

## CHAPTER 205: ANIMAL REGULATIONS

### SECTION 205.010: DEFINITIONS

The following words when used in this Chapter shall have the meanings set out herein.

**ANIMAL:** Any animal, bird, fowl, or reptile within the City.

**AT LARGE:** Off the premises of the owner of such animal and not on a leash controlled by some person physically able to prevent the animal from escaping.

**CALENDAR DAY:** Any part of a twenty-four-hour day between 12:00 A.M. and 11:59:59 P.M. of the same day.

**DOGS:** Shall be held and construed to mean all animals of the canine species, both male and female.

**EUTHANASIA:** To put to death in an approved humane manner, taking into account the circumstances necessitating the euthanasia and the need to protect the public health.

**IMPOUND:** Apprehend, seize, catch, trap, net, quarantine, tranquilize, or confine an animal in a humane manner.

**OWNER OR KEEPER:** Shall be held and construed to mean any person having a right of property in a dog, or who keeps or harbors a dog, or who has it in his/her care, or acts as its custodian, or who knowingly permits a dog to remain on or about any premises owned or occupied by him/her.

**RUNNING AT LARGE:** Shall be held and construed to mean suffering a dog to be off the private premises of the owner or keeper, or his/her agent or servant, and not on a leash or confined to the arms, motor vehicle, trailer or other conveyance of the owner or keeper, his/her agent or servant.

**SERIOUS PHYSICAL INJURY:** Shall be held and construed to mean physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

**STRAY:** A dog without a collar with the owner's name and address and current rabies tag attached and whose owner can not be found after reasonable inquiries.

**TRESPASSER:** Shall be held and construed to mean a person upon the premises of the owner or keeper of the dog in question without license or privilege to be upon said premises.

**UNRESTRAINED DOG:** Shall be held and construed to mean any dog running at large or, a dog on the premises of its owner or keeper but not confined to said premises by a leash, fence, structure or other means, that would prevent the dog from leaving such premises.

**VICIOUS DOG:** Shall be held and construed to mean any of the following dogs:

1. Any dog, whether or not running at large, and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.

3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
4. Any dog that has killed another dog or other domestic animal without provocation.

#### SECTION 205.020: COLLARS – IDENTIFICATION – RABIES TAG

1. All dogs shall wear a collar with the owner's name and address and a current metal tag as provided by a veterinarian noting the animal has been vaccinated against the disease of rabies.
2. The owners of all dogs within the City shall have in their possession a current certificate issued by a licensed doctor of veterinary medicine, certifying that the animal has been vaccinated against the disease of rabies.
3. Collars with the name and address are not required on dogs whose owners are non-residents 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, but a current certificate issued by a licensed doctor of veterinary medicine, certifying that such animal has been vaccinated against the disease of rabies must be possessed.

#### SECTION 205.030: RUNNING AT LARGE PROHIBITED—IMPOUNDMENT

It shall be unlawful for the owner or keeper of any dog to permit the same to run at large within the City of Seligman at any time.

#### SECTION 205.040: VICIOUS ANIMALS

- A. It shall be unlawful for any person to keep, harbor or bring within this City any vicious animal, and suffer or permit the same to be or run at large upon any public street, sidewalk or thoroughfare, or on the premises of persons other than the owner, within the City.
- B. Any animal that has attacked, bitten or acted in a threatening manner toward any person in this City, or which habitually attacks other animals in this City, is declared to be vicious and may be impounded as provided in this Chapter.
- C. If a vicious animal or stray found running at large, in violation of this Chapter, cannot safely be taken up and impounded, the Police or such other employees or officers of the City as the Board of Aldermen may designate are authorized to kill the same.

#### SECTION 205.050: DUTY TO IMPOUND

It shall be the duty of the Chief of Police, the City Police, and any other person of the City of Seligman, especially designated by the Board of Aldermen and the Mayor for such purpose, to take up any dog without the tag provided in Section 205.020, any dog running at large, or any vicious dog in violation of Section 205.040 above, and to impound the same. In effecting the capture of any dog, the officers aforesaid are authorized and directed to use traps, nets, tranquilizer guns or any other humane method.

#### SECTION 205.060: COST OF IMPOUNDMENT

Any officer performing duties under this Chapter shall be compensated from the City Treasury as provided from time to time by ordinance of the Board of Aldermen. Such officer shall account to the City

for all sums collected from owners or keepers under this Chapter, and pay same into the City Treasury. Costs of feeding and keeping dogs impounded shall be paid from the City Treasury.

#### SECTION 205.070: NOTICE OF IMPOUNDMENT

Every officer impounding a dog under this Chapter shall, within twenty-four (24) hours after such impounding, enter upon a registry open to the public, and in plain public view at the City Hall of the City, a description of such dog, including breed, color, and approximate size, and the date apprehended, and if the owner or keeper is known, the name and address of such owner or keeper; or the owner or keeper shall be given actual notice of the impoundment of such dog before disposition of such dog.

#### SECTION 205.080: REIMBURSEMENT OF COSTS

The owner or keeper of any dog impounded under this Chapter may reclaim the same by paying to the Chief of Police, Police Officer, or other official especially designated to receive the same, a sum sufficient to reimburse the City for its costs in impounding such dog and keeping it impounded.

#### SECTION 205.090: TERM OF IMPOUNDMENT

It shall be the duty of any officer impounding any dog under this Chapter to keep the same impounded for a period of seven (7) days, unless such dog shall be reclaimed by his/her owner or keeper under Section 205.080 of this Chapter. If, after the expiration of seven (7) days from the date of such impoundment, such dog shall not have been reclaimed, the same shall be disposed of or destroyed in a humane manner.

#### SECTION 205.100: ANIMAL NEGLECT

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

1. Has custody or ownership of an animal and fails to provide adequate care; or
2. Knowingly abandons an animal in any place without making provisions for its adequate care.

B. All fines and penalties for a first finding of guilt under this Section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo., or Chapter 272, RSMo.

C. In addition to any other penalty imposed by this Section 578.009, RSMo., the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:

1. The care and maintenance of neglected animals within the person's custody or ownership;
2. The disposal of any dead or diseased animals within the person's custody or ownership;
3. The reduction of resulting organic debris affecting the immediate area of the neglect; and
4. The avoidance or minimization of any public health risks created by the neglect of the animals.

#### SECTION 205.110: ANIMAL ABUSE

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

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
2. Purposely or intentionally causes injury or suffering to an animal; or
3. Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal.

#### SECTION 205.120: BULLBAITING AND COCKFIGHTING—PENALTY

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock or other creature, except dogs, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him/her or under his/her control to be so kept or used, shall, on conviction thereof, be guilty of a misdemeanor.

#### SECTION 205.130: GROWING OR KEEPING POULTRY WITHIN CITY LIMITS

The term “poultry” includes chickens only. It shall be unlawful to raise, breed or keep the above named poultry, in violation of the terms listed in Section 205-135.

#### SECTION 205.131: KEEPING OF CHICKENS

A. The maximum number of chickens in combination with ducks allowed per acre of land regardless of how many dwelling units are on the tract.

1. Agricultural Zoned Property – fifty (50)
2. All other zones – six (6) per acre

B. Only female chickens (hens) shall be allowed. There shall be no restriction on chicken breeds.

C. It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.

D. Chickens shall be kept in a secured enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

E. Enclosures shall be kept in a clean, dry, odor-free, neat, and sanitary condition at all times.

F. Henhouses, chicken tractors and chicken pens shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

G. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the City.

H. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked or latched at night. Openings, windows, and vents shall be covered with predator and bird proof wire of less than one (1) inch openings.

I. Henhouses, chicken tractors, and chicken pens shall only be located to the rear of the property, opposite the property access road.

J. Henhouses, chicken tractors, and chicken pens shall be located at least three feet from the property line and at least twenty five (25) feet from any adjacent residential dwelling, church, school, or place of business.

K. Any enclosed chicken pen shall consist of sturdy wire or wooden fencing; The pen shall be covered with wire, aviary netting, or solid roofing.

L. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries.

M. All uses shall operate in accordance with the peace disturbances contained in Section 210.130 of the Seligman City Code.

N. The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

O. The chicken owner shall provide chickens access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds, and predators.

P. The chicken owner shall provide for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area shall be kept free from trash and accumulated droppings.

Q. It shall be unlawful for any person to keep chickens in violation of any provision of this article.

R. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.

S. Any violation of this article that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of the City.

T. Each day that a violation of this article continues is a separate offense.

U. All other applicable City Codes shall apply.

#### SECTION 205.132: KEEPING OF DUCKS

A. The maximum number of ducks in combination with chickens allowed per acre of land regardless of how many dwelling units are on the tract.

1. Agricultural Zoned Property – fifty (50)
2. All other zones – six (6) per acre

B. Hens and drakes shall be allowed. There shall be no restriction on duck breeds.

C. It shall be unlawful to engage in duck breeding or fertilizer production for commercial purposes.

D. Ducks shall be kept in a secured enclosure or fenced area at all times. Ducks shall be secured within a a coop, shed, house, pen or tractor during non-daylight hours.

- E. Enclosures shall be kept in a clean, dry, odor-free, neat, and sanitary condition at all times.
- F. Coops, sheds, houses, pens or tractors shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds, and predators, including dogs and cats.
- G. Coops, sheds, houses, pens or tractors shall be designed to provide safe and healthy living conditions for the ducks while minimizing adverse impacts to other residents in the City.
- H. A coop, shed, house, pen or tractor shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked or latched at night. Openings, windows, and vents shall be covered with predator and bird proof wire of less than one (1) inch openings.
- I. Coops, sheds, houses, pens or tractors shall only be located to the rear of the property, opposite the property access road.
- J. Coops, sheds, houses, pens or tractors shall be located at least three feet from the property line and at least twenty five (25) feet from any adjacent residential dwelling, church, school, or place of business.
- K. Any enclosed pen shall consist of sturdy wire or wooden fencing; The pen shall be covered with wire, aviary netting, or solid roofing.
- L. Odors from ducks, duck manure, or other duck related substances shall not be detectable at the property boundaries.
- M. All uses shall operate in accordance with the peace disturbances contained in Section 210.130 of the Seligman City Code.
- N. The duck owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- O. The duck owner shall provide ducks access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds, and predators.
- P. The duck owner shall provide for the storage and removal of duck manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The coop, shed, house, pen or tractor and surrounding area shall be kept free from trash and accumulated droppings.
- Q. It shall be unlawful for any person to keep duck in violation of any provision of this article.
- R. It shall be unlawful for any owner, renter or leaseholder of property to allow ducks to be kept on the property in violation of the provisions of this article.
- S. Any violation of this article that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of the City.
- T. Each day that a violation of this article continues is a separate offense.
- U. All other applicable City Codes shall apply.

#### SECTION 205.140: VIOLATIONS AS OFFENSE

A. Any owner of an animal, or any person in charge of or having custody and control of an animal, who shall violate any provision of this Chapter shall be deemed guilty of an ordinance violation and, upon conviction thereof, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), plus court costs and any impoundment or other fees relating to the animal.

B. Each and every occurrence shall be an additional violation and a separate offense subject to fine.

#### SECTION 205.150: ABANDONMENT OF ANIMALS

It shall be unlawful for any owner to abandon an animal within the corporate limits of the City.

#### SECTION 205.160: ANIMAL TRESPASS

A. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve (12) hours.

B. For a first conviction of animal trespass, each offense shall be punishable by a fine not to exceed two hundred dollars (\$200.00). The second and all subsequent convictions shall be punishable by imprisonment or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment. All fines for a first conviction of animal trespass may be waived by the court provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This Section shall not apply to the provisions of Section 578.007 or Sections 272.010 to 272.370, RSMo.

#### SECTION 205.170: ANIMALS CREATING A NUISANCE – PROHIBITED

A. Every owner of an animal shall keep it from creating a nuisance.

B. An animal creates a nuisance if it:

1. Repeatedly soils, defiles, or defecates on property other than property of the owner.
2. Damages property belonging to a person other than a person responsible for the animal.
3. Causes unsanitary or dangerous conditions.
4. Causes a disturbance by barking, howling, meowing, or other noisemaking.
5. Chases motor vehicles and bicycles.
6. Molests, threatens, attacks, bites or interferes with persons or other animals on public property or property not belonging to the person responsible for the animal.
7. Impedes refuse collection, mail delivery, meter reading or other public service.
8. Repeatedly tips, rummages through, or damages a refuse container

#### SECTION 205.180: NUMBER OF ANIMALS ALLOWED

Any number of animals which exceed the number allowed by the City zoning regulations are prohibited.

SECTION 205.190: KEEPING LIVESTOCK

No livestock, including fowl, shall be kept within the corporate limits of this City, except pursuant to City ordinances.

SECTION 205.200: KEEPING OF SWINE PROHIBITED IN CITY LIMITS

No person shall keep any swine, this includes potbellied pigs, within the corporate limits of this City.

SECTION 205.200 – 205.300: (RESERVED)

SECTION 205.300 – 205.400: (RESERVED)