

## Chapter 205. Animal Regulations

### Section 205.010. Definitions.

[R.O. 2000 § 205.010; Ord. No. 405 § 1, 3-22-1994]  
As used in this Chapter, the following terms mean:

#### **ANIMAL**

Every living vertebrate except a human being.

#### **ANIMAL CONTROL OFFICER**

Any person designated by the Chief of Police as a Law Enforcement Officer who is qualified to perform such duties under the laws of this State.

#### **ANIMAL SHELTER**

A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals.

#### **BOARDING KENNEL**

A place or establishment, other than a pound or animal shelter, where animals, not owned by the proprietor, are sheltered, fed, and watered in return for a consideration; however, "boarding kennel" shall not include hobby or show breeders who board intact females for a period of time for the sole purpose of breeding such intact females, and shall not include individuals who temporarily, and not in the normal course of business, board or care for animals owned by other individuals.

#### **CIRCUS**

A commercial variety show featuring animal acts for public entertainment.

#### **COMMERCIAL ANIMAL ESTABLISHMENT**

Any pet shop, grooming shop, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

#### **COMMERCIAL KENNEL**

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

#### **CONTRACT KENNEL**

Any facility operated by any person or entity other than the state or any political subdivision of the state, for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals, on behalf of and pursuant to a contract with the state or any political subdivision;

#### **GROOM SHOP**

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

#### **OWNER**

In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

#### **PERFORMING ANIMAL EXHIBITION**

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

Any animal kept for pleasure rather than utility.

#### **PET SHOP**

Any facility where animals are bought, sold, exchanged, or offered for retail sale to the general public.

#### **PUBLIC NUISANCE ANIMAL**

Any animal or animals which:

1. Molests passersby or passing vehicles.
2. Attacks other animals.
3. Trespasses on school grounds.
4. Is repeatedly at large.
5. Damages private or public property.
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 or obedient to that person's commands, or within the real property limits of its owner.

#### **RIDING SCHOOL OR STABLE**

Any place which has available for hire, boarding and/or riding instruction any horse, pony, donkey, mule or burro.

#### **VETERINARY CLINIC**

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

#### **VICIOUS DOG**

Any of the following dogs:

1. Any dog, whether or not running at large, and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
4. Any dog that has killed another dog, cat or other domestic animal without provocation.

#### **WILD ANIMAL**

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

#### **ZOOLOGICAL PARK**

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

## **Section 205.020. Responsibilities.**

[R.O. 2000 § 205.020; Ord. No. 405 § 2, 3-22-1994]

- A. City Administrator. The City Administrator shall be responsible for assuring consistent and effective enforcement of all provisions of this Chapter.
- B. Chief Of Police. The Chief of Police, or his/her designated representative, shall be responsible for supervision of animal control activities, the animal shelter and disposition of all matters relevant to the enforcement

- C. Animal Control Officer. The Animal Control Officer, under direct supervision of the Chief of Police, shall be responsible for enforcement of compliance elements of this Title, shall maintain the animal shelter and provide such other animal services as required by the Chief of Police.
- D. Veterinarians. It shall be the duty of every licensed veterinarian serving the City to report to the City Administrator his/her diagnosis of any animal observed by him/her as a rabies suspect. He/she shall also keep a record of all animal vaccinations.

## Section 205.030. Licensing.

[R.O. 2000 § 205.030; Ord. No. 405 § 3, 3-22-1994; Ord. No. 485, 4-26-2005]

- A. Any person owning, keeping, harboring or having custody of any dog over six (6) 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 City Clerk 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 shall be for a period of up to one (1) year.
- D. Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months of age, except that this requirement will not apply to a non-resident keeping a dog within the municipality for no 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 City Clerk shall issue a durable tag stamped with an identifying number and the year of issuance. Tags are designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- G. Dogs must wear identification tags at all times when off the premises of the owners.
- H. The City Clerk 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 on the second Saturday in May of each year and shall run for one (1) year. Application for license may be made thirty (30) days prior to the start of the licensing year. Persons applying for a license for a newly acquired pet 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 ten dollars (\$10.00).
- K. A license shall be issued after payment of the applicable fee:
  - 1. For each unneutered male dog: eight dollars (\$8.00).
  - 2. For each unspayed female dog: eight dollars (\$8.00).
  - 3. For each neutered male dog: five dollars (\$5.00).
  - 4. For each spayed female dog: five dollars (\$5.00).
- L. A duplicate license may be obtained upon payment of a two dollar (\$2.00) replacement fee.
- M. No person may use any license for any animal other than the animal for which it was issued.

## Section 205.040. Permits.

[R.O. 2000 § 205.040; Ord. No. 405 § 4, 3-22-1994]

without first obtaining a permit in compliance with this Section.

- B. Cleanliness Of Pen And Premises. It shall be unlawful for any person keeping or harboring any animal or animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing any person residing within reasonable proximity of said premises, and it shall be unlawful to allow premises where any animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.
- C. Upon a showing by an applicant for a permit that he/she is willing and able to comply with the regulations as outlined herein, a permit shall be issued upon payment of the applicable fee.
- D. The permit period shall begin on May 1st each year and shall run through April 30th of the following year. Renewal applications for permits may be made thirty (30) days prior to the start of the permit year. Application for permit to establish a new commercial animal establishment under the provisions of this Section may be made at any time. Fees for such new permits shall be fifty percent (50%) of the regular permit fee.
- E. Annual permits shall be issued upon payment of the applicable fee:
  - 1. For each kennel authorized to house dogs: twenty-five dollars (\$25.00).
  - 2. For each pet shop: twenty-five dollars (\$25.00).
  - 3. For each performing animal exhibition: twenty-five dollars (\$25.00).
  - 4. For each grooming shop: twenty-five dollars (\$25.00).
- F. 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.
- G. Every facility regulated by this Chapter shall be considered a separate enterprise and requires an individual permit.
- H. Persons operating kennels for the breeding of dogs which handle less than five (5) animals may elect to license such animals individually.
- I. No fee may be required of any veterinary hospital, animal shelter or government-operated zoological park.
- J. Failure to obtain a permit before opening any facility covered in this Section shall result in a fine of fifty dollars (\$50.00).
- K. 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.

## Section 205.050. License Or Permit — Conditions Of Issuance And Revocation.

[R.O. 2000 § 205.050; Ord. No. 405 § 5, 3-22-1994]

- A. The City Clerk may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Chapter or any State 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 by such person 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 Animal Control Officer shall be permitted to inspect all animals and the premises where animals are kept at any time and, if permission for such inspection is refused, the permit or license of the refusing owner may be revoked.
- D. If the applicant has withheld or falsified any information on the application, the City Clerk 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.

reapplication shall be accompanied by a ten dollar (\$10.00) fee.

## Section 205.060. Animal Restraint And Care; Nuisance Animals; Vicious Dogs.

[R.O. 2000 § 205.060; Ord. No. 405 § 6, 3-22-1994]

- A. Any person owning, possessing or keeping an animal within the corporate limits of the City shall confine such animal within an adequate fence or enclosure or within a house, garage or other building or, particularly in the case of a dog, shall confine such animal by a chain or leash affixed to the animal's collar and attached to a substantial stationary object adequate to prevent the animal from running at large or control the animal in some other manner such that the animal will be constrained from being a nuisance in the neighborhood.
- B. No person owning, possessing or keeping an animal shall allow the animal to run at large within the corporate limits of the City.
- C. It shall be unlawful for a person to abandon any animal within the corporate limits of the City.
- D. No person shall carry out any inhumane treatment against any animal as described in Sections **205.150** through **205.160** of this Chapter.
- E. No person shall keep or harbor any animal which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the corporate limits of the City.
- F. It shall be unlawful for any person to keep within the corporate limits of the City any vicious dog or other vicious animal unless such animal is confined by chain or fence or other proper means of confinement and the property is posted by notice of "VICIOUS DOG" and meets the requirements of Section **205.130** of this Chapter. Should a muzzle be required, it shall not be made from any material or maintained on the animal in any manner so as to cut or injure the animal.
- G. No person shall allow unspayed female dogs to be away from confinement on the premises of the owner when such dog is in season.

## Section 205.070. Impoundment — Violation Notice.

[R.O. 2000 § 205.070; Ord. No. 405 § 7, 3-22-1994]

- A. Unrestrained and nuisance animal shall be taken into custody by the Animal Control Officer or Police and impounded in the City Animal Shelter and there confined in a humane manner.
  1. The Animal Control Officer shall maintain a suitable shelter and kennels for the confinement of all animals impounded under the provisions of this Chapter. Such animal shelter shall be kept in a sanitary condition and all animals impounded therein shall be properly watered and fed while confined. Male and female dogs shall be under segregated confinement and animals quarantined under Section **205.080** of this Chapter shall be individually confined.
- B. It shall be the duty of the Animal Control Officer to seize and impound any animal not under restraint in violation of this Chapter or any animal that has bitten any person or another animal or any animal suspected of having a disease transmittable to human beings. All such animals may be taken into custody without necessity of a filed complaint and shall be subject to the following:
  1. Upon impoundment of any animal, the Animal Control Officer will make a complete registry of such impoundment in a journal-type record book having pre-numbered pages. He/she will enter the species, breed, color and sex of the impounded animal and whether said animal is licensed or unlicensed.
  2. Ultimate disposition of each animal will be recorded adjacent to each entry in the impoundment journal indicating nature of disposition and date of occurrence.
- C. Disposition of impounded animals will be as follows:
  1. Licensed Animals. Impounded licensed animals shall be kept for no less than seven (7) days from date of

Clerk's office, indicating date of impoundment and schedule date of ultimate disposal. Failure of owner to claim impounded animal by noon of the disposal date will be sufficient to cause scheduled disposition.

- a. An owner may reclaim an impounded licensed dog by paying a fee of twenty-five dollars (\$25.00) plus two dollars (\$2.00) per day to cover costs of sustenance.
2. **Unlicensed Animals.** Impounded unlicensed animals shall be kept no more than seven (7) days from date of impoundment. If unclaimed by noon of the seventh day of impoundment, such animal shall be humanely euthanized in a manner to prevent undue or prolonged suffering or placed for adoption by the City.
    - a. The owner of any impounded unlicensed animal may reclaim such animal prior to the expiration of the seven (7) day impoundment period by having such animal licensed in accordance with Section **205.030** hereof, payment of impoundment fees as set out in Subparagraph (C)(1) hereof, and payment of twenty-five dollars (\$25.00) in lieu of the fine stipulated in Section **205.030(J)** of this Chapter.
    - b. The Animal Control Officer shall release such impounded animal to the owner's custody for the purpose of compliance with the above upon receipt of evidence of a deposit with the City Clerk of sufficient amount to cover costs therein set out plus twenty-five dollars (\$25.00) to assure vaccination for rabies. Upon furnishing proof of rabies vaccination, the City Clerk will complete registration for the animal and return all deposited monies in excess of the costs set out in Subsection **(C)(2)(a)** above.
  3. Animals impounded for reasons of quarantine as outlined in Section **205.080** herein may be reclaimed by their owners as follows:
    - a. If licensed, by written certification of a licensed veterinarian and payment of twenty-five dollars (\$25.00) per day for sustenance.
    - b. If unlicensed, by written certification of a licensed veterinarian and full application of procedures set forth in Subsection **(C)(2)** hereof.
- D. Any animal not reclaimed by its owner pursuant to the above procedures shall become the property of the City after the specified impoundment period as applicable and shall be placed for adoption in a suitable home or humanely euthanized. Any adoption by a new owner residing within the corporate limits of the City will require compliance with licensing procedures and payment of boarding costs as determined applicable.
- E. In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer or any Police Officer may issue to the known owner of such an animal a notice of City Code Violation, at the discretion of the animal owner, to be paid 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 the Municipal Court, and upon conviction of a violation of the Chapter, the owner shall be punished as provided in Section **100.220** of this Code.
- F. The owner of an impounded animal may also be proceeded against for the violation of this Chapter.
- G. The City Administrator shall review automatically all licenses issued to animal owners against whom three (3) or more violations of this Chapter have been assessed in a twelve-month period.

## Section 205.080. Quarantine For Rabies Control.

[R.O. 2000 § 205.080; Ord. No. 405 § 8, 3-22-1994]

- A. Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the City (or by a parent or legal guardian of any person so bitten who is under a disability), the Animal Control Officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine it in quarantine under the supervision of a licensed veterinarian who shall keep such dog or animal in quarantine until he/she shall issue his/her certificate that:
  1. He/she has complied with the observation provisions of Chapter 322, RSMo., and
  2. The dog or animal appears to be free of infection of rabies (hydrophobia).
- B. Any dog or animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or animal to the Animal

Subsection (A) above.

- C. When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under Subsections (A) and (B) shall issue the certificate provided for in Subsection (A), the owner of such dog or animal may retake custody and reasonable fees and charges for board and lodging, observation and testing.
- D. If any dog confined under Subsections (A) and (B) is not reclaimed by its owner, said dog shall be released by the veterinarian to the Animal Control Officer who shall treat such dog as one found running at large within the corporate limits of the City.
- E. The licensed veterinarian supervising the quarantine of any dog or animal quarantined under Subsections (A) and (B) shall promptly report to the City Administrator the place of initial confinement, any change in the place of confinement and disposition of the dog or animal at the termination of the confinement.

## Section 205.090. Keeping Of Wild Animals.

[R.O. 2000 § 205.090; Ord. No. 405 § 10, 3-22-1994]

- 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 exhibitions or circuses.
- B. No person shall keep or permit to be kept any wild animal as a pet.
- C. The City Clerk may issue a temporary permit for the keeping, care and protection of an infant animal native to this area which has been deemed to be homeless.
- D. The Animal Control Officer 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 205.100. Performing Animal Exhibitions.

[R.O. 2000 § 205.100; Ord. No. 405 § 11, 3-22-1994]

- A. No performing animal exhibitions 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 205.110. Animal Waste.

[R.O. 2000 § 205.110; Ord. No. 405 § 12, 3-22-1994]

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 205.120. Enforcement.

[R.O. 2000 § 205.120; Ord. No. 405 § 13, 3-22-1994]

- A. The civil and criminal provisions of this Chapter shall be enforced by those persons or agencies designated herein. It shall be a violation of this Chapter to interfere with any appointed officer in the performance of his/her duties.
- B. The Animal Control Officer of the City will be authorized by the Police Department to cite any animal owner who does not comply with the terms of this Chapter. If the attendant fine is not paid, the Police Department of the City shall service notice to the offender to appear in the Municipal Court of the City. Such notice to appear shall state the name and address of the violator and the date of the violation, shall contain a statement of the nature of the violation, and shall be signed by the person having knowledge of such violation and who is an official or

the Municipal Court without issuance of any warrant or other process, and such statement is to be signed by the violator. Upon failure to sign the agreement to appear, the Police Department shall swear out a complaint and the usual procedure for the filing of complaints in the Municipal Court shall govern the arrest and trial of the violator. Upon the violator's signing the agreement to appear and his/her making the appearance set out in the notice, no warrant shall be issued for the arrest of the violator.

## Section 205.130. Vicious Dogs Prohibited — Exceptions.

- A. It shall be unlawful to own, keep or harbor a vicious dog in the City of Southwest City except in accordance with the following provisions:
1. **Leash And Muzzle.** No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. In addition, any vicious dog on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
  2. **Confinement.** All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also, such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
  3. **Confinement Indoors.** No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal 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.
  4. **Signs.** All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words BEWARE OF DOG. In addition, a similar sign is required to be posted on the kennel or pen of such dog.

## Section 205.140. Keeping Of Certain Livestock.

[R.O. 2000 § 205.140; Ord. No. 285 §§ 1 — 3, 9-28-1971]

- A. It shall be unlawful for any person, persons, firm, partnership or corporation to keep within the City limits of the City of Southwest City, Missouri, any hogs confined within the City limits, unless they are confined for a distance of at least three hundred (300) feet from the boundary line of any adjoining property owner or public streets.
- B. It shall further be unlawful for any person, persons, firm, partnership or corporation to keep within the City limits of the City of Southwest City, Missouri, livestock of any kind if by so doing it would create a situation which would cause any pollution of the air or runoff into the drainage ditches, whether public or private, to the detriment of the health and welfare of any other inhabitant of the City of Southwest City, Missouri, which may be effected thereby.
- C. Any person, persons, firm, partnership or corporation who shall violate either Subsection **(A)** or **(B)** above shall, upon conviction thereof, be subjected to a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) and be it further provided that in addition to said fine, as herein above provided, the City may enjoin said person, persons, firm, partnership or corporation from the keeping of said animals on the premises where said animals are located.

## Section 205.150. Animal Neglect.

- A. A person commits the offense of animal neglect if he or she:

2. Knowingly abandons an animal in any place without making provisions for its adequate care.
- B. All fines and penalties for a first finding of guilt under this Section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo., or Chapter 272, RSMo.
- C. In addition to any other penalty imposed by Section 578.009, RSMo., the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:
1. The care and maintenance of neglected animals within the person's custody or ownership;
  2. The disposal of any dead or diseased animals within the person's custody or ownership;
  3. The reduction of resulting organic debris affecting the immediate area of the neglect; and
  4. The avoidance or minimization of any public health risks created by the neglect of the animals. (RSMo. §578.009, 2013, 2014 effective 1-1-2017)

## Section 205.160. Animal Trespass.

- A. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve (12) hours.
- B. For a first conviction of animal trespass, each offense shall be punishable by a fine not to exceed two hundred dollars (\$200.00). The second and all subsequent convictions shall be punishable by imprisonment or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment. All fines for a first conviction of animal trespass may be waived by the court, provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo., or Sections 272.010 to 272.370, RSMo. (RSMo. §578.011, 2013)

## Section 205.170. Animal Abuse.

- A. A person commits the offense of animal abuse if he or she:
1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
  2. Purposely or intentionally causes injury or suffering to an animal; or
  3. Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal. (RSMo. §578.012, 2013, 2014 effective 1-1-2017)

[1] *Note: Under certain circumstances this offense can be a felony under state law.*