

BILL NO. 1335

ORDINANCE NO. 1341

**AN ORDINANCE OF SCOTT CITY, MISSOURI TO REPEAL CHAPTER 215: ANIMAL REGULATIONS AND ENACT A NEW CHAPTER 215 RELATING TO ANIMAL REGULATIONS INCLUDING GENERAL PROVISIONS AND DANGEROUS DOGS; ESTABLISHING THE EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF SCOTT CITY, MISSOURI, AS FOLLOWS:

(Note: Language to be added is underlined. Language to be deleted is ~~stricken~~.)

**SECTION ONE.** Chapter 215: Animal Regulations as set forth in Exhibit A attached hereto and incorporated herein is hereby repealed and a new Chapter 215: Animal Regulations is enacted in lieu thereof to read as set forth in Exhibit B attached hereto and incorporated herein by reference.

**SECTION TWO.** It is the intent of the Mayor and City Council of Scott City, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of Scott City, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

**SECTION THREE.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION FOUR.** That this ordinance shall take effect and be in force from and after its passage and approval.

**SECTION FIVE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Read first time this 18th day of March, 2024.

Read second time this 18th day of March, 2024.

The bill was thereupon placed on its final passage and put to a roll call vote this 18th day of March, 2024 with the following results:

K. Page	<u>AYE</u>	Rhymer	<u>AYE</u>
Phillips	<u>AYE</u>	Ingvalson	<u>AYE</u>
Howard	<u>AYE</u>	Brashear	<u>AYE</u>
C. Page	<u>AYE</u>	Morse	<u>AYE</u>

**WHEREUPON**, the Mayor declared that Bill No. 1335 passed and that the same had become Ordinance No. 1341.

  
Devin Brant  
Mayor

Attest:

Christie Oswald  
City Clerk

EXHIBIT A

~~Chapter 215~~  
**Animal Regulations**

~~Article I~~  
**General Provisions**

Section 215.010 **Definitions.**  
~~{Ord. No. 14 §1, 6-2-1980; Ord. No. 512 §1, 5-20-1996}~~

As used in this Article, the following terms mean:

**~~ANIMAL~~**

~~Any live, vertebrate creature, domestic or wild.~~

**~~ANIMAL SHELTER~~**

~~Any facility operated by a Humane Society, or Municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Article, or State laws.~~

**~~AUCTIONS~~**

~~Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this Article. This definition does not apply to individual sales of animals by owners.~~

**~~CIRCUS~~**

~~A commercial variety show featuring animal acts for public entertainment.~~

**~~COMMERCIAL ANIMAL ESTABLISHMENT~~**

~~Any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition or boarding facility.~~

**~~GROOMING SHOP~~**

~~A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.~~

**~~HUMANE OFFICER~~**

~~Any person designated by the State of Missouri, a Municipal Government or a Humane Society as a Law Enforcement Officer who is qualified to perform such duties under the laws of this State.~~

**MINI GOAT**

~~A breed of goat classified in the National Pygmy Goat Association, which when fully grown does not exceed seventy five (75) lbs. and twenty (20) inches in height.~~

~~{Ord. No. 1114, 1-2-2018}~~

**MINI PIG**

~~Domestic pigs kept as pets of a miniature breed, which when fully grown shall not exceed one hundred fifty (150) lbs. and twenty (20) inches in height.~~

~~{Ord. No. 1114, 1-2-2018}~~

**OWNER**

~~Any person, partnership or corporation owning or claiming ownership of one (1) or more animals.~~

**PERFORMING ANIMAL EXHIBITION**

~~Any spectacle, display, act or event other than circuses, in which performing animals are used.~~

**PET**

~~Any animal kept for pleasure rather utility.~~

**PET SHOP**

~~Any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys and sells any species or animal.~~

**PUBLIC NUISANCE**

~~Any animal or animals which:~~

- ~~1. Molest passersby or passing vehicles;~~
- ~~2. Attack other animals;~~
- ~~3. Trespasses on school grounds;~~
- ~~4. Is repeatedly at large;~~
- ~~5. Damages private or public property; or~~
- ~~6. Barks, whines or howls in an excessive, continuous or untimely fashion.~~

**RESTRAINT**

~~Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.~~



**TEMPORARY BOARDING FACILITY**

Any commercial establishment that engages in the business of the temporary boarding of a dog or cat. Boarding facilities must be a licensed operation registered with the licensing authority within this municipality. Temporary boarding is not to exceed fourteen (14) days. Facility is not meant for the purpose of boarding business owner's own dogs or cats.

**VETERINARY HOSPITAL**

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

**VICIOUS ANIMAL**

Any animal or animals that constitute a physical threat to human beings or other animals.

**WILD ANIMAL**

Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state.

**ZOOLOGICAL PARK**

Any facility, other than a pet shop, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a municipality or government agency.

**Section 215.020 Licensing.  
{Ord. No. 14 §2, 6-2-1980}**

- A. Any person owning, keeping, harboring, or having custody of any animal over three (3) months of age within this Municipality must obtain a license as herein provided. This provision may not apply to the keeping of small cage birds, or aquatic and amphibian animals solely as pets.
- B. Written application for licenses shall be made to the Licensing Authority which shall include name and address of applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.
- C. If not revoked, licenses for the keeping of dogs or cats shall be for a period of one (1) year.
- D. Application for a license must be made within thirty (30) days after obtaining a dog or cat over three (3) months, except that this requirement will not apply to a non-resident keeping a dog or cat within the Municipality for not longer than sixty (60) days.
- E. License fees shall not be required for seeing eye dogs or Governmental police dogs.
- F. Upon acceptance of the license application and fee, the Licensing Authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

- G. ~~Dogs and cats wear identification tags or collars at all times when off the premises of the owners.~~
- H. ~~The Licensing Authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.~~
- I. ~~The licensing period shall begin with the fiscal year and shall run for one (1) year. Application for license may be made thirty (30) days prior to, and up to, sixty (60) days after the start of the fiscal year. Persons applying for a license during the licensing year, shall be required to pay fifty percent (50%) of the fee stipulated in this Section.~~
- J. ~~Persons who fail to obtain a license as required within the time period specified in this Section will be subjected to a fine of not to exceed one hundred dollars (\$100.00). {Ord. No. 1290, 11-21-2022}~~
- K. ~~A license shall be issued after payment of the applicable fee of two dollars (\$2.00).~~
- L. ~~A duplicate license may be obtained upon payment of a fifty cent (\$.50) replacement fee.~~
- M. ~~No person may use a license for any animal other than the animal for which it was issued.~~

**Section 215.030 Permits.**

**{Ord. No. 14 §3, 6-2-1980; Ord. No. 512 §§2—3, 5-20-1996; Ord. No. 776 §1, 4-4-2005; Ord. No. 940 §1, 1-19-2012}**

- A. ~~No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this Section.~~
- B. ~~The Licensing Authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Article and other applicable laws. The Licensing Authority may amend such regulations from time to time as deemed desirable for public health and welfare and the protection of animals.~~
- C. ~~Upon showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the Licensing Authority, a permit shall be issued upon payment of the applicable fee.~~
- D. ~~The permit period shall begin with the fiscal year and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. Application for permit to establish a new commercial animal establishment under the provisions of this Article may be made at any time.~~
- E. ~~If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a ten dollar (\$10.00) transfer fee.~~

F. ~~Annual permits shall be issued upon payment of the applicable fee:~~

For each \$75.00  
pet shop

For each \$50.00  
auction

For each \$25.00  
circus

For each \$50.00  
performing  
animal  
exhibition

For each \$50.00  
grooming  
shop

For each \$50.00  
temporary  
boarding  
facility

G. ~~Every facility regulated by this Chapter shall be considered a separate enterprise and requires an individual permit.~~

H. ~~No fee shall be required of any veterinary hospital, animal shelter, or government or municipal operated zoological park.~~

I. ~~Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.~~

J. ~~Failure to obtain a permit before opening any facility covered in this Section shall result in a fine of two hundred dollars fifty cents (\$200.50).~~

K. ~~A special permit may be applied and obtained through City Hall for training of search, rescue and recovery operation dogs. No fee will be required.~~

**Section 215.040 License and Permit Issuance and Revocation.**  
**{Ord. No. 14 §4, 6-2-1980}**

A. ~~The Licensing Authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Article, the regulation promulgated by the Licensing Authority, or any law governing the protection and keeping of animals.~~

- B. ~~Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept, or harbored and no part of the permit or license fee shall be refunded.~~
- C. ~~It shall be a condition of the issuance of any permit or license that the Licensing Authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.~~
- D. ~~If the applicant has withheld or falsified any information on the application, the Licensing Authority shall refuse to issue a permit or license.~~
- E. ~~No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.~~
- F. ~~Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a ten dollar (\$10.00) fee.~~

**Section 215.050 Restraint.**

~~{Ord. No. 14 §5, 6-2-1980; Ord. No. 940 §2, 1-19-2012}~~

- A. ~~All dogs shall be kept under restraint, except for those used in service of law enforcement, search and rescue and recovery. Those dogs that have a special permit obtained through City Hall will be permitted to be exempt from this Section at all times during training and while engaged in search and rescue and recovery.~~
- B. ~~No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.~~
- C. ~~Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such dog or cat cannot come into contact with another animal except for planned breeding.~~
- D. ~~Every vicious animal, as determined by the Licensing Authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.~~

**Section 215.060 Impoundment and Violation Notice.**

~~{Ord. No. 14 §6, 6-2-1980; Ord. No. 125 §73.150, 4-9-1984; Ord. No. 516 §1, 7-1-1996; Ord. No. 1180, 4-20-2020}~~

- A. ~~Unrestrained dogs and nuisance animals shall be taken by the Police, Animal Control Officers, or Code Enforcement Officers and impounded in an animal shelter and there confined in a humane manner.~~
- B. ~~Impounded dogs and cats shall be kept for not less than five (5) working days.~~

- C. ~~If by a license tab or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or mail.~~
- D. ~~At any time prior to the disposal of any animal impounded by the City, the owner thereof, upon satisfactory proof of ownership, may redeem such animal upon exhibiting a certificate of license and a certificate of vaccination for rabies and by paying a redemption fee of fifty dollars (\$50.00), plus an additional ten dollars (\$10.00) for each day the animal was impounded. If such animal has not been licensed or vaccinated for rabies the owner, in addition to paying the redemption fee and the boarding fee, shall immediately after the animal is released to the owner, have such animal licensed and/or vaccinated for rabies. Thereafter, within five (5) days after the animal has been released to the owner, the owner shall tender to the Code Enforcement Officer proof of licensing and/or vaccination for rabies. If the owner fails to tender proof of licensing and/or vaccination for rabies within the prescribed time, the Code Enforcement Officer shall impound the animal and dispose of the animal pursuant to Subsection (E) of this Section. [Ord. No. 1188, 5-4-2020; Ord. No. 1213, 10-19-2020]~~
- E. ~~Any animal not reclaimed by its owner within five (5) working days shall become the property of the local Government authority, or Humane Society, and shall be placed for adoption in a suitable home or humanely euthanized, upon the discretion of the Animal Control Officer.~~
- F. ~~In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer, Code Enforcement Officer, or Police Officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of fifty dollars (\$50.00), which may, at the discretion of the animal owner, be paid to any agency designated by the Licensing Authority within seventy two (72) hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a Magistrate and upon conviction of a violation of this Article, the owner shall be punished as provided in Section 215.130 of this Article.~~
- G. ~~The owner of an impounded animal may also be proceeded against for violation of this Article.~~
- H. ~~The Licensing Authority shall review automatically all licenses issued to animal owners against whom three (3) or more violations have been assessed in a twelve (12) month period.~~

**Section 215.070 Animal Care.**  
**[Ord. No. 14 §7, 6-2-1980]**

- A. ~~No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.~~

- B. ~~No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.~~
- C. ~~No owner of an animal shall abandon such animal.~~
- D. ~~No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.~~
- E. ~~Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than twenty five (25) to a single purchaser.~~
- F. ~~No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or their competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.~~
- G. ~~Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate Law Enforcement Agency or to the local Humane Society.~~
- H. ~~No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.~~

**Section 215.075 Mini Pigs And Goats.**  
**{Ord. No. 1114, 1-2-2018}**

- A. ~~Mini pigs and mini goats shall comply with all requirements for licensing, permits, permit revocation, restraint, impoundment, and animal care as set in Sections 215.020, 215.030, 215.040, 215.050, 215.060 and 215.070 of the Code.~~
- B. ~~Only one (1) mini goat or one (1) mini pig shall be allowed on any premises within the City, except as hereinafter provided. Mini goats and mini pigs located in commercial or residential zoned areas shall be located to the rear of the residential or commercial property and shall be in an area enclosed, which shall comply with setback requirements for secondary buildings.~~
- C. ~~The owners of all mini pigs and mini goats shall remove all manure and waste caused by the boarding of said animals on a regular basis, so as to abate any odor to neighboring properties.~~
- D. ~~More than one (1) mini pig may be allowed on any property, provided it is located more than four hundred (400) feet from any other residence or dwelling place as provided in~~



~~Section 215.160 of the Code.~~

~~Section 215.080 Keeping of Wild Animals.~~

~~{Ord. No. 14 §8, 6-2-1980}~~

- ~~A. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibition, or circuses.~~
- ~~B. No person shall keep or permit to be kept any wild animal as a pet.~~
- ~~C. The Licensing Authority shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.~~

~~Section 215.090 Performing Animal Exhibitions.~~

~~{Ord. No. 14 §9, 6-2-1980}~~

- ~~A. No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.~~
- ~~B. All equipment used on a performing animal shall fit properly and be in good working condition.~~

~~Section 215.100 Animal Waste.~~

~~{Ord. No. 14 §10, 6-2-1980}~~

~~The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.~~

~~Section 215.110 Sterilization.~~

~~{Ord. No. 14 §11, 6-2-1980}~~

~~No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized and a deposit of at least fifteen dollars (\$15.00) must be paid at the time of adoption.~~

~~Section 215.115 Animal Surrender.~~

~~{Ord. No. 1212, 10-5-2020}~~

~~Any owner or person in possession of a dog or cat who surrenders said dog or cat to the Animal Control Officer to be euthanized, upon execution of an affidavit indicating the person is the owner or has right to possession of the same shall pay to the City a fee of thirty five dollars (\$35.00) to cover the cost of euthanizing the animal.~~

~~Section 215.120 Enforcement.~~

~~{Ord. No. 14 §12, 6-2-1980}~~

The civil and criminal provisions of this Article shall be enforced by those persons or agencies designated by Municipal authority. It shall be a violation of this Chapter to interfere with a Humane Officer in the performance of his duties.

**Section 215.130 Penalties.**

**{Ord. No. 14 §13, 6-2-1980; Ord. No. 934 §1, 11-7-2011}**

A person violating any provision of this Article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) or a term of imprisonment of not more than ninety (90) days in the City Jail. If any violation be continuing, each day's violation shall be deemed as a separate violation. If any person be found guilty by a court of violating Section **215.080**, his permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

**Article II**

**Miscellaneous Animal Regulations**

**Section 215.140 Disturbing Wildlife.**

**{CC §73.020}**

It shall be unlawful for any person to willfully injure, molest or disturb in any way any birds or the nest, eggs, young or brood of any such birds, except that this provision shall not apply to any birds declared by any law or ordinance to be "pests", nor shall any person kill, molest or injure any squirrel in the City.

**Section 215.150 Disposal of Dead Animals in Public Ways.**

**{CC §73.060}**

- A. No person shall deposit, throw or place any dead or fatally sick or injured animal, or part thereof, on any public place or private premises, or into any sewer or drainage ditch.
- B. It shall be the duty of the City to pick up and dispose of all dead animals and fowl on the public streets or public places.

**Section 215.160 Keeping of Livestock, Domestic Animals and Fowl.**

**{CC §73.070; Ord. No. 512 §4, 5-20-1996; Ord. No. 569 §1, 7-7-1997; Ord. No. 920 §1, 6-6-2011}**

- A. No person shall keep or maintain any hogs, goats or sheep within four hundred (400) feet of any residence or other dwelling place other than that of the owner, nor keep or maintain horses or cows within one hundred fifty (150) feet of the property line of any residence or other dwelling place other than that of the owner, nor keep or maintain a combined total of three (3) or more rabbits, chickens, ducks, turkeys, or other domestic fowl within one hundred fifty (150) feet of the property line of any residence or other dwelling place other than that of the owner, provided, however, that if all occupants of residences or other dwelling places within such distances agree thereto, in writing, such animals or fowl may be



kept and maintained at less than such distances; and provided, further, that nothing in this Section shall prevent the keeping of cows, cattle, sheep or goats at any auction barn or veterinary hospital provided same are kept in a clean and non-odorous condition. ~~{Ord. No. 1182, 4-20-2020}~~

B. ~~Except for a licensed boarding facility regulated by the Zoning Code of the City of Scott City, no more than three (3) dogs and/or three (3) cats over the age of three (3) months may be kept in or on any premises by any person or combination of persons residing in or working on said premises within the City of Scott City, Missouri. Premises encompass the dwelling unit, residence, place of business and adjoining yard. The total number of cats and dogs can equal six (6), with no more than three (3) of that combined total being dogs or three (3) being cats over the age of three (3) months. Any person or group of persons who shall own, keep or harbor upon his/her premises more than three (3) dogs or three (3) cats over the age of three (3) months shall be deemed the owner or keeper of a kennel. Unlicensed kennels within the City of Scott City are declared to be a public nuisance and shall hereafter be prohibited within the corporate limits of said City. {Ord. No. 1045 §1, 4-4-2016}~~

~~Section 215.170 Vehicles Transporting Livestock; Parking, Restriction.  
{CC §73.080}~~

~~Any person who shall, within the City, load, unload, or transfer from one (1) vehicle to another any hogs, sheep, cattle or other livestock in any public place, street or thoroughfare or on any private premises, and any person who shall park or stand any vehicle in which hogs, sheep, cattle or other livestock are loaded on any public place, street or thoroughfare or on any unenclosed private premises for a period longer than one (1) hour, shall be deemed guilty of a misdemeanor.~~

~~Section 215.180 Keeping of Bees Prohibited.  
{CC §73.090}~~

~~No person shall, within the City, keep or suffer to be kept a beehive containing bees.~~

~~Section 215.190 Annoying, Barking Dogs.  
{CC §73.110; Ord. No. 743 §1, 12-15-2003; Ord. No. 790 §1, 11-7-2005}~~

~~No person shall own, keep or harbor any dog which by loud, continual or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, or which habitually barks at or chases pedestrians or any vehicle whatsoever, to the annoyance of such pedestrians or drivers.~~

~~Section 215.200 Vicious Dogs; Restraint, Posting.  
{CC §73.120}~~

~~No person shall own, keep, harbor or allow to be in or upon his premises any dog of a cross, dangerous, vicious or ferocious disposition, or which habitually snaps at or bites or manifests a disposition to bite or attack persons, unless such dog is securely fastened by a chain not over six (6) feet long, or is otherwise securely confined upon such premises; and in addition, unless there~~

is in a conspicuous place upon such premises a sign with letters at least two (2) inches high containing the following words, "Beware of Dangerous Dog".

**Section 215.210 Running Loose Prohibited.**  
~~{CC §73.130}~~

- A. ~~No person owning, controlling, possessing, or having the management or care, in whole or in part, of any dog shall permit such dog to run at large or go off the premises of any owner or keeper thereof, unless such dog is securely tied or led by a line or leash, not to exceed ten (10) feet in length, so as to effectively prevent such dog from biting, molesting or approaching any other person or animal.~~
  
- B. ~~No person owning, possessing, or otherwise having under his control or custody any wild animal or domestic animal or fowl of any kind shall permit the same to run at large in or upon any of the streets or public places or unenclosed lands of the City, or to tie or tether same in such a way that such animal or fowl may go across or upon any of such places.~~

EXHIBIT B

Chapter 215  
Animal Regulations

Article I  
General Provisions

Section 215.010 Definitions.

As used in this Chapter, the following terms mean:

ANIMAL

Any live, vertebrate creature kept as a pet excluding native aquatic and amphibian animals that live in an aquarium 12” or smaller.

ANIMAL SHELTER

Any facility operated by a Humane Society, or Municipal agency, or its authorized agents for the purpose of impounding or caring for Animals held under the authority of this Article, or State laws.

AT LARGE

Any Animal shall be deemed to be "at large" when it is off the property of his/her Owner and not under control of a competent person.

BOARDING FACILITY

Any commercial establishment that engages in the business of the temporary boarding of a dog or cat. Boarding facilities must be a licensed operation registered with the City. Temporary boarding is not to exceed fourteen (14) days. Facility is not meant for the purpose of boarding business owner's own dogs or cats.

CIRCUS

A commercial variety show featuring Animal acts for public entertainment.

CITY

City of Scott City, Missouri

CODE ENFORCEMENT OFFICER

The person employed by the City as the officer charged with the enforcement of this Chapter and other City ordinances relative to Animals.

COMMERCIAL ANIMAL ESTABLISHMENT

Any pet shop, grooming shop, auction, zoological park, circus, performing Animal exhibition or boarding facility.

**GROOMING SHOP**

A commercial establishment where Animals are bathed, clipped, plucked or otherwise groomed.

**HUMANE OFFICER**

Any person designated by the State of Missouri, a Municipal Government or a Humane Society as a Law Enforcement Officer who is qualified to perform such duties under the laws of this State.

**MINI GOAT**

A breed of goat classified in the National Pygmy Goat Association, which when fully grown does not exceed seventy-five (75) lbs. and twenty (20) inches in height.

**MINI PIG**

Domestic pigs kept as pets of a miniature breed, which when fully grown shall not exceed one hundred fifty (150) lbs. and twenty (20) inches in height.

**OWNER**

Any person, partnership or corporation owning or claiming ownership of, keeping, or harboring one (1) or more Animals.

**PERFORMING ANIMAL EXHIBITION**

Any spectacle, display, act or event other than circuses, in which performing Animals are used.

**PET**

Any Animal kept for pleasure rather utility.

**PET SHOP**

Any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys and sells any species or Animal.

**PUBLIC NUISANCE**

Any Animal or Animals which:

1. Molest passersby or passing vehicles;
2. Attack other animals;
3. Trespasses on school grounds;
4. Is repeatedly at large;
5. Damages private or public property; or
6. Barks, whines or howls in an excessive, continuous or untimely fashion.

**RESTRAINT**

Any Animal 1) secured by a leash or lead, or 2) under the control of a responsible person and obedient to that person's commands, or 3) within a vehicle being driven or parked on the streets or within the property limits of its Owner or keeper, or 4) within the real property limits of its Owner.

**SERVICE ANIMAL**

Dogs which are categorized as “service animals” by the Department of Justice in the Code of Federal Regulations, as follows: any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. See: 28 CFR §35.104

**VETERINARY HOSPITAL**

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of Animals.

**VICIOUS ANIMAL**

Any Animal or Animals that constitute a physical threat to human beings or other Animals.

**WILD ANIMAL**

Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state.

**ZOOLOGICAL PARK**

Any facility, other than a pet shop, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a municipality or government agency.

**Section 215.020 Code Enforcement Officer — Interference With.**

No person shall interfere with, hinder or molest the Code Enforcement Officer in the performance of any duty of such agent or seek to release any dog or cat in the custody of the Code Enforcement Officer, except as provided in this Chapter.

**Section 215.030 Licensing—Penalty for Violations.**

- A. Any person owning, keeping, harboring, or having custody of any Animal over three (3) months of age within this City must obtain a license as herein provided.
- B. Written application for licenses shall be made to the City which shall include name and address of applicant, description of the Animal (including name, breed, color, age and sex), the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.

- C. If not revoked, licenses for the keeping of Animals shall be for a period of one (1) year beginning with the presentation to the City of a fully complete application including the rabies certificate and payment of an annual fee of five dollars (\$5.00).
- D. Application for a license must be made within thirty (30) days after obtaining an Animal over three (3) months, except that this requirement will not apply to a non-resident keeping an Animal within the City for not longer than sixty (60) days.
- E. License fees shall not be required for seeing eye dogs, Service Animals, or Governmental police dogs upon production of written proof of certification.
- F. Upon acceptance of the license application and fee, the City shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the Animal's collar or harness.
- G. Dogs and cats must wear identification tags or collars at all times when off the premises of the Owners.
- H. The City shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
- I. Persons who fail to obtain a license as required within the time period specified in this Section will be subjected to a fine not to exceed one hundred dollars (\$100.00).
- J. A duplicate license may be obtained upon payment of a fifty cent (\$.50) replacement fee.
- L. No person may use a license for any Animal other than the Animal for which it was issued.

**Section 215.040 Commercial Animal Establishment Permits—Penalty for Violations.**

- A. No person, partnership, or corporation shall operate a Commercial Animal Establishment or Animal Shelter without first obtaining a permit in compliance with this Section.
- B. The City shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all Animals and for compliance with the provisions of this Article and other applicable laws. The City may amend such regulations from time to time as deemed desirable for public health and welfare and the protection of Animals.
- C. Upon showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the City, a permit shall be issued upon payment of the applicable fee.
- D. The permit period shall begin with the fiscal year and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. Application for permit to establish a new commercial Animal establishment under the provisions of this Article may be made at any time.

E. If there is a change in ownership of a Commercial Animal Establishment, the new owner may have the current permit transferred to his/her name upon payment of a ten dollar (\$10.00) transfer fee.

F. Annual permits shall be issued upon payment of the applicable fee:

<u>For each pet shop</u>	<u>\$75.00</u>
<u>For each auction</u>	<u>\$50.00</u>
<u>For each circus</u>	<u>\$25.00</u>
<u>For each performing animal exhibition</u>	<u>\$50.00</u>
<u>For each grooming shop</u>	<u>\$50.00</u>
<u>For each boarding facility</u>	<u>\$50.00</u>

G. Every facility regulated by this Article shall be considered a separate enterprise and requires an individual permit.

H. No fee shall be required of any veterinary hospital, Animal Shelter, or government or municipal operated zoological park.

I. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

J. Failure to obtain a permit before opening any facility covered in this Section shall result in a fine of two hundred dollars and fifty cents (\$200.50).

K. A special permit may be applied and obtained through City Hall for training of search, rescue and recovery operation dogs. No fee will be required.

**Section 215.050 License and Permit Revocation.**

A. The City may revoke any permit or license if the person holding the permit or license refuses or fails to comply with any provision of this Chapter, the regulation promulgated by the City, or any law governing the protection and keeping of Animals.

B. Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all Animals owned, kept, or harbored and no part of the permit or license fee shall be refunded.

C. It shall be a condition of the issuance of any permit or license that the City shall be permitted to inspect all Animals and the premises where Animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing Owner.



- D. If the applicant has withheld or falsified any information on the application, the City shall refuse to issue a permit or license or revoke any issued based on such information.
- E. No person who has been convicted of cruelty to Animals shall be issued a permit or license to operate a Commercial Animal Establishment.
- F. Any person having been denied a license or permit may not reapply for a period for thirty (30) days. Each reapplication shall be accompanied by a ten dollar (\$10.00) fee.

**Section 215.060 Limits on Keeping of Domestic Animals.**

Except for a licensed Boarding Facility regulated by the Zoning Code of the City, no more than three (3) dogs plus three (3) cats over the age of three (3) months may be kept in or on any premises by any person or combination of persons residing in or working on said premises within the City. Premises encompass the dwelling unit, residence, place of business and adjoining yard. Any person or group of persons who shall own, keep or harbor upon his/her premises more than three (3) dogs plus three (3) cats over the age of three (3) months shall be deemed the Owner or keeper of a kennel. Unlicensed kennels within the City are declared to be a public nuisance and shall be abated in accordance with Chapter 230.

**Section 215.070 Animal Waste.**

The Owner of every Animal shall be responsible for the removal of any excreta deposited by his/her Animal(s) on public walks, recreation areas, or private property.

**Section 215.080 Annoying, Barking Dogs.**

No person shall own, keep or harbor any dog which by loud, continual or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, or which habitually barks at or chases pedestrians or any vehicle whatsoever, to the annoyance of such pedestrians or drivers.

**Section 215.090 Running At Large Prohibited.**

- A. No person owning, controlling, possessing, or having the management or care, in whole or in part, of any dog or cat shall permit such dog or cat to run At Large or go off the premises of any Owner or keeper thereof, unless such dog is securely tied or led by a line or leash, not to exceed ten (10) feet in length, so as to be under the control of a competent person.
- B. No person owning, possessing, or otherwise having under his control or custody Animal, other than a dog or cat, shall permit the same to run At Large in or upon any of the streets or public places or unenclosed lands of the City, or to tie or tether same in such a way that such Animal may go across or upon any of such places.

**Section 215.100 Restraint—Exceptions.**

- A. All dogs shall be kept under restraint, except for those used in service of law enforcement, search and rescue and recovery, and with a special permit issued by the City for times during training and while engaged in search and rescue and recovery.



- B. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such dog or cat cannot come into contact with another Animal except for planned breeding.
- C. A Service Animal shall be under the control of its handler. A Service Animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the Service Animal's safe, effective performance of work or tasks, in which case the Service Animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means.

**Section 215.110 Service Animals.**

- A. Service Animals as defined in this Chapter, or Service Animals meeting the definition of "service animal" as provided by Department of Justice regulations, shall be permitted in public areas of buildings, facilities or other areas owned or managed by the City;
- B. Any Animal that does not meet the definition of "Service Animal," such as a pet or "support animal," is prohibited from all buildings, facilities or other areas owned or operated by the City, unless otherwise specifically authorized by the City.
- C. Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- D. The City may direct that the Service Animal be removed from the premises if:
  - 1. the Service Animal is out of control and the animal's handler does not take effective action to control it, or
  - 2. the animal is not housebroken.

**Section 215.120 Impoundment, Redemption and Violation Notice.**

- A. Unrestrained dogs and Public Nuisance Animals shall be taken by the Police or Code Enforcement Officers and impounded in an Animal Shelter and there confined in a humane manner.
- B. Impounded dogs and cats shall be kept for not less than five (5) working days.
- C. If by a license tab or other means, the Owner of an impounded Animal can be identified, the Code Enforcement Officer shall immediately upon impoundment make every possible reasonable effort to notify the Owners of the impoundment and inform such Owners of the conditions whereby they may regain custody of such Animal.
- D. At any time prior to the disposal of any Animal impounded by the City, the Owner thereof, upon satisfactory proof of ownership, may redeem such Animal upon exhibiting a certificate of license and a certificate of vaccination for rabies and by paying a redemption fee of fifty dollars (\$50.00), plus an additional ten dollars (\$10.00) for each day the Animal was impounded. If such Animal has not been licensed or vaccinated for rabies, the Owner,

in addition to paying the redemption fee and the boarding fee, shall immediately after the Animal is released to the Owner, have such Animal licensed and/or vaccinated for rabies. Thereafter, within five (5) days after the Animal has been released to the Owner, the Owner shall tender to the Code Enforcement Officer proof of licensing and/or vaccination for rabies. If the Owner fails to tender proof of licensing and/or vaccination for rabies within the prescribed time, the Code Enforcement Officer shall impound the Animal and dispose of the Animal pursuant to Subsection E of this Section.

- E. Any Animal not reclaimed by its Owner within five (5) working days shall become the property of the City, or Humane Society, and shall be placed for adoption in a suitable home or humanely euthanized, upon the discretion of the Code Enforcement Officer.
- F. In addition to, or in lieu of, impounding an Animal found at large, the Code Enforcement Officer or Police Officer may issue to the known Owner of such Animal a citation to appear in court to answer to charges of violation of this Chapter.
- G. Any dog or cat impounded for being a Public Nuisance may not be redeemed unless such redemption is authorized by a court having jurisdiction.

**Section 215.130 Sterilization.**

No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such Animal will be sterilized and a deposit of at least fifteen dollars (\$15.00) must be paid at the time of adoption.

**Section 215.140 Animal Surrender.**

Upon execution of an affidavit indicating the person is the Owner or has right to possession of a dog or cat, such Owner may surrender said dog or cat to the Code Enforcement Officer to be euthanized upon payment of a fee of thirty-five dollars (\$35.00) to cover the cost of euthanizing the Animal.

**Section 215.150 Animal Care.**

- A. No Owner shall fail to provide his/her Animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- B. No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- C. No Owner of an Animal shall abandon such Animal.
- D. No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.
- E. Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than twenty-five (25) to a single purchaser.

- F. No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or their competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- G. Any person who, as the operator of a motor vehicle, strikes a domestic Animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the Animal's Owner. In the event the Owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate Law Enforcement Agency or to the local Humane Society.
- H. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any Animal, provided that it shall not be unlawful for a person to expose on his/her own property common rat poison mixed only with vegetable substances.

**Section 215.160 Mini Pigs And Goats.**

- A. Only one (1) Mini Goat or one (1) Mini Pig shall be allowed on any premises within the City, except as hereinafter provided. Mini Goats and Mini Pigs located in commercial or residential zoned areas shall be located to the rear of the residential or commercial property and shall be in an area enclosed, which shall comply with setback requirements for secondary buildings.
- B. The Owners of all Mini Pigs and Mini Goats shall remove all manure and waste caused by the boarding of said Animals on a regular basis, so as to abate any odor to neighboring properties.
- C. More than one (1) Mini Pig may be allowed on any property, provided it is located more than four hundred (400) feet from any other residence or dwelling place as provided in Section 215.170 of the Code.

**Section 215.170 Keeping of Livestock and Fowl.**

No person shall keep or maintain any hogs, goats or sheep within four hundred (400) feet of any residence or other dwelling place other than that of the Owner, nor keep or maintain horses or cows within one hundred fifty (150) feet of the property line of any residence or other dwelling place other than that of the Owner, nor keep or maintain a combined total of three (3) or more rabbits, chickens, ducks, turkeys, or other domestic fowl within one hundred fifty (150) feet of the property line of any residence or other dwelling place other than that of the Owner, provided, however, that if all occupants of residences or other dwelling places within such distances agree thereto, in writing, such animals or fowl may be kept and maintained at less than such distances; and provided, further, that nothing in this Section shall prevent the keeping of cows, cattle, sheep or goats at any auction barn or veterinary hospital provided same are kept in a clean and non-odorous condition.

**Section 215.180 Vehicles Transporting Livestock; Parking, Restriction.**

Any person who shall, within the City, load, unload, or transfer from one (1) vehicle to another any hogs, sheep, cattle or other livestock in any public place, street or thoroughfare or on any

private premises, and any person who shall park or stand any vehicle in which hogs, sheep, cattle or other livestock are loaded on any public place, street or thoroughfare or on any unenclosed private premises for a period longer than one (1) hour, shall be deemed guilty of an offense.

**Section 215.190 Keeping of Wild Animals.**

- A. No person shall keep or permit to be kept on his/her premises any Wild or Vicious Animal for display or for exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibition, or Circuses.
- B. No person shall keep or permit to be kept any Wild Animal as a pet.
- C. The City may release or order the release of any infant Wild Animal kept under temporary permit which is deemed capable of survival.

**Section 215.200 Disturbing Wildlife.**

It shall be unlawful for any person to willfully injure, molest or disturb in any way any birds or the nest, eggs, young or brood of any such birds, except that this provision shall not apply to any birds declared by any law or ordinance to be "pests", nor shall any person kill, molest or injure any squirrel in the City.

Section 215.210 Vicious Animals. Every Vicious Animal, as determined by the City, shall be confined by the Owner within a building or secure enclosure and shall be securely muzzled or caged whenever outside of its confinement.

**Section 215.220 Performing Animal Exhibitions.**

- A. No performing animal exhibition or Circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
- B. All equipment used on a performing animal shall fit properly and be in good working condition.

**Section 215.230 Enforcement.**

It shall be a violation of this Chapter to interfere with a Humane Officer in the performance of his/her duties.

**Section 215.240 Disposal of Dead Animals in Public Ways.**

- A. No person shall deposit, throw or place any dead or fatally sick or injured animal, or part thereof, on any public place or private premises, or into any sewer or drainage ditch.
- B. It shall be the duty of the City to pick up and dispose of all dead animals and fowl on the public streets or public places.

**Section 215.250 Keeping of Bees Prohibited.**

No person shall, within the City, keep or suffer to be kept a beehive containing bees.

Article II.  
**Dangerous Dogs**

**Section 215.300 Dangerous Dogs Defined:**

A. Dangerous Dog is defined as:

1. According to the records of the appropriate authority, has inflicted severe injury on a human being without provocation on public or private property;
2. According to the records of the appropriate authority, has killed a domestic Animal without provocation while off the Owner's property;
3. Is harbored in part or primarily for the purpose of dogfighting or any dog trained for dogfighting;
4. Is used primarily to guard public or private property and is not owned by a governmental or law enforcement unit;
5. Without provocation, has attacked, caused injury to or otherwise threatened the safety of domestic Animals;
6. With or without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack.

**Section 215.310 Dangerous Dogs Restraint.**

A. No person shall permit a Dangerous Dog to go outside its kennel or pen unless:

1. Such dog is securely leashed with a leash no longer than four feet in length and a person is in physical control of the leash. No person shall permit such dogs to be kept on a chain, rope, or other type of leash outside its kennel or pen leashed to inanimate objects such as trees, posts, buildings, or other structures or devices.
2. Such dog is muzzled by a muzzling device sufficient to prevent the dog from biting persons or other Animals.

**Section 215.320 Confinement.**

- A. All dogs subject to this Article shall be securely confined indoors or in secure 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 its sides. All structures used to confine such dogs must be locked with a key or combination lock when such dogs are within the structure. Such structures 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 feet. All structures erected to house such dogs must comply with all zoning



and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean a sanitary condition.

- B. No such dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

**Section 215.330 Signs.**

All Owners of dogs subject to this Article shall display in a prominent place on their premises and on the kennel or pen of such dog signs easily readable by the public using the words "Beware of Dog".

**Section 215.340 Liability insurance.**

All Owners of Dangerous dogs must, no less than annually, provide proof to the City of public liability insurance in a single incident amount of \$50,000.00 for bodily injury or death of another person or persons or for damage to property owned by any person or persons which may result from the ownership, keeping or maintenance of such dog. Owner must also provide to City a copy of an endorsement stating such insurance policy shall not be cancelled unless ten days' prior written notice is first given to the City.

**Section 215.350 Photo and registration requirements.**

All Owners of dogs subject to this Article must provide to the City two color photographs of the dog clearly showing the color and approximate size of the dog. Further, they shall register the dog with the City providing the name of the dog and the address where the dog shall be maintained and shall execute an acknowledgement of receipt of a copy of this Article.

**Section 215.360 Reporting requirements.**

All Owners of dogs subject to this Article shall, within ten days of the event or incident, report in writing to the City the removal from the City or death of such dog, the birth of offspring of such dog, and the new address of the dog should the Owner move within the corporate City limits.

**Section 215.370 Conclusive presumption.**

There shall be a conclusive presumption that any dog registered under this Article is in fact a dog subject to the requirements of this Article.

**Section 215.380 Failure to comply.**

It shall be unlawful for the Owners of a dog subject to this Article to fail to register that dog with the City as required by this Article or for an Owner of such dog to fail to comply with the requirements and conditions of this Article. Any dog found to be the subject of violation of this

Article shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such Animal, resulting in the immediate removal of the Animal from the City.

**Section 215.390 Keeping A Dangerous Dog Penalty—Appeal To Contest Impoundment—Exception.**

- A. A person commits the offense of keeping a dangerous dog if he or she owns or possesses a dog that is dangerous as defined in Section 215.300 and that dog bites, attacks, or aggressively pursues any person on a subsequent occasion.
- B. In addition to the penalty set forth in Section 110.010, the Code Enforcement Officer shall immediately seize (1) any Dangerous Dog that bites, attacks or aggressively pursues any person; and (2) any dog that has not previously met the definition of Dangerous Dog that bites a person or attacks and causes serious injury to or the death of any human. The dog shall be impounded and held for ten (10) business days after the Owner is given written notification and thereafter destroyed.
- C. The Owner of the impounded dog may file a written appeal to the municipal court to contest the impoundment and destruction of such dog. The Owner shall provide notice of the filing of the appeal to the Code Enforcement Officer who seized the dog. If the Owner files such an appeal and provides proper notice, the dog shall remain impounded and shall not be destroyed while such appeal is pending and until the court issues an order for the destruction of the dog. The court shall hold a disposition hearing within thirty (30) days of the filing of the appeal to determine whether such dog shall be humanely destroyed. The court may order the Owner of the dog to pay the costs associated with the dog's keeping and care during the pending appeal.
- D. Notwithstanding any provision of this Section to the contrary, if a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the Owner is not guilty of any offense specified under this Section, and is not civilly liable under this Section, nor shall such dog be destroyed as provided in Subsection B of this Section. For purposes of this Section, the term "criminal activity" shall not include the act of trespass upon private property under Section 225.120 as long as the trespasser does not otherwise engage in, attempt to engage in, or have intent to engage in other criminal activity.