

**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 penning 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: Pennit:

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 pennit 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 pennit 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.

