

**Animal
Control
Ordinance**

ANIMAL CONTROL ORDINANCE

ORDINANCE NO. 06 -

BILL NO. _____

AN ORDINANCE ADOPTING A NEW ANIMAL CONTROL ORDINANCE FOR THE VILLAGE OF LEAWOOD, MISSOURI, IN ACCORDANCE WITH CHAPTER 89 OF THE REVISED STATUTES OF MISSOURI.

WHEREAS, on or about the ____ day of _____ 2006, after at least fifteen days notice of the time and place had been published in an official paper of general circulation in the Village of Leawood, Missouri, and in accordance with Section 89.050 of the Revised Statutes of Missouri, the Board of Trustees of the Village of Leawood, Missouri held a public hearing at which parties in interest and citizens had an opportunity to be heard in relation to this Ordinance to adopt a new Animal Control Ordinance for the Village of Leawood, Missouri in accordance with Chapter 89 of the Revised Statutes of Missouri; and,

WHEREAS, on or about the ____ day of _____ 2006, after the aforesaid public hearing, the Public Works Director of the Village of Leawood, Missouri approved, recommended and submitted as its final report, Pursuant to Section 89.070 of the Revised Statutes of Missouri, the adoption of this Ordinance as herein above Described; and,

WHEREAS, on or about the ____ day of _____, 2006, after a public hearing duly advertised in accordance with Section 89.050 of the Revised Statutes of Missouri, the Board of Trustees of the Village of Leawood, Missouri received and considered the aforesaid final report and recommendation of the Public Works Director of the Village of Leawood, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LEAWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. That a new Animal Control Ordinance for the Village of Leawood, Missouri be, and the same hereby is, adopted in accordance with Chapter 89 of the Revised Statutes of Missouri, a true and accurate copy of the new Animal Control Ordinance being attached hereto and incorporated herein as Exhibit "A".

SECTION 2. This Ordinance having been available for public inspection prior to its consideration by the Board of Trustees, and having been read by title twice prior to passage, shall become effective immediately upon its Passage by the Board of Trustees.

APPROVED after final passage, this _____ day of _____ 2006.

DENNY DESMOND, CHAIRMAN

ATTEST:

TIM GREEN, VILLAGE CLERK

The legislative body of all cities, towns, and villages is empowered to zone...”for the purpose of prompting health, safety, morals or the general welfare of the community...” Missouri Revised Statutes 89.020.

“Such regulations shall be...designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with...a view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality.” Missouri Revised Statutes 89.040.

SECTION I

General

A. TITLE - This Ordinance shall be known and may be cited as "The Village of Leawood, Missouri, Animal Control Ordinance."

B. PURPOSE:

The purpose of this ordinance is to regulate animals and fowl within the village. This ordinance replaces the existing Ordinance 79-1.

C. LEGAL PROVISIONS:

1. In case of conflict between this Ordinance or any part thereof, and the whole or part of any other existing or future ordinance, the most restrictive in each case shall apply.
2. The Board of Trustees of the village of Leawood, Missouri, hereby declares that it would have passed this Animal Control Ordinance and each article and section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional.

D. ARTICLES:

Article I: General:

Right of Entry: For the purpose of enforcing the provisions of this ordinance, any law enforcement officer, or animal warden, or person designated by the village Board of Trustees is hereby empowered to enter upon any premises upon which a dog is kept or harbored and demand the exhibition, by the owner, of such dog or the certificate of vaccination for such dog.

Dangerous Animals: Any person who shall permit any bear or other dangerous animal to run at large or lead such an animal with a chain or rope or other appliance, whether such animal is muzzled or nuzzled, in any thoroughfare within the village shall be deemed guilty of a misdemeanor.

Noisy Animals and Birds: Any person owning or in possession or control of any animal or bird who shall permit such animal to make loud and unseemly noises so as to disturb the peace or repose of any person shall be deemed guilty of a misdemeanor.

Cruelty to Animals Generally: Whoever shall be guilty of cruelty to any animal in any of the ways mentioned in this section shall be deemed guilty of a misdemeanor:

A. By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating or cruelly killing any animal or causing or knowingly allowing the same to be done.

B. By cruelly working any old, maimed, infirmed, sick or disabled animal, or causing or knowingly allowing the same to be done.

C. By unnecessarily failing to provide any animal in his charge or custody, or causing or knowingly allowing the same to be done, as owner or otherwise, with proper food, drink, shelter, air and proper care and grooming.

D. By abandoning any animal regardless of reason.

E. By carrying or driving, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.

F. By carrying or causing to be carried, keeping or causing to be kept, any animal bound or tied by its legs, or bound down by the neck, or so that it cannot freely stand in an upright position while being transported, or by carrying, or causing to be carried, keeping or causing to be kept any animal in any crate or cage so constructed as to permit such animal to push its head between the slats, wires or other openings of such crate or cage unless the spaces between such slats or wires are also sufficient to permit such animal to freely withdraw its head therefrom.

G. Any law enforcement officer or animal warden or representative of the Board of Trustees may enter the premises where any animal is kept in a reportedly cruel or inhumane manner, demand to examine such animal and take possession of such animal when, in his opinion, it requires humane treatment.

Instigation of dog, chicken, etc., fights: No person shall purposely cause dogs, chickens, or

other animals to fight in the village.

Removal of dead animals:

A. Generally: The carcass of any dead animal found within the village, not slain for human food, and not removed by the person entitled to the possession thereof, within four (4) hours of daylight time after the death of such animal, is hereby declared to be a nuisance and such carcass shall thereupon be and become the property of the person who at the time shall have the contract for the removal of dead animals and such contractor is hereby authorized to appropriate the same to his own use. No person who shall interfere with such contractor in the removal of such dead animal, or with the attempt of the contractor to remove the same.

B. Time: Any person the owner of, or entitled to take control of the carcass of any dead animal shall take charge of such dead animal within four (4) hours of daylight time after the death thereof and shall remove the same and every part thereof in the same manner and subject to the same conditions as are required of the person having the contract for the removal of dead animals, or as may be provided by ordinance.

C. Manner: The carcass of a dead animal shall not be moved on any street or alley of the village except in a covered vehicle or unless such carcass shall be well covered with tarpaulins or otherwise and the same shall be handled in the most inoffensive manner possible.

D. Prohibitions and Exceptions - Generally: It shall be unlawful for any person to bury within or remove from the corporate limits of the village any dead animal: provided however, that this shall not apply to any person who may remove the same under authority of the Board of Trustees; and further provided, that this section shall not apply to the owner of any dead animal, if the carcass is removed within four (4) hours of daylight time after the death of such animal and to such place as the village may designate and in the condition in which it died without mutilation.

Cruelty to fowl: It shall be unlawful for any person to net, trap, capture confine, wound, kill or in any other manner molest or injure any wild bird, within the corporate limits of the village or to shoot with any gun, air rifle, pistol or other deadly weapon, any bird, or to throw any stone, arrow, or other missile at such bird, within such limits, or to break, tear down or destroy any bird's nest or the eggs or other contents of such nest; or for any person to have in his possession the nests, eggs, young or body of any such bird, except game birds in season, and poultry; provided, that English Sparrows and Starlings may be killed and their nests destroyed upon the premises occupied by any adult person who shall have first obtained a permit from the Board of Trustees for such purpose, and provided further, that nothing in this article shall be construed to prevent the possession and sale of parrots and tame canaries.

Reserved:

Article II: Dogs:

Running at large prohibited: Every owner shall keep their dog under restraint at all times and the dog shall not be at large off the premises or property of the owner, unless under the control of a competent and responsible person.

Impoundment of strays: Any person who knows or has reason to believe that a dog is a stray animal or is at large, may report the same to the animal warden or any person designated by the Board of Trustees which is hereby authorized to take up and impound such animal.

Vicious Dogs: The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

Females in heat: Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such a manner that such female dog cannot come in contact with another animal.

Immunization: The owner of every dog over six (6) months of age shall have such dog inoculated or immunized against rabies each twelve (12) months. It shall be unlawful for any person to maintain or keep or have within the village limits any dog which has not been inoculated or immunized against rabies unless such dog is less than six (6) months of age.

The certificate of licensed veterinarian showing that any dog shall have been inoculated or immunized against rabies within the period of one year immediately preceding the time in question shall be sufficient evidence of compliance herewith.

Reserved:

Article III: Cats:

Vaccination required: No person shall own, keep or harbor any cat within the village unless the same be vaccinated annually for rabies by a licensed veterinarian. The first such vaccination shall not be required until the cat is six (6) months of age when such vaccination becomes mandatory.

Impoundment of strays: Any person who knows or has reason to believe that a cat is a stray animal or is at large, may report the same to the animal warden or any person designated by the Board of Trustees which is hereby authorized to take up and impound such animal.

Confinement of dangerous cat: Every cat which scratches or bites a person, or any cat which has been in close contact with a person and is suspected of having been exposed to rabies shall be reported to the Newton County Sheriffs Department, and such animal shall be quarantined in the manner provided for in Article IV.

Cats in heat: Every female cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such female cat cannot come in contact with another animal.

Reserved:

Article IV: Other Animals:

Wild Animals: No wild animals may be kept within the village limits, except under such conditions as shall be fixed by the Board of Trustees.

Hogs Prohibited: The keeping, feeding, or raising of hogs or pigs within the village is hereby declared to be a nuisance and it shall be unlawful for any person to keep, feed or raise hogs or pigs within the village.

Residential Restrictions: It shall be unlawful for any person, except in such areas of the village that are or may hereafter be zoned "agricultural," to keep, own, maintain, use or have in his possession any rabbits, hares, guinea pigs, horses, mules, donkeys, Emus, cattle, goats, sheep, swine, chickens, turkeys, guineas, geese, ducks or pigeons within the village without a permit first being obtained as hereinafter provided.

Article V: Rabies Control:

Certain animals to be quarantined: Every animal which bites a person or which is suspected of having been exposed to rabies shall be promptly reported to the Newton County Sheriffs Department and county procedures shall be followed pertaining to control of rabies, and the expense of such quarantine shall be paid by the owner of such animal if his identity is known.

Duty to surrender: the owner, upon demand made by the county department of public health and welfare, shall forthwith surrender any animal which has bitten a human or which is suspected as having been exposed to rabies for supervised quarantine, the expense of such shall be borne by the owner.

Redemption of quarantined animals: Any animal quarantined under the provisions of this article may be reclaimed by the owner, if it has been adjudged free of rabies and, in the case of dogs or cats, upon compliance with the immunization provisions set forth in this ordinance.

Procedure when animal is bitten by rabid animal: Every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian or held in quarantine for the county-prescribed period.

Village quarantine: Upon any confirmed cases of rabies in the village, and upon recommendation of the county public health office, a village-wide quarantine shall be placed into effect. In such a case, no animal shall be taken into the streets or permitted to be in the streets. Moreover, no animal shall be taken out of the village during this period without

written permission of the county health department. If necessary, this quarantine shall last as long as deemed necessary by the county health department.

Article VI: Keeping Provisions:

Shelter: Adequate shelter must be provided for all animals. Such shelter must be of sufficient size to allow the animal(s) to move about freely and have enough space for exercise of the animal(s). Every keeper of any animal shall confine the same in an enclosure which provides for the safety and well-being of the animal(s) in all weather conditions and temperature ranges, and provide protection from the elements. Shelters or pens must be sufficient to prevent their running at large.

Minimum space: Minimum space, for permitting animals outside enclosed coops or cages meeting the requirements of the Board of Trustees shall be: Thirty (30) square feet per rabbit, hare, guinea pig, each chicken, turkey, guinea, goose or duck; and one-half acre per horse, mule, donkey, sheep, Emu, goat or cow. enclosure

Sanitary: Every keeper shall provide for his animal(s) a shelter or area of a size sufficient to be conducive to good sanitation practices and such enclosure shall be maintained in a clean and sanitary condition at all times. All pens and shelters shall be constructed so as to prevent runoff of waste products. (Refer to Ordinance 03-2 NPDES Phase II Stormwater Runoff Ordinance.) Offensive odors shall be deemed a nuisance.

Inspection: The premises where animals or poultry may be kept shall be subject to inspection by the Board of Trustees, the animal warden, or any person appointed by the board to conduct such activity. Such person shall be authorized unrestricted access to ensure compliance with Ordinance 03-2. It shall be unlawful to interfere with any officer, agent, or employee of the village, or with any representative of the Board of Trustees of the Village of Leawood when conducting such official duties. Findings of non-compliance will result in permit denial and county, state or federal civil penalties may attach.

Article VII: Permit:

Required: It shall be unlawful for any person to keep any rabbits, hares, guinea pigs, horses, mules, donkeys, cattle, goats, sheep, swine, chickens, turkeys, guineas, geese, ducks or pigeons within residentially-zoned areas of the village without a permit first being obtained as hereinafter provided.

Application: Permits required by the provisions of this division may be obtained by petitioning the Board of Adjustments with a written application, which application shall affirmatively show that the applicants has facilities for keeping such animals or poultry in quarters meeting the standards set forth by this ordinance.

Number restricted: No permit shall be issued under this division or be valid if issued for the permitting and/or keeping within the village a combined total of more than twelve (12) of the following: Rabbits, hares, guinea pigs, chickens, turkeys. Guineas, geese and ducks; or a total of more than four (4) of the following: Horses, mules, donkeys, Emus, sheep, goats and cattle.

Term: Each permit issued under this article, unless sooner revoked, shall be valid and effective for not more than twelve (12) months from the date of issuance thereof.

Article VIII: Definitions:

As used by this ordinance, the following terms shall have the meanings herein ascribed to them.

Animals or Poultry: As specifically named herein, by whatever other names they might be called, include every age and sex of each of the herein named species of animals or poultry. The word 'animal,' shall be taken and is hereby defined to mean any dumb animal.

Animal Warden: A person designated by the Board of Trustees to enforce the provisions of this ordinance.

At Large: Any animal shall be deemed to be "at large" when it is off the property of its owner or keeper and not under the control of a competent person.

Exposed to Rabies: An animal has been "exposed to rabies" if it has been bitten by or

exposed to any animal known to have been infected with rabies.

Keeper or Person: Any person, firm or corporation owning and/or actually keeping, having, using, or maintaining any of the animals or poultry herein referred to.

Kennel: The term "kennel" shall mean any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling, or boarding dogs.

Owner: The word "owner" shall mean any person owning, keeping or harboring an animal.

Permit: Any permit granted by the board of Trustees.

Pound: The word "pound" shall mean any premises designated by action of the of the Board of Trustees for the purpose of impounding and caring for all animals found roaming at large in violation of this ordinance.

Ratproof: a state of being constructed so as to effectively prevent the entry of rats.

Restraint: A dog is under "restraint" if it is controlled by a leash, at "heel" or beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property of its owner.

Sanitation: Any condition of good order and cleanliness which precludes the probability of disease transmission.

Village of Leawood
Ordinance No. 79-1

An Ordinance
Regulating Animals and Fowl
(Adopted pursuant to RSMo 80.080 & 80.170)

- C ~~A~~ - Article I In General
- D - Article II Dogs
- E - Article III Cats
- F - Article IV Impoundment
- G. Article V Rabies Control
- G. Article VI Keeping Regulations
Division 1. Generally
Division 2. Permit
- H. ~~Article VII Legal Provisions~~
↳ Definitions

ARTICLE I. IN GENERAL

Sec. 1. Definitions.

As used in this ordinance, the following terms shall have the meanings herein ascribed to them.

Animal warden: A person designated by the Board of Trustees to enforce the provisions of this ordinance.

At large: Any animal shall be deemed to be "at large" when it is off the property of its owner or keeper and not under the control of a competent person.

Exposed to rabies: An animal has been "exposed to rabies" if it has been bitten by or exposed to any animal known to have been infected with rabies.

Kennel: The term "kennel" shall mean any person, group of persons or corporation engaged in the commercial business of breeding, buying selling, or boarding dogs.

Owner. The work "owner" shall mean any person owning, keeping or harboring an animal.

Pound: The work "pound" shall mean any premises designated by action of the Board of Trustees for the purpose of impounding and caring for all animals found running at large in violation of this article.

Restraint. A dog is under "restraint" if he is controlled by a leash, at "heel" or beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of his owner.

Sec. 2. Right of entry.

For the purpose of enforcing the provisions of this ordinance, any law enforcement officer or animal warden of the village is hereby empowered to enter upon any premises upon which a dog is kept or harbored and demand the exhibition, by the owner, of such dog or the certificate of vaccination for such dog.

Sec. 3. Dangerous animals.

Any person who shall permit any bear or other dangerous animal to run at large or lead any such animal with a chain or rope or other appliance, whether such animal is muzzled or unmuzzled, in any thoroughfare within the village shall be deemed guilty of a misdemeanor.

Sec. 4. Noisy animals and birds.

Any person owning or in possession or control of any animal or bird who shall permit such animal or bird to make loud and unseemly noises so as to disturb the peace or repose of any person shall be deemed guilty of a misdemeanor.

Sec. 5. Cruelty to animals generally.

Whoever shall be guilty of cruelty to any animal in any of the ways mentioned in this section shall be deemed guilty of a misdemeanor:

- (a) By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating or cruelly killing any animal or causing or knowingly allowing the same to be done.
- (b) By cruelly working any old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing the same to be done.
- (c) By unnecessarily failing to provide any animal in his charge or custody as owner or otherwise, with proper food, drink, shelter, ~~and~~ air *and proper care and grooming.*
- (d) By abandoning any ~~old, maimed, infirm, sick or disabled~~ animal *regardless of reason.*
- (e) By carrying or driving, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.
- (f) By carrying or causing to be carried, keeping or causing to be kept, any animal bound or tied by its legs, or bound down by the neck, or so that it cannot freely stand in an upright position while being transported, or by carrying, or causing to be carried, keeping or causing to be kept any animal in any crate or cage so constructed as to permit such animal to push its head between the slats, wires or other openings of such crate or cage unless the spaces between such slats or wires are also sufficient to permit such animal to freely withdraw its head therefrom.

The work "animal," as used in this section, shall be taken and is hereby defined to mean any dumb creature.

Sec. 6. Instigation of dog, chicken, etc., fights.

Any person who shall purposely cause dogs, chickens, or other animals to fight in the village shall be deemed guilty of a misdemeanor.

Sec. 7. Sale of certain pets.

It shall be unlawful for any person to knowingly sell, offer for sale, barter or give away baby chicks, ducklings, other fowl or rabbits under three (3) weeks of age as pets, toys, premiums, sales promotions, or novelties within the corporate limits of the village; provided, however, that this section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings, or other fowl in proper brooding facilities by hatcheries or stores engaged in the business of selling them to be used for commercial or domestic purposes.

Sec. 8. Removal of dead animals - Generally

The carcass of any dead animal found within the village, not slain for human food, and not removed by the person entitled to the possession thereof, within four (4) hours of daylight time after the death of such animal, is hereby declared to be a nuisance and such carcass shall thereupon be and become the property of the person who at the time shall have the contract for the removal of dead animals and such contractor is hereby authorized to appropriate the same to his own use. Any person who shall interfere with such contractor in the removal of any such dead animal, or with the attempt of the contractor to remove the same, shall be deemed guilty of a misdemeanor.

Sec. 9. Same - Time within which carcasses to be taken in charge.

Any person the owner of, or entitled to take control of the carcass of any dead animal, shall take charge of such dead animal within four (4) hours of daylight time after the death thereof and shall remove the same and every part thereof in the same manner and subject to the same conditions as are required of the person having the contract for the removal of dead animals, or as may be provided by ordinance. Any person failing or neglecting to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 10. Same - Manner.

The carcass of a dead animal shall not be moved on any street or alley of the village except in a covered vehicle or unless such carcass shall be well covered with tarpaulins or otherwise and the same shall be handled in the most inoffensive manner possible.

Sec. 11. Same - Prohibitions and exceptions generally.

It shall be unlawful for any person to bury within or remove from the corporate limits of the village any dead animal; provided however, that this shall not apply to any person who may remove the same under authority of the Board of Trustees; and further provided, that this section shall not apply to the owner of any dead animal, if the carcass is removed within four (4) hours of daylight time after the death of such animal and to such place as the village may designate and in the condition in which it died without mutilation.

Sec. 12. Cruelty to fowl.

It shall be unlawful for any person to net, trap, capture, confine, wound, kill or in any other manner molest or injure any wild bird, within the corporate limits of the village or to shoot with any gun, air rifle, pistol or other deadly weapon, any bird, or to throw any stone, arrow, or other missile at such bird, within such limits, or to break, tear down or destroy any bird's nest or the eggs or other contents of such nest; or for any person to have in his possession the nest, eggs, young or body of any such bird, except game birds in season, and poultry; provided, that English sparrows and starlings may be killed or their nests destroyed upon the premises occupied by any adult person who shall have first obtained a permit from the Board of Trustees for such purpose, and provided further, that nothing in this section shall be construed to prevent the possession and sale of parrots and tame canaries.

Sec. 13.- 15 Reserved.

ARTICLE II. DOGS

Sec. 16. Running at large prohibited.

Every owner shall keep his dog under restraint at all times and the dog shall not be at large off the premises or property of the owner, unless under the control of a competent person.

Sec. 17. Vicious dogs.

The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

Sec. 18. Bitches in heat.

Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such a manner that such female dog cannot come in contact with another animal.

Sec. 19. Immunization.

The owner of every dog over six (6) months of age shall have such dog inoculated or immunized against rabies each twelve (12) months. It shall be unlawful for any person to maintain or keep or have within the village limits any dog which has not been inoculated or immunized against rabies unless such dog is less than six (6) months of age. The certificate of licensed veterinarian showing that any dog shall have been inoculated or immunized against rabies within the period of one year immediately preceding the time in question shall be sufficient evidence of compliance herewith.

Sec. 20. Reserved.

ARTICLE III. CATS

Sec. 21. Vaccination required.

No person shall own, keep or harbor any cat within the village unless the same be vaccinated annually for rabies by a licensed veterinarian. The first such vaccination shall not be required until the cat is six (6) months of age when such vaccination becomes mandatory.

Sec. 22. Impoundment of strays and animals at large.

Any person who knows or has reason to believe that a cat is a stray animal or is at large, may report the same to the Animal Warden which is hereby authorized to take up and impound such animal.

Sec. 23. Confinement of dangerous cat.

Every cat which scratches or bites a person, or any cat which has been in close contact with a person and is suspected of having been exposed to rabies shall be reported to the Newton County Sheriffs Department, and such animal shall be quarantined in the manner provided for in section 36 et seq.

Sec. 24. Cats in heat.

Every female cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such female cat cannot come in contact with another animal.

Sec. 25. Reserved.

ARTICLE IV. IMPOUNDMENT

Sec. 26. Authorized.

Any animal found in violation of the provisions of this ordinance may be seized and impounded by any law officer or animal warden. Impoundment may be in any animal shelter designated by the Board of Trustees.

Sec. 27. Notice to owner.

Immediately upon impounding animals, the poundmaster shall make every possible effort to notify the owners of such animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

Sec. 28. Redemption generally.

Except as otherwise provided in this article, the owner shall be intitled to resume possession of any impounded animal upon compliance with the immunization provisions of this ordinance and other provisions of this ordinance when applicable and the payment of impoundment fees.

Sec. 29. Fees.

The following fees shall be charged for the impoundment of any animal under the provisions of this article:

- (a) First redemption of animal within twelve (12) months \$15.00
- (b) The second redemption of same animal within the preceding twelve (12) months 30.00
- (c) The third redemption of same animal within the preceding twelve (12) months 45.00
- (d) The fourth redemption of same animal within the preceding twelve (12) months 60.00
- (e) The fifth redemption and any subsequent redemptions of same animal within the preceding twelve (12) months 75.00

Whenever any animal is impounded, an additional fee of two dollars (\$2.00) shall be charged for each day, or fraction thereof, of impoundment for feeding such animal.

Sec. 30. Redemption prohibited in certain cases.

When, in the judgment of the poundmaster or animal warden, an animal should be destroyed for humane reasons, such animal may not be redeemed.

Sec. 31. Redemption must be authorized by court in certain instances.

No animal impounded for being a public nuisance or impounded for violating the provisions of sections 17, 18 and 24 of this ordinance shall be redeemed unless such redemption is authorized by the Board of Trustees. Nor shall any wild animal impounded under this article be redeemed unless such redemption is authorized by the Board of Trustees.

Sec. 32. Disposition of animals when not reclaimed.

Any animal impounded under the provisions of this article and not reclaimed by its owner after the expiration of seven (7) days may be humanely destroyed by the poundmaster or animal warden, and such animal shall become the property of the humane society to be disposed of at its discretion; provided, however, that if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.

Sec. 33. Redemption of unvaccinated, animal.

(a) A vaccination deposit of ten dollars (\$10.00) shall be made per each animal not shown to have received at the time of its release a required rabies vaccination from a licensed veterinarian within the prior twelve (12) months immediately preceding its impoundment. This ten dollar (\$10.00) deposit shall be reimbursed only if within five (5) working days from the date of each deposit the animal warden is presented a receipt from a licensed veterinarian indicating that the animal has received a rabies vaccination from that veterinarian within either the prior twelve (12) months immediately preceding the animal's impoundment or within the period of the deposit, as evidence of current immunization.

(b) Any animal requiring to be quarantined and being placed in an animal shelter, the owner thereof shall be required to pay a charge of three dollars (\$3.00) per day or fraction thereof for feeding such animal, but the owner thereof shall not be required to pay the impoundment fee described in section 29.

(c) Owners of impounded animals may retrieve or otherwise obtain the release of their animals from the shelter only after they have secured from the animal shelter a written statement showing the days of impoundment, having made payment of impoundment and all other charges to the village treasurer, and delivered to the animal shelter the receipt showing the payment of said charges.

Secs. 34 - 35 Reserved.

ARTICLE V. RABIES CONTROL

Sec. 36. Certain animals to be quarantined.

Every animal which bites a person or which is suspected of having been exposed to rabies shall be promptly reported to the Newton County Sheriffs Department and county procedures shall be followed pertaining to control of rabies, and the expense of such quarantine shall be paid by the owner of such animal if his identity is known.

Sec. 37. Duty to surrender.

The owner, upon demand made by the county department of public health and welfare, shall forthwith surrender any animal which has bitten a human or which is suspected as having been exposed to rabies for supervised quarantine, the expense of such shall be borne by the owner.

Sec. 38. Redemption of quarantined animals.

Any animal quarantined under the provisions of this article may be reclaimed by the owner, if it has been adjudged free of rabies, ~~upon payment of the fees prescribed in section 33 of this ordinance and, in the case of dogs or cats, upon compliance with the immunization provisions set forth in this ordinance.~~

Sec. 39. Procedure when rabid animal dies.

~~When an animal under quarantine has been diagnosed being rabid or suspected by a licensed veterinarian as being rabid and dies while under such observation, the county department of public health and welfare shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of reports of human contacts, and the diagnosis made of the suspected animal.~~

Sec. 40. Procedure when animal is bitten by rabid animal.

Every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian or held ~~under six (6) months quarantine by the owner in the same manner as other animals are quarantined.~~

Sec. 41. City-wide quarantine-generally.

When a report under sections 39 & 40 gives a positive diagnosis of rabies, the county director of public health and welfare shall recommend a village-wide quarantine. No animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal may be taken or shipped from the village without written permission of the county director of public health and welfare.

Sec. 42. Same-Extension of period.

In the event there are additional positive cases of rabies occurring during a period of quarantine imposed under section 41, such period of quarantine may be extended for an additional six (6) months.

Sec. 43. Unauthorized destruction or removal of rabid animals.

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human, except as provided in this article; nor remove the same from the village limits without written permission from the county director of public health and welfare.

Sec. 44. Surrender of carcasses of exposed animals.

The carcass of any dead animal exposed to rabies shall be, upon demand, surrendered to the county director of public health and welfare.

Sec. 45. Disposition of rabid animals.

The county director of public health and welfare shall direct the disposition of any animal found to be infected with rabies.

Sec. 46. Refusal to surrender animals.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the county director of public health and welfare.

Sec. 47. Physicians to report bites

It shall be the duty of every physician to report to the county department of public health and welfare the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Sec. 48. Veterinarians to report diagnosis of certain animals.

It shall be the duty of every licensed veterinarian to report to the county department of public health and welfare his diagnosis of any animal observed by him as a rabies suspect.

Sec. 49. Record of bite cases.

It shall be the duty of the county department of public health and welfare to keep or cause to be kept accurate and detailed records of all animal bite cases reported to it and its investigation of same.

Sec. 50. Reserved.

ARTICLE VI. KEEPING REGULATIONS

DIVISION I. GENERALLY

Sec. 51. Definitions.

Wherever in this article the following terms are used, they shall have the meanings respectively ascribed to them in this section:

~~Animals or poultry:~~ As specifically named herein, by whatever other names they might be called, include every age and sex of each of the herein named species of animals or poultry.

~~keeper or person:~~ Any person, firm or corporation owning and/or actually keeping, having, using, or maintaining any of the animals or poultry herein referred to.

~~Permit:~~ Any permit granted by the Board of Trustees.

~~Ratproof:~~ A state of being constructed so as to effectively prevent the entry of rats.

~~Sanitary:~~ Any condition of good order and cleanliness which precludes the probability of disease transmission.

Sec. 52. Offensive stables, poultry yards, etc.

Any person owning, keeping or charged with the care of any stable, poultry yard or pet house in the village who shall permit the same to become offensive shall be deemed guilty of a misdemeanor.

Sec. 53. Wild animals.

No wild animals may be kept within the village limits, except under such conditions as shall be fixed by the Board of Trustees; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the Board of Trustees.

Sec. 54. Hogs prohibited.

The keeping, feeding or raising of hogs or pigs within the village is hereby declared to be a nuisance and it shall be unlawful for any person to keep, feed or raise hogs or pigs within the village.

Sec. 55. Authority of officer when animals are kept in inhumane manner.

Any law enforcement officer or animal warden may enter the premises where any animal is kept in a reportedly cruel or inhumane manner, demand to examine such animal and take possession of such animal when, in his opinion, it requires humane treatment.

Sec. 56. Area limited.

It shall be unlawful for any person, except in such areas of the village that are or may hereafter be zoned "agricultural," to keep, own, maintain, use or have in his possession any rabbits, hares, guinea pigs, horses, mules, donkeys, cattle, goats, sheep, swine, chickens, turkeys, guineas, geese, ducks or pigeons within the village without a permit first being obtained as hereinafter provided.

Sec. 57. Proximity to others.

The distance between the exterior limits of the place where animals or poultry are kept and the exterior limits of the nearest dwelling occupied by any person other than the applicant, owner or permit holder shall be not less than fifty (50) feet.

Sec. 58. Enclosure generally.

Every keeper of any animals or poultry shall confine the same in an enclosure sufficient to prevent their running at large and such enclosure shall be maintained in a clean and sanitary condition at all times and an approved insecticide shall be used as often as deemed necessary by the Board of Trustees.

Sec. 59. Minimum space.

Minimum space, for permitting animals outside enclosed coops or cages meeting the requirements of the Board of Trustees shall be: Thirty (30) square feet per rabbit, hare, guinea pig; Thirty (30) square feet for each chicken, turkey, guinea, goose or duck; and one-half acre per horse, mule, donkey, sheep, goat or cow.

Sec. 60. Shelter.

Every keeper shall provide for his animal(s) a shelter or area of a size sufficient to be conducive to good sanitation practices and he shall provide adequate and sanitary drainage for the shelter or area.

Sec. 61. Litter, droppings.

Every keeper of any animals or poultry shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such a type that when closed it is ratproof and flyproof and after each such collection shall cause such container or receptacle to be kept closed. At least twice each week, each such keeper shall cause all litter and droppings so collected to be disposed of in such a way as not to permit the presence of fly larvae.

Sec. 62. Protection of feed.

Every keeper of any animals shall cause all feed provided therefor to be stored and kept in a ratproof, flytight building, box, container or receptacle.

Sec. 63. Inspection.

The premises where animals or poultry may be kept shall be subject to inspection by the Board of Trustees or their officer at any reasonable hour of the day.

Secs. 64 & 65 Reserved.

DIVISION 2. PERMIT

Sec. 66. Required.

It shall be unlawful for any person to keep any rabbits, hares, guinea pigs, horses, mules, cattle, goats, sheep, chickens, turkeys, guineas, geese, ducks or pigeons without first obtaining a permit therefor, except in areas designated Agricultural.

Sec. 67. Application.

Permits required by the provisions of this division may be obtained by filing a written application with the Board of Trustees, which application shall affirmatively show that the applicant has facilities for keeping such animals or poultry in quarters meeting the standards set by said Board herein.

Sec. 68. Number restricted.

No permit shall be issued under this division or be valid if issued for the permitting and/or keeping with the village a combined total of more than twelve (12) of the following: Rabbits, hares, guinea pigs, chickens, turkeys, guineas, geese and ducks; or a combined total of more than four (4) of the following: Horses, mules, donkeys, sheep, goats and cattle.

Sec. 69. Term.

Each permit issued under this division, unless sooner revoked, shall be valid and effective for not more than twelve (12) months from the date of issuance thereof.

Sec. 70. Special permit for homing pigeons.

Permits may be obtained for the keeping of Antwerp Messenger Pigeons, commonly called carrier or homing pigeons, by filing written application showing the following:

- (a) That such pigeons will be confined to closed lofts, and released therefrom only for training and exercise flights, and not allowed to fly at will.
- (b) That no other breed of pigeons will be kept in the same loft.
- (c) That said pigeons shall not be raised for any commercial or business purpose.
- (d) Only pigeons banded with seamless identification bands of the type approved by a national organized pigeon association shall be permitted to be kept under any such permit and the number kept in any one loft shall not exceed in number the standard recommended by the National Pigeon Association.
- (e) The standards of sanitation for the keeping of pigeons shall be the same as pertains to other animals.

Sec. 71. Denial, revocation.

The failure of any keeper of any animals or poultry to comply with the provisions of this article or the sanitation standards and requirements established by the Board of Trustees shall be cause for the Board of Trustees to refuse to grant a permit for the keeping of such animals or poultry, or, if the permit shall have been previously granted to such keeper, shall be cause for the revocation of same.

Sec. 72. Institutions.

Where the application for a permit required by this division is for the keeping of animals or poultry within the limited number herein set forth, in medical laboratories and/or educational institutions for medical research or in veterinarian hospitals for treatment, they shall be kept under the same conditions prescribed by the Board of Trustees for such limited purposes without the necessity of compliance with the distance and structural requirements herein otherwise set forth.

ARTICLE VII
LEGAL PROVISIONS

- A. In case of conflict between this Ordinance or any part thereof, and the whole or part of any other existing or future ordinance, the most restrictive in each case shall apply.
- B. The Board of Trustees of the Village of Leawood, Missouri hereby declares that it would have passed this Animal Control Ordinance and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional.
- C. This Ordinance shall take effect and be in force from and after its adoption.

Chairman

Date Adopted

Definitions:

Animal-for purposes of this section, animal is a "mammal."

Adequate care-normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and health care as necessary to maintain good health.

Adequate control-to reasonably restrain or govern an animal so that the animal does not injure itself, any person, or any other animal or property.

19.12 Animal Neglect (§578.009)

Class C Misdemeanor, First Offense

Class B Misdemeanor, Subsequent Conviction

Elements:

A person is guilty of animal neglect when that person:

1. has custody or ownership of an animal; AND
2. fails to provide adequate care or adequate control including but not limited to knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.