BILL 2018-27

******Final Reading******

Agenda Item

TO: Mayor and City Council

FROM: Timothy Wymes, Community Development Director

DATE: June 4, 2018

RE: Animal Ordinance Revision for Article IV- Animals

Issues

The attached document is a revision of the current city codes found in Article IV- Animals of Chapter 5, Health and Sanitation. City Staff along with the Policy and Procedures Committee were tasked with reviewing Article IV- Animals. The purpose for the review was to update city codes to reflect the changes and demands from the citizens. The revision process involved adding or modifying language that is more relevant with today's population.

Background

The first reading of Bill 2018-27 on June 4th passed with conditions that were to be updated within the Ordinance for the second reading. After public comments regarding these changes, it was decided to submit the Ordinance for second reading as originally submitted. Any changes to the Code can be reviewed and considered at a later date.

At the second reading of Bill 2018-27 on June 16th, it was approved as originally submitted with the addition of Section 5-131(f) which was not included in the original Bill.

Recommendation

Staff recommends that City Council considers the suggested changes. These changes would allow for a more balanced animal ordinance within the City of Cameron.

Bill 2018-27

AN ORDINANCE FOR THE CITY OF CAMERON, CLINTON, DeKALB AND CALDWELL COUNTIES, MISSOURI AMENDING SECTION 5-71 OF DIVISION 1, GENERALLY; UPDATING AND/OR ADDING SECTIONS 5-97, 5-98, 5-99, 5-100, 5-105, 5-121, 5-122, 5-125, 5-127, 5-130, 5-131, 5-144, 5-145, 5-147 AND 5-148 OF DIVISION 2, DOGS; UPDATING AND/OR ADDING SECTIONS 5-151, 5-152, 5-153, 5-154, 5-155, 5-156, 5-157, 5-158, 5-159, 5-160 AND 5-160A OF DIVISION 3, CATS; UPDATING SECTION 5-161, OF SECTION 4, DANGEROUS AND PROHIBITED ANIMALS; AND UPDATING SECTIONS 5-164 AND 5-168 OF SECTION 5, LIVESTOCK, POULTRY AND SWINE ALL IN ARTICLE IV, ANIMALS OF CHAPTER 5, HEALTH AND SANITATION OF THE CITY OF CAMERON CODE

FINAL READING (UPDATED)

WHEREAS, for health and sanitation purposes the City of Cameron regulates dogs, cats and other animals present within the city limits of Cameron through the City of Cameron Code; and

WHEREAS, from time to time it is necessary to update the Code to reflect current needs and practices.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON, DeKALB AND CALDWELL COUNTIES, MISSOURI AS FOLLOWS:

Section 1. Amend Sec. 5-71, Animal Neglect; penalty, of Division 1, Generally of Article IV, Animals of Chapter 5, Health and Sanitation to add paragraph (d) as follows:

Sec. 5-71. Animal neglect; penalty.

(d) Payments of additional fees and expenses required. In addition to the foregoing penalties, any person who violates the animal division(s) shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of the provisions regarding animals at large and adequate restraint.

Section 2. Amend Sec. 5-97, Running at large – prohibited, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-97. Running at large – Prohibited.

No person, owner or keeper of a dog shall allow such dog to run at-large within the city limits. Such animals shall be properly restrained by leash, fenced property, and or monitored tethering to prevent the animal from violating the at-large ordinance.

Section 3. Amend paragraphs (g) and (h) of Sec. 5-98, Same – Impoundment; disposal; citing owner; redemption; fees of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-98. Same – Impoundment; disposal; citing owner; redemption; fees.

(g) Any animal impounded may be reclaimed as provided in this section upon the payment by the owner to the city of the sum of a twenty-five dollars ($25.00) pick up fee for each animal and the additional sum of ten dollars ($10.00) for each day such animal is kept.

(h) Any animal impounded may be adopted as provided in this section upon the payment by the prospective owner to the city the current adoption fees for each animal. Such animal will be spayed or neutered before the adoption is finalized.

Section 4. Amend Sec. 5-99, Reports of dogs taken into custody and disposition, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation shall be amended as follows:

Sec. 5-99. Reports of dogs taken into custody and disposition.

The animal control officer shall immediately, after the first day of each month, make a written report to the city manager showing the number of dogs taken into custody and the disposition of such dogs during the preceding month.

Section 5. Amend Sec. 5-100, Bitches in heat, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation and re-title as follows:

Sec. 5-100. Dogs in heat.

(a) The owner, keeper or person harboring any female dog in heat shall, during the period that such female dog is in heat, keep it securely confined and enclosed within a building except when on the owner's premises after removal from such building briefly for toilet purposes.

(b) Any female dog in heat, which is not confined and enclosed as provided in this section, is declared to be a public nuisance.

Section 6. Amend paragraph (m) of Sec. 5-105, Tethering, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-105. Tethering

(m) Tethered animal must not be out in extreme weather such as extreme heat greater than 90° Fahrenheit, freezing temperatures of 32° Fahrenheit or less, tornados, hail or rain.

Section 7. Amend Sec. 5-121, Listing dog with city clerk; payment of tax; immunization against rabies, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-121. Listing dog with city clerk; payment of tax; immunization against rabies.

No person shall own or keep a dog or harbor or permit a dog to stray indefinitely upon premises occupied, owned, rented, leased or controlled by him in the city limits unless such person, or someone for him, shall list such dog with the city clerk, shall pay the tax imposed by this subdivision on or before January 1 of each year and shall immunize such dog against rabies, as provided in this division. The owner, keeper or

FINAL READING (UPDATED)

harborer of an animal that is allergic to the required vaccines may be exempt from the vaccine as per section 5-122 (b).

Section 8. Amend Sec. 5-122, Vaccination required, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-122. Vaccination required.

(a) No person shall be entitled to obtain a city license required by this subdivision for a dog until such person submits proof of rabies vaccination of such dog. Such proof may be shown by production of the veterinarian's certificate described in section 5-142.

(b) The owner, keeper or harborer of dogs that are allergic to the required vaccines may submit an exemption form to the animal control officer. The form must be completed by a licensed veterinarian with the State of Missouri or a licensed veterinarian from another state. The exemption form must include the breed, sex, age, and name of animal, the reason for submittal, and the owner, keeper or harborer information. Exemption forms will only be accepted for dogs that are properly diagnosed by a licensed veterinarian.

Section 9. Amend Sec. 5-125, Amount of tax; use of receipt or tag for other than licensed dog, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-125. Amount of tax; use of receipt or tag for other than licensed dog.

(a) The tax for each dog in the city licensed under this subdivision over the age of six (6) months shall be paid to the city clerk and shall be as follows:

(1) For each male dog or female dog the sum of ten dollars ($10.00) for spayed or neutered and fifteen dollars ($15.00) for unaltered dog per year;

(2) If the metallic tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon payment to the city clerk of the sum of two dollars ($2.00);

(3) For each month or portion thereof after January 31 of each year, an additional penalty of five dollars ($5.00) will be due.

(b) No person shall use for any dog a license receipt or license tag issued for another dog.

Section 10. Amend Sec. 5-127, Applicability of provisions to dogs owned by transients, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation and re-title as follows:

Sec. 5-127. Applicability of provisions to dogs or cats owned by transients.

The provisions of this subdivision shall not apply to any dog or cat with or belonging to any transient person within this city when such dog or cat shall remain with the transient person.

Section 11. Amend Sec. 5-130, Number of dogs, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-130. Number of dogs.

FINAL READING (UPDATED)

(a) *Limitation on number of dogs, cats, and pot-bellied pigs*. It shall be unlawful and a public nuisance for any person to keep or allow to be kept at a single residence more than four dogs, four cats or four pot-bellied pigs, or any combination of such animals exceeding four in number, over six months.

(b) *Removal authorized*. When animals in excess of the limit established in the preceding subsections are found at a residence, all of the animals found at the residence may be removed to an animal shelter to be handled as if stray animals, except that the person in charge of the residence, if present, may designate and retain up to four licensed animals.

Section 12. Add Sec. 5-131, Dog park license of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation shall be created and the reserved sections renamed as follows:

Sec. 5-131. Dog park license.

(a) The owner, keeper or harborer shall first obtain a city dog tag and dog park license from the city clerk before entering dog parks within the city limits.

(b) City dog park license must be visible and attached to the dog(s) at all times.

(c) All dogs must be properly vaccinated with the rabies vaccine, Bordetella vaccine, and parvo distemper vaccine by a licensed veterinarian.

(d) Exemption from the vaccination requirement shall comply with Section 5-122 (b).

(e) Owner, keeper or harborer shall adhere to the dog park warning and safety rules at all times.

(f) Transient/non-resident visitors to the city dog park must adhere to all the requirements herein, except that a stand-alone dog park license must be obtained from the city clerk for ten ($10) dollars, a city dog license is not required.

Sec. 5-132 – 5-140. Reserved.

Section 13. Sec. 5-144, Biting of person – Confinement of dog; responsibility of owner, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation shall be amended as follows:

Sec. 5-144. Biting of person – Confinement of dog; responsibility of owner.

Any dog which shall bite any person causing an abrasion of the skin shall be immediately delivered to a licensed veterinarian for purposes of confinement and observation by the licensed veterinarian for a period of not less than fourteen (14) days. The person owning, harboring or permitting any such dog to be about his premises shall be responsible for delivering such dog to a licensed veterinarian and paying the cost of keeping and confining the dog, for notifying animal control immediately upon knowledge or notice that such dog has bitten any person and, if such dog has been or will be immediately delivered to a licensed veterinarian for confinement and observation as provided in this section, for notifying the police of the name of such veterinarian.

Section 14. Amend Sec. 5-145, Same – Disposition after confinement, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

FINAL READING (UPDATED)

Sec. 5-145. Same – Disposition after confinement.

(a) All dogs impounded under section 5-144 and which are not rabid shall be released at the expiration of fourteen (14) days, provided that such dog shall be provided with a collar and the metal tag as specified in section 5-141.

(b) All dogs which become rabid during the period of their confinement shall be killed and the Animal Control Supervisor shall deliver the head with the brain of such dog to the state laboratory or other authorized laboratory for analysis.

Section 15. Amend Sec. 5-147, Same – Notice of death of dog; securing while confined, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-147. Same – Notice of death of dog; securing while confined.

The person in charge of the animal shelter or a veterinarian shall notify the Animal Control Supervisor immediately of the death of any dog while under his observation or care. Each dog which has bitten any person shall be secured in such a manner as to prevent its biting other dogs or animals while such dog remains in the animal shelter or in the care of a veterinarian.

Section 16. Amend Sec. 5-148, Slaying of dangerous, fierce or vicious dog, of Division 2, Dogs of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-148. Slaying of dangerous, fierce or vicious dog.

If any dangerous, fierce or vicious dog cannot be safely taken up or impounded, such dog may be slain by any police officer. In all cases where a dog, which has bitten a person or caused an abrasion of the skin, is slain by any police officer, whether by order of court or otherwise, and a period of less than fifteen (15) days has elapsed since the day upon which the dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the Animal Control Supervisor to cause to be delivered, without delay, the head with the brain of such dog to the state laboratory or other authorized laboratory for an analysis.

Section 17. Amend Sec. 5-151, Running at large prohibited, of Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-151. Running at large prohibited.

No person, owner or keeper of a cat shall allow such cat to run at-large within the city limits. Such animals shall be properly restrained by leash, fenced property, and or monitored tethering to prevent the animal from violating the at-large ordinance.

Section 18. Amend paragraphs (e) and (f) of Sec. 5-152, Impoundment; disposal; citing owner; redemption, of Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-152. Impoundment; disposal; citing owner; redemption.

(e) Any animal impounded may be reclaimed and or adopted as provided in this section upon the payment by the owner to the city clerk of the sum of twenty-five dollars ($25.00) pickup fee for each animal and the additional sum of ten dollars ($10.00) for each day such animal is kept.

FINAL READING (UPDATED)

(f) Any animal impounded may be adopted as provided in this section upon the payment by the prospective owner to the city clerk the current adoption fees for each animal. Such animal will be spayed or neutered before the adoption is finalized.

Section 19. Amend Sec. 5-153, Reports of cats taken into custody and disposition, of Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-153. Reports of cats taken into custody and disposition.

The Animal Control Supervisor shall immediately, after the first day of each month, make a written report to the city manager showing the number of cats taken into custody and the disposition of such cats during the preceding month.

Section 20. Add Sec. 5-154, Listing cat with city clerk; payment of tax; immunization against rabies in Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-154. Listing cat with city clerk; payment of tax; immunization against rabies.

No person shall own or keep a cat or harbor or permit a cat to stray indefinitely upon premises occupied, owned, rented, leased or controlled by him in the city limits unless such person, or someone for him, shall list such cat with the city clerk, shall pay the tax imposed by this subdivision on or before January 1st of each year and shall immunize such cat against rabies as provided in this division. If the owner, keeper or harborer of an animal that is allergic to the required vaccines, then section 5-122 (b) shall apply.

Section 21. Add Sec. 5-155, Vaccination – required, in Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-155. Vaccination – required.

(a) No person shall be entitled to obtain a city license required by this subdivision for a cat until such person submits proof of the rabies vaccination of such cat. Such proof may be shown by production of the veterinarian's certificate described in section 5-142.

(b) The owner, keeper or harborer of cats that are allergic to the required vaccines may submit an exemption form to the animal control officer. The form must be completed by a licensed veterinarian with the State of Missouri or a licensed veterinarian from another state. The exemption form must include the breed, sex, age, and name of animal, the reason for submittal, and the owner, keeper or harborer information. Exemption forms will only be accepted for cats that are properly diagnosed by a licensed veterinarian.

Section 22. Add Sec. 5-156, Issuance of license, plate and certificate, in Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-156. Issuance of license, plate and certificate.

The city clerk shall issue licenses to applicants and shall deliver to applicants a metallic plate having the number corresponding to that of the license stamped thereon and shall deliver to such person a certificate showing the number of the license, the

FINAL READING (UPDATED)

year for which the license is granted, the name and residence of the owner of the cat and the sex, color and description of the cat for which the license is issued and the amount of the tax paid therefor.

State Law reference – Furnishing license tags and certificates for local option dog tax, RSMo 273.090

Section 23. Add Sec. 5-157, Metallic plate to be fastened to cat collar, in Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-157. Metallic plate to be fastened to cat collar.

It shall be the duty of the owner of every cat over the age of six (6) months to put around the neck of such cat a collar or harness to which shall be attached with a metallic fastening the metallic plate issued under this subdivision, and such metallic plate must be worn at all times.

State Law reference— similar provisions as to local option dog tax, RSMo 273.080.

Section 24. Add Sec. 5-158, Amount of tax; use of receipt or tag for other than licensed cat, in Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-158. Amount of tax; use of receipt or tag for other than licensed cat.

(a) The tax for each cat in the city licensed under this subdivision over the age of six (6) months shall be paid to the city clerk and shall be as follows:

(1) For each male cat or female cat the sum of ten dollars ($10.00) for spayed or neutered and fifteen dollars ($15.00) for unaltered per year;

(2) If the metallic tag issued for a cat shall be lost, the owner may obtain a duplicate tag upon payment to the city clerk of the sum of two dollars ($2.00);

(3) For each month or portion thereof after January 31st of each year, an additional penalty of five dollars ($5.00).

(b) No person shall use for any cat a license receipt or license tag issued for another cat

Section 25. Add Sec. 5-159, Disposition of tax revenue; payment of expenses, in Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation and the Reserved section shall be removed as follows:

Sec. 5-159. Disposition of tax revenue; payment of expenses.

The city shall pay all money received for the cat license tax imposed under this subdivision into the city's general revenue fund. The city shall draw money for the expenses involved in purchasing tags, records and other miscellaneous expenses in executing the provisions of this division from the general revenue fund.

Section 26. Add Sec. 5-160, Number of cats, shall be created in Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-160. Number of cats.

(a) Limitation on number of dogs, cats, and pot-bellied pigs. It shall be unlawful and a public nuisance for any person to keep or allow to be kept at a single residence more than four dogs, four cats or four pot-bellied pigs, or any combination of such animals exceeding four in number, over the age of six months.

FINAL READING (UPDATED)

(b) *Removal authorized.* When animals in excess of the limit established in the preceding subsections are found at a residence, all of the animals found at the residence may be removed to an animal shelter to be handled as if stray animals, except that the person in charge of the residence, if present, may designate and retain up to four licensed animals.

Section 27. Add Sec. 5-160A, Biting of person, shall be created in Division 3, Cats of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-160A. Biting of person.

Any cat which shall bite any person causing an abrasion of the skin shall be immediately delivered to a licensed veterinarian for purposes of confinement and observation by the licensed veterinarian for a period of not less than fourteen (14) days. The person owning, harboring or permitting any such cat to be about his premises shall be responsible for delivering such cat to a licensed veterinarian and paying the cost of keeping and confining the cat, for notifying animal control immediately upon knowledge or notice that such cat has bitten any person and, if such cat has been or will be immediately delivered to a licensed veterinarian for confinement and observation as provided in this section, for notifying the police of the name of such veterinarian.

Section 28. Amend Section 5-161, In general, of Division 4, Dangerous and Prohibited Animals of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-161. In general.

(c) In the event any animal kept under subsection (b) of this section becomes a threat to humans or domestic animals, the animal control officer must complete a written report certifying the same based upon the guidelines set forth in this subsection (c). A copy of the report shall be submitted to the city clerk and mailed to the owner by regular U.S. mail. The following are guidelines for certification:

(d) If the circumstances described in subsection (c) of this section are in dispute, then the owner has the option of submitting, within five (5) working days of receiving notice, a written request to the chief of police for a hearing on the matter as follows:

(1) A hearing board, consisting of the animal control officer, city manager, and a council representative, shall be convened within ten (10) working days after receipt of a written request from the owner.

(3) The hearing board shall determine whether the determination by the animal control supervisor is correct based upon evidence and testimony presented at the time of the hearing by the new owner, in addition to witnesses, animal control personnel, police or any other person possessing information pertinent to such determination.

(f) Nonconforming animals described in section (a) that are currently existing in the city limits shall be removed within sixty (60) days of the passage of this division. The animal control supervisor will send notices to owners for any known violation.

FINAL READING (UPDATED)

Section 29. Amend Sec. 5-164, Swine – Prohibited, of Division 5, Livestock, Poultry and Swine of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-164. Swine – Prohibited.

The keeping of swine in the City of Cameron is prohibited, except Vietnamese pot-bellied pigs, which are considered to be household pets and shall be regulated the same as dogs and cats with the requirement that they be licensed, vaccinated and limited to four (4) adult animals per housing unit.

Section 30. Amend Sec. 5-168, Fee of Division 5, Livestock, Poultry and Swine of Article IV, Animals of Chapter 5, Health and Sanitation as follows:

Sec. 5-168. Fee.

A non-refundable fee of twenty five dollars ($25.00) shall be paid by each applicant for a livestock permit.

Section 31. The Mayor is authorized to sign this Ordinance approving it on behalf of the City.

Section 32. The City Clerk is directed to attest to the Mayor's signature.

Section 33. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved on first reading this 4th day of June 2018.
Passed and approved on second reading this 18th day of June 2018.
Passed and approved on third reading this 16th day of July 2018.

_____
Mayor Darlene Breckenridge

ATTEST:

_____
City Clerk

FINAL READING (UPDATED)