

*Taney County Health Department*



**Public Health**

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*An Accredited Local Public Health Department*

***Taney County Health Department***

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# **Animal Control Ordinances**

Article III, Section 46-61.

(a) *Enumerated*. Health fees are as follows:

(3) *License and impound fees*.

a. Impound fee . . . 40.00

b. Room and board (per day): Per contract agreement or facility charges.

## DIVISION 6. ANIMALS\*

**\*Cross references:** Animals or vehicles endangering people in streets, § 58-95; animals in parks, § 62-8; persons propelling pushcarts or riding animals to obey traffic regulations, § 86-45.

### Subdivision I. In General

#### Sec. 46-291. Location of pens and coops.

Any person who shall own, keep or maintain any of the following named fowls or animals on his/her own or leased premises, namely, chickens, ducks, geese, turkeys, pigeons, rabbits or other pet animals, and including swine, within the corporate limits of the city, shall conform with the following regulations: All pens, houses, and coops shall be located on the rear of the lot or premises, at least 40 feet from any front property line, at least ten feet from any side property line, and at least 20 feet from any side street property line.

(Code 1988, § 250.010; Code 1996, § 275.250; Ord. No. 84, § 2, 3-1-1926)

#### Sec. 46-292. Keeping swine.

It shall be unlawful and a violation of this division for any person to keep, maintain, or house any swine upon any lot or tract of land containing less than five acres in an agricultural zone, and then only in such numbers as would not constitute a nuisance under the meaning of such word, or in any lot, pen or building within 100 feet of any residence or business building within the corporate limits of the city.

(Code 1988, § 250.020; Code 1996, § 275.260; Ord. No. 84, § 3, 3-1-1926)

#### Sec. 46-293. Depositing carcass of dead animal.

No person shall deposit or leave the carcass, or any part thereof, of any dead animal in any part of this city.

(Code 1988, § 210.040; Code 1996, § 275.270; Ord. No. 22, § 8, 9-22-1913)

#### Sec. 46-294. Migratory bird feeding.

(a) No person shall feed or cause to be fed any migratory birds in areas designated as "no feeding zones".

(b) For the purpose of this section, "migratory bird" means: ducks, geese, pigeons and starlings; whether or not raised in captivity or which is a mutation or a hybrid of such species.

(c) Upon recommendation from the health director, the city administrator may designate specific no feeding zones on public property.

(d) Any commercial property may be designated a no feeding zone upon request of the owner.

(Ord. No. 2006-072, § 1, 5-8-2006)

Secs. 46-295--46-330. Reserved.

## Subdivision II. Animal Control

### Sec. 46-331. Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*At large* means off the premises of the owner and not on a leash controlled by some person physically able to prevent the dog or cat from escaping.

*Dogs, cats, or ferrets* mean both male and female, whether spayed or neutered.

(Code 1988, § 245.010; Code 1996, § 275.010; Ord. No. 87-31, § 1, 7-27-1987; Ord. No. 88-49, § 2, 4-11-1988)

**Cross references:** Definitions generally, § 1-2.

### Sec. 46-333. Rabies immunization.

(a) It shall be unlawful for any dog, cat, or ferret owner to knowingly keep, harbor or maintain any dog, cat, or ferret six (6) months of age or more within the corporate limits of the city, unless the owner maintains a current vaccination against rabies for their dog, cat, or ferret by a licensed veterinarian. The veterinarian giving such vaccination shall issue to the owner a rabies tag with the veterinarian's name and contact information along with a rabies tag number.

(b) The owner shall cause any dog, cat, or ferret to wear a rabies tag.

(Code 1988, § 245.030; Code 1996, § 275.030; Ord. No. 87-31, § 3, 7-27-1987)

### Sec. 46-335. Animals at large prohibited.

(a) It shall be unlawful for any owner to permit any animal to suffer or run at large in the city.

(b) Any animal that has strayed from, but then returned to, the private property of its owner may be seized or impounded; however, if the owner is present, in lieu of impoundment, a citation for running at large may be issued.

(Code 1988, § 245.050; Code 1996, § 275.050; Ord. No. 87-31, § 5, 7-27-1987; Ord. No. 95-90, § 2, 8-28-1995)

### Sec. 46-336. Impoundment of animals in violation.

It shall be the duty of the animal control officer or his/her designee or persons authorized, finding any animal in the city contrary to the provisions of this subdivision on view, to take such animal, and confine the animal in the city animal pound or facility designated as such.

(Code 1988, § 245.060; Code 1996, § 275.060; Ord. No. 87-31, § 6, 7-27-1987)



Sec. 46-337. Notice of impoundment.

It shall be the duty of the animal control officer or his/her designee to post a notice describing every animal caught and impounded. He/she shall also notify the media from day to day of the animals so caught and impounded, giving them the same information as posted pursuant to this section.

(Code 1988, § 245.080; Code 1996, § 275.070; Ord. No. 87-31, § 8, 7-27-1987)

Sec. 46-338. Care of impounded animals.

It shall be the duty of the animal control officer or his/her designee to ensure the impounded animals are housed in a sanitary condition and to ensure food and water are provided to impounded animals daily and that impounded animals will receive any necessary veterinarian care. He/she shall also ensure humane treatment of the animals impounded and protect them from cruel treatment.

(Code 1988, § 245.090; Code 1996, § 275.080; Ord. No. 87-31, § 9, 7-27-1987)

Sec. 46-339. Claiming impounded animals.

(a) Within ten consecutive days after the impounding of any animal, the owner may redeem such animal during normal business hours, upon payment to the health department of all expenses incurred by the city in the care, including veterinary care, of such animal. Such expenses shall include impound fees, housing, and boarding fees as specified in section 46-61. No animal whose owner is a resident of the city shall be released unless the owner shall provide proof of a current rabies tag.

(b) If the owner of any animal impounded pursuant to the provisions of this subdivision does not apply to the city health department and pay such fees as are provided in this section within ten consecutive days from the time the animal is confined at any contracted housing facility, the animal control officer or his/her designee is hereby authorized to dispose of such animal in the most humane manner possible and in keeping with the other provisions of this subdivision; provided, however, that any competent person may select an animal which has been unclaimed for such ten consecutive days, upon compliance with the same provisions of this division as an owner.

(Code 1988, § 245.100; Code 1996, § 275.090; Ord. No. 2001-021, § 2(G), 2-26-2001; Ord. No. 2006-073, § 2, 5-8-2006)

Sec. 46-340. Authority of animal control officer or police officer to destroy certain animals.

It shall be the duty of the animal control officer or his/her designee or police officer, upon finding any animal in the city contrary to the provisions of this subdivision, to destroy any such animal if such animal cannot be safely taken up and impounded or is rabid or injured to the extent that the destruction of such animal would be merciful.

(Code 1988, § 245.110; Code 1996, § 275.100; Ord. No. 87-31, § 11, 7-27-1987)

Sec. 46-341. Animals disturbing the peace.

No person shall keep any animal which, by howling, barking, baying, yelping, or running at large, shall disturb the peace of the neighborhood.

(Code 1988, § 245.130; Code 1996, § 275.110; Ord. No. 89-13, § 1, 4-24-1989)

Sec. 46-342. Vicious dogs; guard dogs.

(a) *Vicious dogs.*

(1) Any dog with the following characteristics shall be defined as having a vicious nature or disposition: any dog which has inflicted severe or fatal injury upon a human being, or has killed a domestic animal without provocation, or has bitten a human being without provocation; or any dog which, when not provoked, chases or approaches persons on the streets, sidewalks, or any public or private property other than the property of the owner, in a menacing fashion, or any dog with a known propensity, tendency or disposition to attack human beings or other animals, and possessing the ability to cause serious injury.

(2) No dog of a vicious nature or disposition shall be allowed to attack any person or animal or cause annoyance to the neighborhood or persons using the public streets, or chase, worry or molest livestock, other dogs or children, or cause any damage or injury.

(3) Following the filing of charges for violation under this section, and pending final disposition of such charges, upon affidavit of the health director or of the animal control officer or his/her designee that the dog is a vicious dog and upon motion of the city attorney, the judge of the municipal court may order any of the following:

a. The dog be seized and impounded at the owner's expense.

b. The dog be impounded past the ten-day rabies observation period.

c. The dog be impounded during the pendency of the charges and not be released while the charges are pending without an order of release from the municipal judge. If the owner requests in writing a hearing regarding the impoundment of the dog, such hearing shall be granted and held in accordance with due process procedures established for the municipal court, upon due notice.

(4) If upon violation and conviction of the provisions of this section relating to vicious dogs it shall appear to the judge of the municipal court that it is necessary for the public safety and welfare that the dog concerned be euthanized, the judge shall so order and the animal control officer his/her designee or the chief of police shall execute the order of the court.

(5) If upon violation and conviction of the provisions of this section relating to vicious dogs it shall not appear to the judge of the municipal court that it is necessary for the public safety and welfare that the dog concerned be euthanized, and the court finds that the dog is of a vicious nature or disposition, the court may order that the dog be declared dangerous.

(6) If any dog is determined to be dangerous as described in this section, the owner of the dog shall have the following responsibilities related to the dog:

a. Any dangerous dog shall wear, at all times, a bright orange collar with a large brightly colored metal tag attached to the collar so the dog can be readily identified as a dangerous dog.

- b. The owner or keeper shall notify the health department immediately if a dangerous dog is loose, unconfined, or missing, has attacked another animal or has attacked a human being.
  - c. The owner or keeper shall notify the health department within 24 hours if a dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the health department with the name, address and telephone number of the new owner, and the new owner, if the dog is kept within the confines of the city limits, must comply with the requirements of this section.
  - d. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping.
  - e. No dangerous dog may be kept on the porch, on the patio or in any part of the house or structure that would allow the dog to exit such building on its own volition.
  - f. The owner or keeper shall display a sign on his/her premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered.
  - g. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a responsible person.
  - h. The owner or keeper of a dangerous dog shall present to the health department proof that the owner or keeper has procured liability insurance in the amount of at least \$100,000.00, covering the 12-month period during which the dog shall be licensed.
  - i. It shall be unlawful for the owner or keeper of a dangerous dog within the city to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section may be, in addition to other penalties provided by this section, subject to immediate seizure and impoundment for a minimum of ten days or the time necessary for the owner or keeper to show compliance with this section, whichever is shorter.
  - j. In addition, the dangerous dog, if so ordered by the court, shall be destroyed in a humane manner.
- (b) *Guard dogs.*
- (1) No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by him/her or under his/her charge or control any guard dog (for the purposes of this section defined as a dog not owned by a governmental unit, which dog is used to guard public or private property) without such dog being confined behind a fence from which it cannot escape, or within any part of a house or structure except when the windows are closed or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure; and such guard dog must not be used or maintained in a manner which, as determined by the animal control officer or his/her designee, endangers individuals on or off the premises guarded.
  - (2) Any guard dog, including law enforcement dogs, used in the city by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this subdivision.

(3) It shall be the duty of the owner of all guard dogs residing in or used as such in the city to register such dog annually with the animal control officer or his/her designee. (Code 1988, § 245.130; Code 1996, § 275.120; Ord. No. 89-13, § 1, 4-24-1989)

Secs. 46-343--46-370. Reserved.

### Subdivision III. Keeping of Certain Animals

#### Sec. 46-371. Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adopter* is any person who is legally competent to enter into a contract and who is adopting or buying any animal from a releasing agency.

*Adoption facility* means any place or facility that is in compliance with its licensing authority that allows for the adoption of unwanted animals to the general public.

*Animal* means every nonhuman species of animal, both domestic and wild.

*Animal adoption* means the transfer of custody and/or control of any animal, for a fee or not, from any person or facility to another, and allows any person to take custody and or control of any animal as his or her own property. Provisions shall be made for the sterilization of all animals sold, released for adoption or purchased from any public or private shelter or animal control agency operated by a humane society, or by a city or county, or other political subdivision.

*Animal at large* means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

*Animal occupancy permit* means the annual permit issued to any establishment when it becomes a commercial animal establishment by providing for animal occupancy or handling on its premises for a continuing period of time for an animal exhibit or various animal exhibits and said occupancy is in compliance with the licensing authority rules.

*Animal shelter* means any facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of a cruelty to animals, municipal agency, or other not for profit organization devoted to the welfare, protection, and humane treatment of such animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption.

*Auction* means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this subdivision. This definition does not apply to individual sales of animals by owners.

*Circus* means a commercial variety show featuring animal acts for public entertainment.

*Commercial animal establishment* means any facility or place that is issued a permit, by its licensing authority, to house and/or hold animals, exhibit animals, display animals, perform animal acts, shelter and/or harbor animals for commercial use, adoption and/or sale of animals. This includes but is not limited to: dog pounds, animal control facilities, humane animal shelters, pet shops, grooming facilities, animal auctions, horse riding schools or stables, horse-drawn carriages, zoological parks, circuses, boarding or breeding kennels, and

performing animal exhibitions. This does not include an individual who occasionally renders humane assistance or shelter in his or her home to any animal or their privately owned pets.

*Exhibited animal* means any animal, "animal" as is defined by the licensing authority or the promulgated regulations, that is exhibited, put on display, used as a spectacle, performing act, labored or kept for any means other than personal pleasure as a pet.

*Grooming shop* means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

*Guard dog* means any dog:

- (1) Trained by a certified trainer from an approved dog training school;
- (2) Used by a security company licensed by the city; or
- (3) That obeys specific obedience training commands under the control of a responsible party that will detect and warn its handler that an intruder is present in or near an area that is being secured.

*Health official* means the director or employee of the city health department.

*Humane officer* and *animal control officer* mean any person designated by the state, the county, the city, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.

*Kennel* and *cattery* mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and cats, or any premises having more than five dogs or cats over six months of age.

*Licensing authority* means any and all federal government, state government, county government and city government agencies that have regulating and licensing authority by promulgating any relative regulations, statutes, or guidelines. Including but not limited to USDA, AAZPA, MDA, MDC, and all local municipalities.

*Owner* means any person owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

*Performing animal exhibition* means any spectacle, display, act, or event, other than circuses, in which performing animals are used or animals are displayed.

*Pet* and *companion animal* mean any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

*Pet shop* means any facility, whether operating separately or in connection with another business where animals are bought, sold, exchanged, or offered for retail sale to the general public.

*Pound* or *dog pound* means a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals, which is licensed by the licensing authority referenced in the RSMo 325-357.

*Public nuisance animal* means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens other than their owners to enjoyment of life or property. This term shall include, but is not limited to, any animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;

- (4) Chases vehicles;
- (5) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (7) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
- (8) Attacks other domestic animals; or
- (9) Has been found by the health director, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, and safety.

*Releasing agency* means any animal pound, shelter, humane organization, animal welfare society, society for the prevention of cruelty to animals, or animal control agency, whether public or private, that is regulated by a licensing authority, not including an individual person who occasionally renders humane assistance or shelter in his home to any animal.

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

*Riding school or stable* means any place that has available for hire, boarding, and/or riding instruction any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains such animals, including a racetrack, trotting track, or rodeo.

*Temporary animal event* means a public event (by itself or part of a larger event) which is sponsored by a bona fide nonprofit organization or a governmental organization, and is planned for a time of less than four days and includes animals in its event. Animals are either provided approved temporary housing at the event or are removed daily to their usual approved occupancy. A "temporary animal adoption event" means adoption events by approved releasing agencies.

*Veterinary hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

*Vicious animal* means any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

*Wild animal* means any living member of the animal kingdom, including those born or raised in captivity, except for the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

*Wild dangerous animal* means lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote, nonhuman primates, or dangerous or poisonous reptiles.

*Zoological park* means any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals, which is accredited by the AAZPA or USDA.

(Code 1988, § 280.010; Code 1996, § 275.140; Ord. No. 90-30, § 1, 8-13-1990; Ord. No. 2007-052, § 1, 5-29-2007)

**Cross references:** Definitions generally, § 1-2.

Sec. 46-372. Applicability to existing establishments.

This subdivision shall be in effect from and after the date of passage of the ordinance codified in this subdivision, and is applicable to all existing animal establishments, acts, displays, and events, except that private homes which become kennels by this subdivision or by annexation may keep the present number of animals and not be subject to any zoning requirements as may be incurred by this subdivision, provided all animals are permitted with the health department, that nonconforming use be registered with zoning, that minimum standards of health and sanitation are met, and that no new animals will be permitted without the kennel meeting all zoning, fire, building, and health codes as currently adopted by the city.

(Code 1988, § 280.100; Code 1996, § 275.230; Ord. No. 90-30, § 10, 8-13-1990)

Sec. 46-373. Permit required for commercial animal establishments, animal shelters, temporary animal events, temporary animal adoption events and pet shops; issuance.

(a) No person shall operate a commercial animal establishment, animal shelter, or have or hold a temporary animal event or animal adoption event from any outdoor location without first obtaining a permit in compliance with this subdivision.

(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 provisions of this subdivision and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(c) No person or entity shall operate a pet shop or any other facility or event where animals are bought, sold, exchanged, offered for retail sale or adoption to the general public without the required Missouri Department of Agriculture Pet Shop License, and city business license.

(d) No person shall be issued a permit for a temporary animal adoption event without making provisions for the sterilization of all animals sold, released for adoption, or purchased from any public or private shelter or animal control agency operated by a humane society, or by city or county, or other political subdivision.

(e) The permit period shall begin May 1 and shall run for one year. Renewal applications for permits shall be made 30 days prior to and up to 60 days after May 1. Application for a permit to establish a new commercial animal establishment under the provisions of this subdivision may be made at any time. The required permit fee is listed in section 46-61. Temporary animal events shall require a temporary permit from the health department, which is valid for four days. At the discretion of the director, temporary animal adoption event permit fees may be waived for nonprofit and governmental agencies.

(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 application.

(g) No commercial animal establishment shall train any dog to be used as a guard or sentry dog without possessing a valid license. This section shall not apply to the city/county

government or any of its agencies. The application for a guard or sentry dog training license shall state the name and address of the owner and trainer, the location of the facility, and the maximum number of dogs to be housed at the training facility.

(h) Every facility regulated by this subdivision shall be considered a separate enterprise requiring an individual permit.

(i) All facilities shall be in compliance with zoning, building, fire, health, and other current codes as adopted by the city.

(j) Failure to obtain a permit before opening any facility covered in this subdivision shall be considered in violation.

(Code 1988, § 280.020; Code 1996, § 275.150; Ord. No. 90-30, § 2, 8-13-1990; Ord. No. 2001-021, § 2(E), 2-26-2001; Ord. No. 2007-052, § 1, 5-29-2007)

#### Sec. 46-374. Denial or revocation of permit.

(a) After an application is filed pursuant to section 46-373, the health department shall inspect the facility prior to issuing the permit. The health department may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this subdivision, the regulations 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 days thereafter, humanely dispose of or make suitable arrangements for all animals owned, kept, or harbored.

(c) It shall be a condition of the issuance of any permit or license that the health department shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection 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 health department shall refuse to issue a permit or license or may revoke after issuance.

(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 or revoked a license or permit may not reapply for a period of 30 days.

(Code 1988, § 280.030; Code 1996, § 275.160; Ord. No. 90-30, § 3, 8-13-1990)

#### Sec. 46-375. Animal habitats to be clean and sanitary; inspections authorized.

(a) All pens, coops or yards wherein animals are kept or permitted to stay shall be maintained in a clean and sanitary condition at all times, free from offensive, disagreeable or noxious smell or odor to the injury, annoyance or inconvenience of any inhabitant of the neighborhood.

(b) Animals shall be properly restrained or enclosed sufficiently to prevent their running at large.

(c) Enclosures shall be species-specific and of a design that provides for sanitary drainage and public safety.

(d) Feed shall be stored in a ratproof, flytight building, box, container, or receptacle.

(e) Animal waste is the responsibility of the animal owner. It shall be collected as frequently as necessary to maintain a sanitary condition and disposed of in a vermin-proof, fly-tight container.

(f) The health director may at any time inspect, or cause to be inspected, any premises and issue such order as may be necessary to carry out the provisions of this subdivision. No person shall deny access for inspections during reasonable hours.

(Code 1988, § 280.040; Code 1996, § 275.170; Ord. No. 90-30, § 4, 8-13-1990)

#### Sec. 46-376. Animal abuse.

(a) *Prohibited.* No person shall cruelly overwork any animal or shall cruelly drive or work the animal when unfit for labor, or shall abandon the animal to die, or shall beat, ill-treat, torment or cause injury or unnecessary pain to any animal, or shall carry or cause the animal to be carried, moved or kept in or upon any vehicle in a cruel or inhumane manner, or shall impound or confine or cause to be impounded or confined in any place any animal or creature and fail to supply the animal during such confinement with the following:

(1) A structurally sound, properly ventilated, sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal, which is free of litter or hazardous substances and objects and which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions.

(2) Wholesome foodstuffs suitable for the species which are provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in the animal considering its age and condition.

(3) Constant access or access at suitable intervals to a supply of clean, potable, unfrozen water, provided in a sanitary manner and in sufficient amounts for the species to maintain good health in the animal.

(4) Normal and prudent attention to the needs of the animal, including all necessary immunizations, sufficient exercise and rest to maintain good health and the provision to each sick or injured animal of the necessary veterinary care or humane death.

Nothing in this section shall be construed so as to prevent a person from taking whatever action is necessary to defend himself/herself, another individual or an animal when endangered by an animal attack, from engaging in standard acceptable farming methods, and other provisions as listed in RSMo 578.007.

(b) *Removal and impoundment of animals.* Trained representatives from the Humane Society of the Branson Tri-Lakes Area, or any licensed veterinarian, may make recommendations to the health director, animal control officer, or any duly authorized representative that animals be removed from private owners and placed in the custody of such health director or animal control officer or authorized representative in cases where the health or safety of the animal is, in the opinion of the health director, animal control officer, or authorized representative, in immediate danger. Such director, animal control officer, or representative, upon obtaining a court order, shall have the power to remove such animals, except from houses, without the consent of the owners, for the protection of the animals, and shall have the right to retain custody of such animals until the threat to the health or safety of the animals, in the opinion of the director, animal control officer, or representative, has been removed. Any expense incurred in such impoundment becomes a lien on the animal impounded and must be discharged before the animal is released from custody.

(c) *Disposal of unredeemed animals.* Disposal of unredeemed animals shall be in accordance with current city ordinances.

(d) *Revocation of permit.* If any person is found guilty by a court of violating this section 46-376, his/her permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

(Code 1988, § 280.050; Code 1996, § 275.180; Ord. No. 90-30, § 5, 8-13-1990)

#### Sec. 46-377. Abandonment of animals.

It shall be unlawful for any person to willfully abandon any animal within the city.

(Code 1996, § 275.130; Ord. No. 95-90, § 4, 8-28-1995)

#### Sec. 46-378. Disposition of animals biting or attacking persons.

Any animal which bites, injures or attacks any person shall be placed under observation for the ten-day period immediately following the bite. A vaccinated animal shall be taken up and impounded at a veterinarian of the owner's choice or securely confined by the owner for a period of ten days. A nonvaccinated animal shall be taken up and impounded by the health officer, animal control officer, or authorized representative, in a contracted licensed kennel, or with a veterinarian of the owner's choice, for a period of ten days from the date of the bite. If, within such period of ten days, such animal does not develop or manifest signs of rabies, it may be redeemed by the owner upon payment of a daily boarding fee, or the payment of usual and customary fees to the contractual animal shelter or pound or to a veterinarian of the owner's choice. If such animal is not redeemed at the end of such ten-day period, it shall be humanely euthanized. If such animal does develop signs of rabies, it shall be the duty of the health officer, animal control officer, or authorized representative to cause such animal to be examined by a licensed veterinarian. Any other warm-blooded animal which bites, injures or attacks any person in which rabies is suspected may, upon order of the municipal court, be impounded and humanely euthanized, and the brain and/or structures submitted for rabies diagnosis.

(Code 1988, § 280.060; Code 1996, § 275.190; Ord. No. 90-30, § 6, 8-13-1990)

#### Sec. 46-379. Harboring and sale of wild or dangerous exotic animals.

(a) *Prohibited animals.* No person shall, whether gratuitously or for a fee, keep, harbor, own or knowingly allow any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote, nonhuman primates, or dangerous or poisonous reptile to be in or upon their premises, or to be transported. The provisions of this section shall not apply to a properly maintained AAZPA or USDA accredited commercial animal establishment, performing animal exhibit, zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital.

(b) *Wild, nondangerous animals.* No person shall keep or permit to be kept any wild, nondangerous animal as a pet, except as permitted by the state department of conservation and the city health department.

(c) *Release of infant wild animals.* The licensing authority shall have the power to release or order the release to the state department of conservation of any infant wild animal under temporary permit that is deemed capable of survival.

(Code 1988, § 280.070; Code 1996, § 275.200; Ord. No. 90-30, § 7, 8-13-1990)

Sec. 46-380. Performing animal exhibitions.

(a) No person may sponsor, promote, or train a wild animal to participate in, or contribute to the involvement of any wild animal in, or attend as a spectator, any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

(Code 1988, § 280.080; Code 1996, § 275.210; Ord. No. 90-30, § 8, 8-13-1990)

Sec. 46-381. Removal of animal waste.

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

(Code 1988, § 280.090; Code 1996, § 275.220(A); Ord. No. 90-30, § 9, 8-13-1990)

Sec. 46-382. Exposure of poisons liable to be eaten by animals.

No person shall expose any known poisonous substance, whether mixed with food or not, so that such substance shall be liable to be eaten by any animal, and it shall be unlawful for a person to expose on his/her own property common rat poison mixed only with vegetable substance.

(Code 1988, § 280.090; Code 1996, § 275.220(B); Ord. No. 90-30, § 9, 8-13-1990)

Secs. 46-383--46-450. Reserved