

AN ORDINANCE REPLACING CHAPTER 215 IN ITS ENTIRETY OF THE MUNICIPAL CODE OF THE CITY OF MARSHFIELD, MISSOURI BEING A CHAPTER OF THE MUNICIPAL CODE DEALING WITH DOG REGULATIONS WITHIN THE CITY OF MARSHFIELD, WEBSTER COUNTY, MISSOURI.

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

Section 1: That Chapter 215 of the Municipal Code of the City of Marshfield, Missouri, being a section of the municipal code dealing with dog regulations is hereby amended to read as follows:

Chapter 215. Dog Regulations

Article I. General Provisions

Section 215.010. Definitions.

BITE

Any abrasion or laceration caused by a dog's teeth or mouth, sufficient to break the skin.

COLLAR

Any device constructed of nylon, leather, metal, or similar material, and used for restraint of an animal by the animal's neck.

DOGS

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

DANGEROUS DOG

Any dog that:

1. Has a known propensity, tendency, or disposition to attack when unprovoked, upon the streets, sidewalks or any public grounds or places or upon the property of another, to cause injury or otherwise endanger the safety of any person or domestic animals or approaches a person in a menacing fashion or apparent attitude of attack.
2. Bites, causes severe- injury, assaults or otherwise attacks a person or domestic animal without provocation on private or public property; or
3. Is owned or harbored primarily or in part for the purpose of dog fighting or trained for dog fighting.

NON-CLIMBABLE FENCE

A type of fence designed to make it difficult for dogs to climb over.
(6' tall solid fence)

OWNER OR KEEPER

Any person, firm, partnership, or corporation owning, harboring, or keeping a dog who has it in their care, or acts as its custodian, or who

knowingly permits a dog to remain on or about any premises owned or occupied by them.

RUNNING AT LARGE

Allowing a dog to be off the private premises of the owner, or keeper, or their agent, and not on a leash or confined to the arm, motor vehicle, trailer or other conveyance of the owner or keeper, or their agent.

SEVERE INJURY

Any physical injury which results in the impairment of the function of any part of the body including broken bones or lacerations requiring either multiple stitches or surgery.

UNPROVOKED

Action by a dog not in response to being tormented, abused, or assaulted by any person, or not in response to pain or injury or to protect itself, its kennel, or its offspring.

Section 215.020. Reserved

Section 215.030. Vaccination

It shall be unlawful for any person to keep, harbor or own a dog within the City that has not been vaccinated against rabies as provided in this Section. A veterinarian who vaccinates an animal shall complete in duplicate a certificate of vaccination. One (1) copy shall be issued to the animal owner and one (1) copy shall be retained in the veterinarian's files.

Section 215.040. Reserved

Section 215.050. Running At Large - Impounding.

It shall be unlawful for the owner of any dog to let such dog run at large, whether bearing a license or not, at any time, within the City limits of Marshfield, and any dog or dogs found to be running at large may be impounded by City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, at the licensed veterinarian facility used by the City of Marshfield, for the impounding of dogs. In effecting the capture of such dogs, the personnel aforesaid are authorized and directed to use traps, nets, tranquilizer guns, or any other humane method.

Section 215.060. Notice of Impoundment

Upon taking up and impounding any dogs as herein provided, the City Code Enforcement Officer, designated City employee or contractor who takes up and impounds any dogs shall be posted publicly.

Section 215.070. Date of Euthanasia and Disposal.

The date of euthanasia and disposal of the dog shall not be less than five (5) business days after the posting of the notice as set forth in Section **215.060.** or prior to adoption.

Section 215.080. Manner of Reclaiming Dogs.

- A. Any dog may be redeemed from the licensed veterinary facility used by the City of Marshfield by the owner of the dog within the time stated in the notice, by making payment to the City Collector for the impounding fee of twenty-five dollars (\$25.00) plus the boarding charges accrued at the veterinary facility and proof of up-to-date vaccinations.
- B. Upon payment of the above fees provided in Subsection (A) above, the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield shall allow release from the licensed veterinary facility to the owner the dog claimed by them.
- C. Any dog impounded which is not claimed as provided in Subsections (A) and (B) above, after five (5) business days, and with the recommendation of the veterinarian, shall be eligible for adoption prior to Section 215.070 being enforced.

Section 215.090. Prohibitions and Offenses - Penalty.

- A. It shall be unlawful to keep or harbor more than the aggregate total of four (4) domestic animals total per household including adult dogs and/or cats, being dogs or cats above the age of four (4) months, within the City of Marshfield,
- B. It shall be unlawful for any unauthorized person to attempt to take from the City Code Enforcement Officer, designated City employee or contractor of the City of Marshfield, any dog taken up by him/her in compliance with this Chapter, or in any manner to interfere with or hinder such City Code Enforcement Officer, designated City employee or contractor of the City of Marshfield in the discharge of his/her duties under this Chapter.
- C. Any person, firm, partnership, or corporation violating Section **215.050** or any of the provisions of Section **215.090** of the Marshfield Municipal Code is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with the Adopting Ordinance Section 5. Violations and Penalties of the City of Marshfield Code.

Section 215.100. Licensed Facility - Open to Inspection.

The licensed veterinarian facility where dogs are kept as herein provided shall be open to inspection during normal business hours by any person who believes he/she might be the owner or keeper of a dog there impounded or for adoption opportunity.

Section 215.110. Procedure When Person Bitten or Scratched by Animal.

- A. The owner of any dog or cat which, through biting or scratching, breaks or abrades the skin of any person, regardless of the circumstances or

whether the animal is vaccinated shall be required to place the animal in a veterinary facility maintained by a licensed veterinarian for a period of ten (10) days following the evening of the day of the bite for clinical observation.

- B. All expenses shall be borne by the owner of the animal. If such animal develops symptoms suggestive of rabies, it shall be allowed to die a natural death or, if the animal should die while in confinement for any reason, the head of such animal shall be removed and submitted to any qualified official laboratory. When the City Enforcement Officer, designated City employee, or contractor of the City of Marshfield, shall determine that an immediate examination of animal is proper, in order to provide for adequate protection of human life or safety, then the animal may be euthanized for purposes of examination before the lapse of ten (10) days. If at the end of the ten (10) day period, the animal is alive and in good health, it may be released to its owner.
- C. All dogs under clinical observation for rabies must fulfill all other conditions of this Chapter prior to release.

Section 215.120. Pursuit and Impoundment of Animals Suspected of Having Bitten or Scratched a Person.

- A. *Pursuit.* Whenever the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, shall have reasonable grounds to believe that a person has been bitten or scratched by a dog, and shall have reasonable grounds to believe that a particular dog is guilty of having inflicted the bite or scratch, then such City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield shall be accompanied by a Police Officer who is authorized to pursue such dog onto or into the property of any person whomsoever for the purpose of taking up such animal and impounding the same, and shall be authorized to enter any place, building or property of another when the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, has reasonable grounds to believe that such dog is thereon or therein for the purpose of taking up such animal and impounding the same. Provided however, no City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, shall enter the dwelling place of another without first giving opportunity to the occupant thereof, if he/she can be found, to deliver such animal. It shall be unlawful for any person to interfere with any City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, or Police Officer proceeding in accordance with the provisions of this Section.
- B. *Impoundment And Notification of Owner.* When any such City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, shall have impounded any dog, it shall be the duty of the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, to immediately notify the owner, if he/she is known, of such dog and it shall be the duty of such owner to comply with the provisions of this Section.
- C. *Search Warrant.* Whenever a Police Officer of the City of Marshfield shall have probable cause to believe that an animal has bitten or scratched a person, such Officer may, in addition to other remedies

provided in this Section, request that a warrant be issued to search for and seize such animal pursuant to the provisions of this Chapter.

Section 215.130. Impoundment of Suspected or Rabid Animals.

Any dog which exhibits clinical symptoms suggestive of rabies as determined by any licensed veterinarian, or the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, shall be impounded off the property of the owner. This animal shall be held for ten (10) days in a licensed veterinarian facility used by the City of Marshfield which it cannot escape and which it cannot make physical contact with any other animal. All expenses of said impoundment shall be borne by the owner of the animal. If the animal is alive and in good health at the end of said ten (10) day period, it shall be returned to the owner after payment by the owner of all costs associated with said impoundment.

Section 215.140. Duty of Owner or Person in Charge to Kill Dog or Have Immunized.

Whenever any dog has been bitten by, fought with, or has been substantially exposed to any animal affected with rabies, it shall be the duty of the owner, or person in charge thereof, to quarantine their dog, to have it immunized against rabies at the owner's or custodian's expense, by a licensed veterinarian or have the dog euthanized.

Article II. Dangerous Dogs

Section 215.150. Acquisition of Dangerous Dog Prohibited.

- A. No person shall knowingly sell, offer for sale, breed, buy or attempt to buy any dangerous dog within the City of Marshfield, Missouri. A dog deemed dangerous under the provisions of this Chapter shall not be sold or given away to any other resident of the City of Marshfield, Missouri.
- B. No person shall knowingly own, harbor, sell or offer for sale any dog which is to be used for the purpose of dog fighting or to be trained, tormented, badgered, baited for the purpose of causing or encouraging the dog to attack human beings or domestic animals when not provoked, unless such dog has been exempted by the Mayor of the City of Marshfield, Missouri, as a dog used in and by law enforcement authorities.

Section 215.160. Decision by Court As Dangerous Dog.

Upon receipt of a written complaint by any person, the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, after reviewing the facts of the complaint, may request a hearing to determine if such dog is dangerous. Such a hearing shall be conducted by the Court having competent jurisdiction per their schedule and location. The City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, shall provide notice to the owner of the dog, in person or by certified mail, and to the

complainant by regular mail, of the date, time and location of the hearing. At the hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. In the event the dog has caused injury to any person, the City Code Enforcement Officer, designated City employee, or contractor for the City of Marshfield, may impound the dog at the licensed veterinarian facility used by the City of Marshfield at the owner's expense, pending the hearing and determination of the complaint. If the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield cannot, with due diligence, locate the owner of the dog that has been seized pursuant to this Section, said dog shall be impounded for no fewer than five (5) days. If, after five (5) days, no person appears to claim that he/she is the dog's owner, or is an authorized agent of the owner, the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield is hereby designated as an authorized agent of the owner and may cause said dog to be adopted, or humanely destroyed.

Section 215.170. Sanctions Against Dangerous Dogs.

- A. Upon conclusion of a hearing as set forth in the previous Section, and upon a determination that the dog is dangerous at said hearing, the Court of competent jurisdiction, may order the owner of the dog to comply with one (1) or more of the following, or any combination thereof:
1. The owner of a dangerous dog will be ordered to register such dog with the City of Marshfield the application for such registration shall contain the name and address of the owner, the breed, age, sex, color and other identifying marks of the dog, the location of where the dog is to be kept, if not at the address of the owner, such other information as may be required. The application for registration pursuant to this Subsection shall be accompanied by a registration fee of fifty dollars (\$50.00). Each dog registered pursuant hereto shall be assigned an official registration number by the City of Marshfield. Such registration number shall be inscribed on a metal tag which shall be attached to the dog's collar at all times. The tag and a certificate of registration shall be of such form and design and shall contain all information required by the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield and be issued to the owner upon payment of the registration fee and the presentment of sufficient evidence that the owner has complied with all orders as prescribed at the determination hearing.
 2. *Confinement.* The Court of competent jurisdiction may order the owners of a dangerous dog to confine the dog at all times either indoors, or if outdoors, in a proper enclosure for a dangerous dog which consists of a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, or any part of their bodies, and designed to prevent the animal from escaping. Such a pen or structure shall have secure sides and prevent the dog from digging his/her way out through the bottom. The pen or structure shall also provide the dog with protection from the elements. The owner shall also conspicuously display signs designed with a warning approved by the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, which indicates to both children and adults the presence of a dangerous dog, on the

pen or structure, and on or near the entrances to the residence where the dog is kept. At any time such dog is not on the premises occupied by the owner, then the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person, and kept on a leash not longer than six (6) feet with the owner or some other responsible person attending such dog, or confined in a location or facility approved by the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield. The operator or owner of such approved location or facility shall be informed by the owner of the status of the dog as a dangerous dog and any restrictions on the use, movement and boarding of the dog.

3. *Liability insurance.* The Court of competent jurisdiction may order the owner of a dangerous dog which has caused a severe injury to any person to maintain, in full force and effect, a liability insurance policy in the amount of one hundred thousand dollars (\$100,000.00) for coverage against personal injury or death of any person, resulting from an attack from such dangerous dog, or to provide such proof of financial responsibility for personal injury or death of any person resulting from an attack from such dangerous dog as the City Court of competent jurisdiction shall deem satisfactory and acceptable. Such proof of financial responsibility may include, but is not limited to, a bond or pledge of property.
4. *Spaying or neutering.* The Court of competent jurisdiction may order the owner of the dangerous dog to arrange for the alteration of its reproductive capacity through spaying or neutering of such a dangerous dog. Such an alteration shall be at the owner's expense.
5. *Humane destruction.* The Court of competent jurisdiction may order the humane destruction of any dog which has been found to have killed or caused severe injury to any person or other domestic animal. All costs are the responsibility of the dog owner.
6. *Limited number.* The Court of competent jurisdiction may order the owner not to be allowed to have more than one (1) dangerous dog at the residence.

Section 215.180. Reserved

Section 215.190. Reserved

Section 215.200. Dangerous Dog Owned By Minor.

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

Section 215.210. Seizure and/or Confinement of Dangerous Dog.

- A. In the event that the owner of a dangerous dog violates any order of the Court of competent jurisdiction as provided at the determination hearing, such dangerous dog may be seized and impounded by the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield. In addition, any dog shall be immediately seized by the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, if

the dog bites or attacks a person or other domestic animal at the sufferance of its owner, or is engaged in or apparently engaged in a dog fight.

- B. In the event that a previously declared dangerous dog has been seized by the City of Marshfield, either by a Court of competent jurisdiction, or after such dog bites or attacks a person, the Court of competent jurisdiction shall conduct a hearing to determine if the dog should be returned to the owner or euthanized. The dog in question shall be impounded until such hearing shall be conducted per the schedule of the Court of competent jurisdiction. The owner is responsible for all costs associated with impounding the dog. The City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, shall provide written notice of such hearing either in person or by certified mail, to the owner of the dog.
- C. After such hearing has been conducted, the Court of competent jurisdiction may either order that the dog be returned to the owner or declare that the dog be scheduled for euthanasia. In addition, the owner shall be subject to any penalties prescribed in the Marshfield Municipal Code.

Section 215.220. Excused Behavior.

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

Section 215.230. Enforcement - Search and Seizure.

- A. The City Police Officer of Marshfield shall be empowered to enforce the provisions of this Article, or any rule or regulation promulgated hereunder.
- B. Persons authorized to enforce the provisions of this Article, or any rule or regulation promulgated hereunder shall have the authority to seek and execute search and seizure warrants as is determined necessary.

Section 215.240. Exemption.

The provisions of this Article shall not apply to any Federal, State or City Law Enforcement Agency or dog specifically exempted by order of the Mayor because of said dog's work in law enforcement.

Section 215.250. Severability.

If any provision of this Article is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of the Article.

Section 215.260. Violations and Penalties.

Any person who violates any provisions of this Article shall be guilty of an offense and shall, upon conviction, therefore, be deemed guilty of a misdemeanor and be fined accordance with the Adopting Ordinance Section 5. Violations and Penalties of the Marshfield City Code.

Article III. Presumptively Dangerous Dogs

Section 215.270. Regulation Of Certain Breeds Deemed Presumptively Dangerous.

- A. The following breeds of dogs, including mixed breeds, are hereby deemed presumptively dangerous:
1. Pit Bulls. The term "pit bull" means any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one (1} or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the City Clerk.
- B. The owner of any presumptively dangerous dog shall be allowed to keep such dog within the City only if the owner annually registers the dog with the City of Marshfield, January 1st of each year and receives a valid registration. Further, any person owning a presumptively dangerous dog who relocates his or her residence to the City shall, within thirty (30) days of relocation, register their presumptively dangerous dog and comply with all provisions of this Chapter regarding ownership of such animal. As a condition of registration of a presumptively dangerous dog, the owner shall at the time of application be at least eighteen (18) years of age and comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:
1. The owner of the presumptively dangerous dog shall provide proof of rabies vaccination and shall pay the annual presumptively dangerous dog fee of fifty dollars (\$50.00).
 2. The owner of the presumptively dangerous dog shall keep current the registration for such dog through annual renewal due January 1st regardless of the date of the initial registration. Such registration is not transferable and shall be renewable only by the holder of the registration or by a member of the holder's immediate family. A dangerous dog registration tag will be issued to the owner at the time of issuance of the registration. Such registration tag shall be attached to the presumptively dangerous dog at all times by means of a collar or harness and shall not be attached to any other dog other than the presumptively dangerous dog for which the registration was issued. If the dangerous dog tag is lost or destroyed, a duplicate tag may be issued upon the payment of a five dollar (\$5.00} fee.
 3. The owner shall, at the owner's expense, have the presumptively

dangerous dog spayed or neutered and shall present to the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, authorized representative documentary proof from a licensed veterinarian that this sterilization has been performed.

4. The owner of a presumptively dangerous dog shall always keep the dog securely leashed when the dog is outside the owner's home, unless the dog is confined by a no-climb fence which is permanent in nature, six (6) feet in height, and otherwise sufficient to prevent its escape.
 5. An owner of a presumptively dangerous dog shall notify the City Code Enforcement Officer, designated City employee, or contractor of the City of Marshfield, within five (5) days in the event that the dog is lost, stolen, sold, given away or dies.
 6. An owner of a presumptively dangerous dog shall have posted at each possible entrance to the owner's property where the dog is kept a conspicuous and clearly legible dangerous dog sign provided by the City of Marshfield.
- C. The Court having competent jurisdiction may order the forfeiture of a presumptively dangerous dog who bites, inflicts injury, assaults, or otherwise attacks any person when unprovoked.
- D. If a presumptively dangerous dog is found to be aggressive and to be off the premises of the owner and not under the responsible control of the owner or a member of his or her immediate family, then the owner of the dog and/or the owner or tenant of the home where the dog resides shall be guilty of an offense and shall, upon conviction therefore, be fined a sum in accordance with the Adopting Ordinance; Section 5. Violations and Penalties of the City of Marshfield Code.
- E. No more than one (1) presumptively dangerous dog shall be allowed per residence.

Article IV. Kennel Regulations

Section 215.280. Definitions.

As used in this Article, the following words shall have the meaning ascribed to them in this Section, unless the context otherwise indicates:

DOMESTICATED HOUSEHOLD ANIMAL

Any of various animals domesticated by man so as to live and breed in a tame condition. Domesticated household animals shall not include animals which are kept for the purpose of utility rather than pleasure.

KENNEL

A place or establishment, other than a pound or animal shelter, where domesticated household animals, not owned by the proprietor, are sheltered, fed, watered or groomed in return for a consideration.

Section 215.280. Kennels.

- A. Any person who shall own or operate a place or establishment, other

than a pound or animal shelter, where domesticated household animals, not owned by the proprietor, are sheltered, fed, watered, or groomed in return for a consideration shall be considered the owner or operator of a kennel. Such owner shall file application therefore 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 State and City laws and ordinances. If it appears that such kennel and the operation thereof will not be in violation of State and City laws, the City Clerk shall issue a kennel license to said applicant upon the payment of the required fee as set forth in Section **605.020** of this Code.

- B. Such license shall permit the applicant to operate such kennel described in the application for a period of one (1) year, unless said license is revoked; and any violation of the Subsections of this Section shall constitute sufficient cause for revocation of such license.
- C. Kennel premises shall be always maintained in a clean, satisfactory, and sanitary condition and sanitary methods shall be used to obliterate or prevent any offensive odors. The City Code Enforcement Officer, City Health Officer and City Police shall have the right to inspect such kennels at reasonable hours.
- D. If a kennel is licensed to operate within two hundred (200) feet of a building used or occupied as a residence, except for the keeper of the kennels, the kennel animals shall not be allowed to run at large or be in the outdoor enclosures of the kennel unless the animals are continuously supervised and that such activity does not disturb the peace of adjoining property owners.
- E. All kennel animals shall be fed, maintained, and housed in separate compartments and are not to come in physical contact with other animals except as set forth in Subsection **(D)** above or in cases of mothers and their young. The inside and outside spaces shall be completely cleaned at least twice per day.

Section 215.290. Violation Is An Offense.

Any owner or keeper of a dog, or any person in charge or having custody and control of a dog, who shall violate any of the provisions of this Article, or who shall keep or maintain a kennel shall be deemed guilty of a misdemeanor and shall be punished by a fine in accordance with the Adopting Ordinance Section 5. Violations and Penalties of the City of Marshfield Code.


Section 2: All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby expressly repealed.

Read twice by title after proper posting in accordance with the provisions of Section 78.130 RSMo. (1988) and passed by the Board of Aldermen of the City of Marshfield, Missouri, this 8th day of May 2024.




Natalie B. McNish, Mayor

ATTEST:

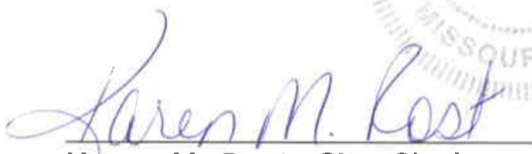

Karen M. Rost, City Clerk

APPROVED by the Mayor of the City of Marshfield, Missouri, this 8th day of May 2024.




Natalie B. McNish, Mayor

ATTEST:


Karen M. Rost, City Clerk