

AN ORDINANCE PROVIDING FOR THE LICENSING OF ALL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF LOWRY CITY, MISSOURI; PROHIBITING DOGS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF LOWRY CITY; DURING CERTAIN PERIODS: AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF DOGS; REQUIRING SAFE CARE OF DOGS; LIMITING NUMBER OF DOGS WITHOUT KENNELING; PROVIDING A PENALTY; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. PURSUANT TO SECTION 79.400R.S.Mo 1986.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LOWRY CITY, MISSOURI:

SECTION 1. Definition of Terms. As used in this ordinance, unless the context otherwise indicates,

- a) “Dog” shall be intended to mean both male and female.
- b) “Owner” shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog.
- c) “At large” shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, and chain or otherwise.
- d) “Kennel” shall be intended to mean the provisions necessary for keeping or maintaining more than four (4) dogs at a residence.

SECTION 2. License and Registration Required. All dogs kept, harbored, or maintained by their owners in the City of Lowry City shall be licensed and registered if over three (3) months of age. Dog licenses shall be issued by the city clerk upon payment of a license tax of \$5.00 for each neutered male or spayed female, and \$15.00 for each unneutered male and unspayed female. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose

his name and address, and the name, breed, color and sex of each dog owned or kept by him. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor to “seeing-eye” dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. Proof of rabies vaccination must be provided prior to any license being issued. Licenses shall be valid for 1 year from date of purchase.

SECTION 3. Tag and Collar. Upon payment of the license fee the clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag may be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the clerk upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of one dollar (\$1.00) fee for such duplicate.

Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner’s leaving the city before expiration of the license period.

SECTION 4. Running at Large. No owner or keeper of any dog shall permit such dog to run at large. Dogs must be confined on the owner’s property by a fence or within the home. When not on owner’s property, dogs must be on a leash controlled by the owner

or other designated person, or family member capable of controlling the dog. Non-resident dogs (those that follow owner into town or ride into town in owner's vehicle are under the same rules. They cannot be allowed to run at large.

SECTION 5. Impounding. It shall be the duty of every police officer or animal control officer to apprehend any dog found running at large contrary to the provisions of Section 4 and to impound such dog in the city pound or other suitable place. The animal control officer (or some other designated official) upon receiving any dog shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed he shall enter the name and address of the owner and the number of the license tag.

Licensed dogs shall be separated from unlicensed dogs.

SECTION 6. Notice to Owner and Redemption. The owner, if known, shall be notified, or if the owner of the dog is unknown written notice shall be posted for three (3) days at three or more conspicuous places in the City of Lowry City describing the dog and the place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of \$25.00 for a licensed dog and \$40.00 plus license fee for an unlicensed dog. The owner shall also pay costs and charges incurred by the City of Lowry City for keeping and maintenance of said dog as follows: a \$25.00 pick up fee; for keeping any dog \$10.00 per day per dog; for giving notice, \$10.00. All fees double for each offense after the first. So the third offense will be double the second offense.

SECTION 7. Disposition of Unclaimed or Infected Dogs. It shall be the duty of the animal control officer to keep all dogs so impounded for a period of three days. If at the expiration of three days from the date of notice to the owner or the posting of such notice such dogs shall not have been redeemed, it may be destroyed. Any unlicensed dog

required by law to be licensed, or any dog, which appears to be suffering from rabies, or affected with hydrophobia, mange, or other infections or dangerous disease or which manifests extreme violence by biting or attempting to bite shall not be released but will be forthwith destroyed. The owner will be responsible for veterinary expenses.

SECTION 8. Unclaimed dogs for Scientific Purposes. Whenever any hospital or reputable institution of learning shall apply to the city council for permission to use for research purposes in the study of prevention of disease or the betterment of mankind, any impounded dog or dogs remaining unclaimed, the Mayor shall request the pound master to surrender to the institution or hospital such unclaimed dogs as it has requested, and they shall be so surrendered.

SECTION 9. Confinement of Certain Dogs. No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any such dog is found running at large in violation of this provision it shall be taken up and impounded and shall not be released except upon approval of the mayor and police officer after payment of the fees provided in Section 6; provided, however, that if any dangerous, fierce, or vicious dog so found at large cannot be safely taken up and impounded, such dog may be summarily slain by any policeman by use of deadly force.

SECTION 10. Muzzling. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation

shall be seized and impounded, unless noticeably infected with rabies. All dogs so infected with rabies and displaying vicious propensities shall be killed by the police without notice to the owner. Dogs impounded during the first two days of such proclamation shall, if claimed, within five days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in Section 6. If unclaimed after that period, such dog may be summarily destroyed.

SECTION 11. Rabies – Notice. If a dog is believed to have rabies or has been bitten by a dog or other animal suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the pound master of the fact that his dog has possibly been exposed to rabies and at his discretion the animal control officer is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the city without the written permission of the animal control officer. Every owner, or other person, upon ascertaining a dog is rabid shall immediately notify the pound master or a policeman who shall either remove the dog to the pound or summarily destroy it by whatever means is expedient including use of a firearm.

SECTION 12. Vaccination. It shall be unlawful for the owner of any dog to keep or maintain such dog unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which such dog is kept or

maintained.

SECTION 13. Limiting chaining or tethering of dogs.

(a) Any person owning and/or controlling dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow said animal to be tied or chained to dog houses, trees or other permanent or semi permanent fixtures. Dogs may be staked out for exercise purposes to cable tie-out stakes with swivel snaps to allow for free mobility.

Should the City of Lowry City receive three (3) or more viable complaints and the dog owner is issued tickets and/or fines then the dog owner shall forfeit this privilege.

(b) Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least 100 square feet per dog or as approved by the Mayor and/or Board of Aldermen. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure for such dogs meeting the 100 square foot per dog dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be sufficient height to prevent the dog from escaping from such enclosure.

(c) Nothing in this ordinance shall be construed to prohibit owners or others walking dogs with a hand held leash.

(d) Shelter must be sanitary and provide protection from cold and heat with fresh water available. The shelter must be placed in a dry area

free of debris and feces. Shelter must be cleaned on a regular basis, fecal matter removed and properly disposed, so not to attract insects or rodents, become unsightly or cause objectionable odor.

(e) The dog may be tethered to allow the cleaning of the dog's enclosure or while the owner is outside with the dog and is in visual contact of the animal at all times to prevent injury to the dog.

(f) Persons found guilty of violating this section of this Ordinance will be liable to a fine of \$50.00 for the first offense and \$100.00 for subsequent offenses.

SECTION 14. Kennels.

(a) Any person who shall own and keep, or harbor upon his premises, more than four (4) dogs other than under the age of six months shall be deemed the owner of a dog kennel. Such owner shall file application on a form provided by the city clerk, prescribed by the city council and the mayor, which application shall provide information to indicate whether or not the proposed kennel and its operation will violate any provisions of state and city laws and ordinances. If it appears that such kennel and the operation thereof will not be in violation of state and city laws, the city clerk shall issue a kennel license to said applicant upon the payment of the following license fee to the city.

(b) Kennel license fee is \$300.00 renewable yearly.

(c) Such license shall permit the applicant to operate such kennel

described in the application for a period of one year, unless said license is revoked; and any violation of the sections of this ordinance shall constitute sufficient cause for revocation of such license.

(d) Kennel premises shall be maintained in a clean and satisfactory and sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors. The city animal control officer and the police officer shall have the right to inspect such kennels at reasonable hours.

(e) If any dog kennel is licensed to operate within 200 feet of a building used or occupied as a residence, except for the keeper of the kennels, the kennel dogs shall be continuously confined within the kennel building and not allowed to run at large or be in the outdoor enclosures of the kennel.

(f) All kennel dogs shall be fed, maintained and housed in separate compartments, and separate outdoor runways, and not to come in contact with other dogs except when breeding, and except in cases of mothers and their young. The inside and outside spaces shall be completely cleaned at least twice per day. The breeding shall not be done in public view.

SECTION 15. Interference with animal control officers. It is unlawful for any unauthorized person to break open the animal shelter or to attempt to do so, or to take or let out any dogs there from, or to take or attempt to take from any officer any dog taken up by him in compliance with this ordinance or in any manner to interfere with or hinder such officer in the discharge of his duties under this ordinance will be fined \$50.00.

SECTION 16. Visitors to Lowry City with dogs. While the licensing portion of this ordinance does not apply to people who are visiting residents of Lowry City with a dog, all other rules and fines do apply. Every visiting dog must be kept on the property the owner is visiting and must be on a leash when off said property.

SECTION 17. Repeal of Conflicting Ordinances. Ordinance 8001 and all amendments to it are hereby repealed.

SECTION 18. Separability of Provisions. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of the ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 19. Summary of penalties, fees and fines.

- Dog License: \$5.00 for neutered or spayed dogs
\$15.00 for dogs not neutered or spayed
\$1.00 for tag lost or destroyed (with receipt for original tag)
- Reclaiming dog from pound:
 - \$25.00 for licensed dog
 - \$40.00 plus license fee for unlicensed dog
 - \$25.00 pick up fee
 - \$10.00 per day per dog for keeping dog
 - \$10.00 for giving notice
- Tethering or abuse of dogs:
 - \$50.00 fine for first offense
 - \$100.00 fine for subsequent offenses
- Interfering with animal control officer
 - \$50.00 fine (letting dog out of confinement etc.)

SECTION 20. Effective Date. This ordinance shall be in full force and effect 30 days from and after its passage and approval.

VOTES:

AYE

Charles Cone
Steve Elsey
Sean Langston

ABSENT

Larry Wills

**Signature on Original Ordinance

John Neuenschwander, Mayor

March 17, 2009

Date

**Signature on Original Ordinance

Jo Reece, City Clerk