zoned C-2 or greater with enough land, distance, and/or buffers to contain the noise of barking dogs in a kennel.

E. Regulations.

It shall be unlawful for a person to operate a kennel without meeting the following conditions:

- (1) Housing facilities shall be provided for the animals, and shall be structurally sound, be maintained in good repair, and be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein, to provide drainage to prevent the accumulation of water, mud, debris, excreta, or other materials, and shall be designed to facilitate the removal of animal and food wastes. The housing facilities shall be designed to protect the animals from injury, shall contain the animals, and shall restrict the entrance of other animals.
- (2) Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.
- (3) Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris, on a daily basis. Waste disposal facilities shall be maintained in a sanitary condition, and the kennel shall be free from the infestation or contamination of insects, rodents, or disease, and from obnoxious or foul odors.
- (4) Water must be conveniently available for drinking and cleaning purposes.
- (5) Sick animals shall be separated from those appearing healthy and normal. Sick animals shall be removed from display or sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.
- (6) If the operation of the kennel includes the sale of animals, then there shall always be an employee or owner on duty during the hours any store is open whose responsibility in the shop or department shall be the care and welfare of the animals held for sale or display.
- (7) If the operation of the kennel includes the sale of animals, then on days the store or shop is closed an employee or owner shall come in to feed, water, and do necessary cleaning of animals.

(8) No person, persons, association, firm, or corporation shall knowingly sell a sick or injured dog or cat.

(9) No person, person, association, firm, or corporation shall knowingly misrepresent a dog or cat to a customer in any way.

(10) The animal control officer, health inspector and the police shall have the right to inspect such kennels at reasonable hours and to enforce city ordinances and state statutes pertaining to neglected or abused animals (RSMo 578.005 – 578.021).

(11) Kennel operators shall exercise the proper care and control of their animals so as to prevent such animals from becoming noisy animals.

(12) All kennel animals shall be fed, maintained, and housed in separate compartments with separate outdoor runways and not to come in physical contact with other dogs except when breeding and in cases of a mother and her young. The inside and outside spaces shall be completely cleaned at least twice per day. The breeding shall not be done in public view.

F. All structures, pens, coops, or yards wherein animals or fowl are kept or permitted shall always be maintained in a clean and sanitary condition to avoid harborage of all rodents and vermin and free of offensive, disagreeable or noxious smell or odor to the injury, annoyance or of inconvenience of any inhabitant of the neighborhood. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside.

Section 205.160. Use of Animal Cages Owned By The City.

A. The City owns certain animal cages which the City Animal Control Officer may allow the public to use upon the following terms and conditions:

1. A person desiring to use a City's animal cage shall sign the City's use agreement and make a twenty-five dollar (\$25.00) per cage deposit with the City Clerk.

2. The use agreement will acknowledge receipt of the cage by the person signing it and acknowledge receipt of the deposit. The use agreement will provide the time the person is required to return the animal cage and, if the signer does not return the animal cage to the City within the time set, then the deposit is forfeited, and the City shall retain the deposit which will be deposited in the general fund of the City under the animal control line item.

Section 205.170. Feces Removal.

Persons controlling or allowing his/her animal to be away from their own property shall be required to clean up and carry off any feces deposited on any public or private property not the property of the animal's owner and properly dispose of said feces upon their return to their own property.

Section 205.180 Poultry.

A. Purpose. The purpose of this Section is to set minimum standards for the keeping of chicken hens in the City of Chillicothe.

B. Definitions. As used in this Section the following terms shall have the following meanings unless otherwise defined by context:

CHICKEN COOP

A structure used to safely and securely house chicken hens.

CHICKEN HEN

An adult, female chicken.

ROOSTER

An adult, male chicken.

C. General Standards. Any person keeping chicken hens as an accessory use on their property shall be subject to the following conditions:

1. **License.** The keeping of chicken hens requires a license. License applications must be submitted either by (i) the owner-occupant of the property or (ii) jointly by a non-owner occupant and a non-occupant owner.

Upon application submitted with an application fee of twenty dollars (\$20.00) per household, the City may issue a one-year license if, after inspection, it is shown that location and facilities provided comply with all regulations as set out in this Section.

The initial license will expire on the last day of March (March 31) following issuance of the license. Renewal licenses will be for the period from April 1 through March 31 and, at the City's option, may require an inspection by the City. There are no prorated fees.

A renewal application accompanied by a fee of twenty dollars (\$20.00) must be submitted no later than March 31. If the application is not timely filed, a late application fee of \$10.00 will be assessed in addition to the application fee.

2. **Permitted areas.** The keeping of chickens shall be allowed only on detached single-family lots.

3. **Number.** The following number of chickens is permitted per lot:

a. Hens (not limited) shall be allowed on detached single-family lots.

b. No hens shall be allowed in multifamily complexes, including apartments, condominiums and duplexes.

c. No roosters shall be allowed at any location.

4. **Non-commercial.** The raising of chicken hens within the City shall only be permitted for private, non-commercial, and non-breeding use.

5. **Enclosure/Containment Requirements.**

- a. Chickens shall not be permitted to run at large.
- b. Chickens may not be kept inside the habitable areas of the dwelling on the premises.
- c. Chickens shall always be safely and securely confined in a fully enclosed coop or a fully enclosed coop and a fenced exercise yard as provided herein. The coop shall be at least sixteen (16) square feet in size.
- d. Any coop over one hundred twenty (120) square feet will require a building permit. The design and construction of the coop shall comply with applicable City ordinances and building codes related to accessory structures. Design, construction, and location are to be reviewed and approved by the City staff. Customary building permit fees will apply.
- e. The coop shall provide sufficient rain shelter and at least two (2) linear feet of roosting space per chicken.
- f. The chickens must be adequately confined within a coop that is surrounded by wire netting or other fence to prevent their escape and that is kept in good repair and free of peeling paint, untreated or rotted wood, and rust, or adequately confined within a coop and a fenced exercise yard, both of which are surrounded by wire netting or other fence to prevent any chicken's escape and that are kept in good repair and free of peeling paint, untreated or rotted wood and rust.
- g. The coop shall be always maintained in a neat, ventilated, safe, and sanitary condition, with adequate space for humane treatment and free from predators.
- h. A fenced exercise yard must be provided if the coop does not provide at least sixteen (16) square feet per chicken. If an exercise yard is required, it must provide at least ten (10) square feet per chicken. The exercise yard must be always kept in a neat and sanitary condition.
- i. Any manure or other discharges from the chickens shall be collected regularly and properly removed from the premises or tilled into the soil on the premises to prevent the spreading of offensive odors, insects, and disease.

6. Distance Regulations.

- a. Chicken coops or pens may only be kept in the rear yard.
- b. Chicken coops or pens must comply with accessory building code requirements for size, set back, and height requirements.

7. Other Regulations.

- a. The occupant may not breed chickens for sale or any other by-products except for the sale of eggs.
- b. Chicken feed must be stored in vermin proof containers.
- c. No slaughtering of chickens shall be allowed except within fully enclosed premises completely blocked from public view.

- d. No chicken shall be allowed to create a nuisance or disturb neighboring residents due to noise, odor, damage, or injury.
- e. All owners and adult occupants of premises where one (1) or more chickens are kept, maintained, or allowed to remain, including any holder of a license for the chicken or chickens, shall be jointly responsible for any violations of this Section.
- f. Any person currently keeping chickens in the City when this Section becomes effective shall be required to comply with this Section within sixty (60) days after the effective date of this Section.
- g. The keeping of chickens pursuant to a license issued under this Section must also be done in compliance with all other ordinances of the City.
- h. By applying for a license under this Section, each person submitting the application authorizes City officials at all reasonable times, both before and after a license is given, and in a reasonable manner to enter upon and inspect the property with respect to which such license is applied for to determine whether the keeping of chickens violates this Section or any other applicable ordinances.

D. Maintenance. Chicken hens shall be kept and maintained in a clean and wholesome manner as follows:

1. Any manure or other waste from the chicken hens shall be collected and properly removed from the subject property or tilled into the soil on the subject property promptly and regularly to alleviate offensive smells and prevent the spread of diseases.
2. The property owner, tenant or custodian shall promptly comply with orders of the City and/or Livingston County Department of Health in respect to any unsanitary condition found to exist.
3. The presence of numerous flies or the presence of fly larvae in the vicinity of any chicken coop shall be evidence of a lack of sanitary maintenance and shall constitute a public nuisance.
4. Any obnoxious odor or allergen arising from any condition existing with the chicken coop shall be evidence of a lack of sanitary maintenance and shall constitute a public nuisance.
5. Deceased chicken hens shall be disposed of either through burial or incineration in accordance with Federal, State and county regulations.
6. All chicken coops, refuse containers and feed containers intended for the use of chicken hens shall be constructed, maintained and kept in such a manner as to be completely rodent proof.
7. Chicken coops shall be kept in good repair and free of peeling paint, untreated or rotted wood and rust.
8. The floors of every chicken coop shall be a minimum of one foot off the ground, smooth, tight, and maintained to prevent accumulation of filth or water or harboring of vermin thereunder.

ARTICLE II – Dogs

Section 205.300. Annual License.

A. Every person owning, keeping, harboring, or permitting a dog to remain on his/her premises shall register and secure a license for such dog if over the age of four (4) months. Dog licenses shall be issued by the City Clerk upon payment of the license fee fixed by the City Council for each spayed or neutered male or female and a fee for each unneutered male or unspayed female. Application for a dog license shall be made by the owner or keeper on a form provided by the City, which states the applicant's name and address, and the name, breed, color and sex of each dog owned or kept by him/her. Before any dog license is issued, the owner or keeper shall present to the City Clerk a certificate of vaccination from a licensed veterinarian showing the veterinarian has vaccinated the dog being licensed with an anti-rabies vaccine and a certification from a veterinarian verifying neutering or spaying. This provision shall not apply to a dog whose owner is a non-resident temporarily within the City not to exceed thirty (30) days and to service dogs. Service dogs may be registered by the owner, but no license fee shall be charged for such dogs.

Licenses shall be issued for each calendar year beginning January 1st, after which the applicant shall be assessed a penalty equal to fifty percent (50%) of the license fee. Dogs becoming four months of age shall be licensed within 60 days of attaining such age.

B. No vicious dog shall be granted a license, unless the owner provides proof of homeowner's or renter's insurance with a limit of not less than one hundred thousand dollars (\$100,000.00) for coverage against personal injury or death of any person resulting from attack by a dog.

C. No dog, as outlined in Section 205.180 above, shall be issued a license.

D. Subject to the above, if during the license period ownership of the dog is transferred to the new owner, upon application by the new owner to the City Clerk, the transfer fee is five dollars (\$5.00).

Article III. Cats.

Section 205.530. Annual License.

Every person owning, keeping, harboring, or permitting a cat to remain on his/her premises shall register and secure a license for such cat if over the age of four (4) months. Cat licenses shall be issued by the City Clerk upon payment of the established license fee for each spayed or neutered male or female and for each unneutered male or unspayed female.

Applications for a cat license shall be made by the owner or keeper on a form provided by the City for that purpose upon which he/she will state his/her name and address and the name, breed, color and sex of each cat owned or kept by

him/her. Before any cat license shall be issued, the owner or keeper shall present to the City Clerk a certificate of vaccination from a licensed veterinarian showing the veterinarian has vaccinated the cat sought to be licensed with anti-rabies vaccine and certification from a veterinarian verifying neutering or spaying.

The provision of the Article shall not apply to a cat whose owner is a non-resident temporarily within the City for a period not to exceed thirty (30) days. Licenses shall be issued for the calendar year beginning January 1st after which the applicant shall be assessed a penalty equal to fifty percent (50%) of the license fee. Cats becoming four months of age shall be licensed within 60 days of attaining such age.

If during the license period ownership of the cat is transferred, on application by the new owner the license upon making application with the City Clerk and payment of a transfer fee of five dollars (\$5.00).

Section 2. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

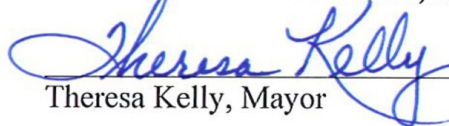
Section 3. This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

Section 4. It is the intent of the City Council that this Ordinance be made a part of the City Code, and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the City Council.

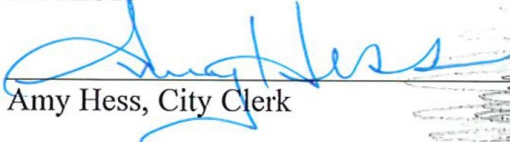
Section 5. This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 29th DAY OF JULY 2024.

CITY OF CHILLICOTHE, MISSOURI


Theresa Kelly, Mayor

ATTEST:


Amy Hess, City Clerk