

Chapter 205

ANIMAL REGULATIONS

ARTICLE I

Licensing And Regulating Of Dogs

Section 205.010. Owner, Defined. [CC 1992 § 65.010]

As used in this Article:

OWNER — Any person, firm or corporation owning, harboring, or otherwise keeping a dog.

Section 205.020. Leashing Requirements. [CC 1992 § 65.020]

It shall be unlawful for any person or persons owning, controlling, harboring, possessing, or having the management or care, in whole or in part, of any dog to permit such dog or dogs to run at large. For the purpose of this Article, every dog when on any street, alley or any other public place in the City of Center, Missouri, which is not attached to a leash, the other end of which is securely held, or when on private property within said City, which is either not attached to a leash, the other end of which is securely held, or which is not so confined as to prevent its straying from the premises, shall be deemed running at large; provided, however, that a dog may remain on the property of its owner without leash or other confinement.

Section 205.030. Restrictions On Certain Dogs. [CC 1992 § 65.030]

No person shall keep or harbor a dog which habitually creates a public disturbance between the hours of 10:00 P.M. and 6:00 A.M. No dog owner shall permit his/her dog to damage any lawn, garden or other property. No dog owner shall permit his/her dog to obstruct a public street or sidewalk, or to deter traffic from such street or sidewalk. Nor shall any dog owner permit his/her dog to injure any person. Any dog owner found guilty of violating the above provision shall be deemed guilty of an ordinance violation. Any dog which bites a human being, not necessarily the same human being, on more than one occasion shall be destroyed by its owner, and if the owner refuses, by the Police Department after first obtaining an order from the judge of a court of competent jurisdiction.

Section 205.040. Interference With Officers. [CC 1992 § 65.040]

It is unlawful for any unauthorized person to take or attempt to take from any officer any dog taken up by said officer in compliance with this Article or in any manner to interfere with or hinder such officer in the discharge of his/her duties under this Article.

Section 205.050. Authority To Enforce. [CC 1992 § 65.050]

The responsibility for enforcing this Article shall be vested in the Police Department of the City of Center, Missouri. Provided, however, the Board of Aldermen may contract with a private individual, partnership or other corporation to aid the City Police Department in the enforcement of this Article.

Section 205.060. Kennels. [CC 1992 § 65.060]

No person, firm or corporation shall maintain in the City of Center a kennel where dogs are kept for sale or stud purposes without securing a license therefor from the City Clerk. The Clerk shall issue such license only upon the approval of the Board of Aldermen. The license fee shall be twenty-five dollars (\$25.00) per year, and shall be in lieu of a City business license.

Section 205.070. Penalties. [CC 1992 § 65.070; Ord. No. 168 § 1, 8-2-2000]

Any person, firm or corporation violating any provisions of this Article dealing with dogs shall be guilty of an ordinance violation upon conviction thereof and shall be punished by a fine of not more than fifty dollars (\$50.00) plus court costs for the first offense. For the second offense, upon a conviction thereof, the punishment shall be a fine of not more than seventy-five dollars (\$75.00) plus court costs. For the third offense and conviction thereof, the fine shall be not more than one hundred dollars (\$100.00) plus court costs.

Section 205.080. Impounding. [Ord. No. 197 § 65.100, 9-5-2007]

- A. Any dog running at large in violation of this Article may be picked up and impounded by the City Police or any employee of the City or by any individual or organization who has contracted with the City of Center for enforcement of this Article. Any dog may be redeemed from the place of impoundment by the owner, keeper or harbinger of said dog within the time stated in the notice as specified in this Article by the payment to the City Clerk of an impoundment fee of fifty dollars (\$50.00) plus boarding charges for each twenty-four (24) hours or fraction thereof that such dog has been impounded.
1. Notice of impounding. Upon taking up and impounding any dog as provided in this Article, the pound master shall thereafter immediately post at the City Hall and in one (1) or more other conspicuous places within the City of Center a notice of impounding in substantially the following form, to wit:

NOTICE OF IMPOUNDING OF DOG

Date: _____, 20_____

To Whom It May Concern:

I have this day taken up and impounded at _____, a dog answering the following description:

Sex: _____

Color: _____

Breed: _____

Approximate Age: _____

Notice is hereby given that, unless said dog is claimed and redeemed on or before _____ o'clock __.M. on the _____ day of _____, 20____, the same will be sold or killed.

Signed:

_____ Impounding Officer

2. Disposal. The date of sale or killing of the dog shall be one (1) week after the posting of the notice unless that date falls on a Sunday or Holiday, in which case it shall be the following day.
3. If owner is known. In the event that the owner of the dog is known, then the notice shall be personally served upon him/her, and shall not be publicly posted.
4. Redemption. Any dog may be redeemed from the place of impoundment by the owner within the time stated in the notice by the payment to the City Clerk for the impoundment fee of fifty dollars (\$50.00) plus boarding charges.
5. Release. Upon the payment to the City Clerk for the fees provided in this Article, the dog shall be released to the claiming owner.
6. Disposition of unclaimed dogs. Any dog not claimed as provided in this Article may be disposed of at the discretion of the impounding authorities by gift or sale, provided that the proceeds of the sale are applied toward the fees required in this Article; or by painless killing and burying said dog.
7. Establishment of a pound. The Board of Aldermen is hereby authorized to establish a permanent dog pound for the purpose of enforcing this Article. In the alternative, the Board of Aldermen may enter into a contract or other working agreement with an existing publicly or privately operated pound or animal shelter.

ARTICLE II

Pit Bulls And Dangerous Animals

Section 205.090. Regulation Of Pit Bull Dogs. [Ord. No. 207 § 1, 6-2-2010]

- A. Unlawful To Keep — Exception. It shall be unlawful to keep, harbor, own or in any way possess, within the corporate limits of the City of Center, Missouri, any pit bull.
- B. Definition. As used in this Article, the following term shall have the meaning indicated:

PIT BULL DOG — Is defined to mean:

1. Staffordshire Bull Terrier breed of dog;
2. The American Pit Bull Terrier breed of dog;
3. The American Staffordshire Terrier breed of dog;
4. Any mixed breed of dog which contains as an element of its breeding the breed of

Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier, as to be identifiable as partially of the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier;

5. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, and other breeds commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of any of these breeds.

C. Violations And Penalties.

1. It shall be unlawful for the owner, keeper, or harbinger of a pit bull dog registered with the City to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment for the time necessary for the owner or keeper to show compliance with this Section and the owner shall be responsible for all kennel fees for impoundment.
2. Any person violating or permitting the violation of any provision of this Section shall, upon conviction in Municipal Court, be subject to the penalty of an ordinance violation. For a first offense, a term of imprisonment not to exceed fifteen (15) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. For a second or subsequent violation, a term of imprisonment not to exceed ninety (90) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. Each day that a violation of this Section continues shall be deemed as a separate offense.

Section 205.100. Dangerous Animals. [Ord. No. 208 § 1, 6-2-2010]

A. Definition. As used in this Section, the following term shall have the meaning indicated:

DANGEROUS ANIMAL — Any animal with any of the following characteristics:

- a. Any animal which has inflicted severe or fatal injury on a human being. "Severe injury" means any physical injury resulting directly from an animal's bite which results in broken bones or lacerations requiring stitches or in-patient hospitalization;
- b. Any animal which has killed a domestic animal, livestock or poultry without provocation while outside the owner's property;
- c. Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for fighting;
- d. Any animal which, while on public or private property, to include the property of the owner, has bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept;
- e. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds or private property, other than the property of the owner, in a menacing fashion or an apparent attitude of attack, regardless of whether

a person is injured by said animal.

B. Procedure For Declaring A Dangerous Animal.

1. Should a written complaint be filed with the Animal Control Officer or a Police Officer alleging any of the circumstances set forth in Subsection (A) hereof, the Animal Control Officer or Police Officer shall issue a notice to the owner or possessor of said animal that said animal will be designated a dangerous animal subject to the regulations of this Section and advise the owner or possessor of said animal that he/she has five (5) working days to request a hearing before the Board of Aldermen at its next regularly scheduled meeting to appeal such classification. If no request for hearing is timely filed, the animal that is the subject of the complaint shall be deemed a dangerous animal and said animal and its owner shall be subject to the provisions of this Section.
2. Once a written complain has been filed as provided in Subsection (B)(1), the animal shall be confined pending a determination that said animal is a dangerous animal. Such confinement shall be on the owner's premises or with a licensed veterinarian.
3. The Board of Aldermen shall determine whether the animal in question is dangerous within the meaning of this Section after hearing the testimony of the complainant, witnesses, the owner of the animal and any other person possessing information pertinent to such determination.
4. Should a hearing be held by the Board of Aldermen and the Board determines that the animal is a dangerous animal, then the animal and its owner shall be subject to the provisions of this Section.

C. Action To Be Taken For Dangerous Animals.

1. An animal responsible for an unprovoked severe or fatal injury shall be destroyed.
2. In all other cases, a dangerous animal shall be removed from the City and shall not be permitted to be harbored, kept or possessed within the City limits of Center, Missouri, unless the owner of such animal satisfies all of the requirements of this Section.

D. Owner's Responsibilities. The owner of a dangerous animal that desires to maintain the animal within the City limits of Center, Missouri, rather than remove the animal from the City shall:

1. Annually register said animal with the City Clerk by paying a license fee of one hundred dollars (\$100.00);
2. Provide to the City Clerk during registration two (2) color photographs of the animal showing left and right profiles;
3. Cause said animal to wear at all times a bright orange collar with a license registration tag attached to it so that it can be readily identified as a dangerous animal;
4. Confine such animal upon the owner's premises either indoors or in a securely enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen must be approved in writing by the

Chief of Police or his/her designee and must be at least five (5) feet by ten (10) feet and must have secure sides and a secure top. If the pen has no bottom that is secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure, when occupied by the dangerous animal, must not be occupied by any other animal. When the dangerous animal is female and has a litter of young which are under three (3) months of age, the young may occupy the same enclosure as the mother;

5. Display a sign upon his/her premises stating that there is a dangerous animal on the property. The sign shall be visible and capable of being read from the public street that abuts the property; and
6. Provide at registration to the City Clerk proof of liability insurance coverage for injury caused by the animal that has been designated a dangerous animal. The insurance policy shall require a notice to be sent to the City Clerk should the policy be canceled, terminated or expired.

E. **Penalty For Non-Compliance.**

1. It shall be unlawful for a person to keep a dangerous animal within the City limits of Center, Missouri, and fail to comply with the provisions of this Section. Persons found guilty of violating the provisions of this Section shall be subject to a fine not to exceed five hundred dollars (\$500.00) or a jail sentence not to exceed thirty (30) days or both such fine and confinement.
2. Any animal found to be a dangerous animal and kept in the City of Center, Missouri, in violation of the provisions of this Section shall be seized and impounded until the owner thereof complies with the provisions of this Section. If the owner fails to comply with the provisions of this Section within ten (10) days of the seizure of the animal, the animal shall be destroyed.

ARTICLE III
Animal Abuse And Neglect

Section 205.110. 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 205.120. 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 205.130. Animal Abuse.¹

- 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.

1. Note: Under certain circumstances this offense can be a felony under state law.