

**AN ORDINANCE AMENDING TITLE II: PUBLIC HEALTH SAFETY & WELFARE;
CHAPTERS 205 ANIMAL REGULATIONS AND 215 NUISANCES**

An Ordinance of the City of Clever, County of Christian, State of Missouri to amend Chapter 205 & 215, accepting and approving all changes relating to the City's large animal control, regulations, keeping of livestock.

**BE IT ORDAINED BY THE CITY COUNCIL OF AND FOR THE CITY OF
CLEVER, COUNTY OF CHRISTIAN, STATE OF MISSOURI, AS FOLLOWS:**

SECTION I: All ordinances or parts of ordinances in conflicts with this ordinance are hereby amended or repealed.

SECTION II: DEFINITION

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and health care as necessary to maintain good health in a specific species of animal.

Adequate food means the provision at suitable intervals of not more than 12 hours, unless dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuffs, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all which foodstuffs is served in a safe receptacle, dish or container.

Adequate water means the continual access to or access at suitable intervals not less than once each eight hours for at least one hour to a supply of clean, fresh, unfrozen, potable water provided in a sanitary manner suitable for the species, condition, and age of the animal in sufficient amounts to maintain good health in the animal. Such water shall be provided in a secure manner so that the container cannot be overturned.

Adequate shelter means a structurally sound, properly ventilated, sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal, which is free of litter or hazardous substances and objects, contains clean and dry bedding material and which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The shelter shall have at a minimum a floor, walls with an opening suitable for the size of the animal and a roof. Unacceptable shelter includes but is not limited to barrels, pipes, crates, cardboard boxes, pet carriers and tarpaulins.

Animal:

FARM — Any livestock or other domesticated animal raised for commercial or agricultural purpose.

HOUSEHOLD (PETS) — Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, pheasant, cows, livestock, chinchillas, horses, goats, sheep, monkeys, and other similar animals and fowl.

NON-DOMESTIC — Any feline (other than a domestic house cat), non-human primate, bear, wolf, coyote, fox, venomous reptile, or any other animals or crossbreed of such animals which have similar characteristics of the animals specified herein or are dangerous or unsafe for contact with humans.

Animal control authority means the animal control section of the city.

Animal control officer means any person employed by the animal control authority to enforce this chapter.

Approved vaccine means all vaccines licensed by the United States Department of Agriculture.

At large shall mean:

- (1) To be freely roaming on the private property of another without the consent of the owner or person in control of the property or to be freely roaming on any public property, street or highway without consent of the public entity in control of the property, street or highway.
- (2) Every dog, when on any street, alley, park, school ground or other public place in the city, which is not attached to a leash, the other end of which is securely held by a person, or every dog, when on private property within the city, which is either not attached to a leash the other end of which is securely held by a person and the leash is of sufficient length and the conditions are such that the dog cannot leave the premises, or which is not so confined by a fence or other device so as to prevent its straying from the premises, shall be deemed running at large.

Also see: Running at Large

Body harness means, a set of straps that extend around the chest and mid-section of the dog's body, so as to not tighten around the dog's neck when the dog pulls on the end of a tether.

Creature means a domesticated animal used as a household pet such as a hamster, gerbil or similar animal.

Dogs means all animals of the canine species, both male and female.

Enclosure means a building or real estate with a properly designed fence to restrict or contain any and all animals as listed in Sections 205.180 — 205.190.

Euthanize means to put to death in a humane manner.

Exposed to rabies means when bitten by, or fought with, or has come in close contact with an animal showing symptoms of rabies.

Fowl means domesticated chickens, guineas, geese, ducks, turkeys or other domesticated bird.

Harbor means to feed or shelter an animal at the same location for three or more consecutive days.

Impound means to apprehend, catch, trap, net any animal by the animal control authority or its agent.

Impounding facilities means any premises designated by the city for the purpose of impounding and caring for all animals found in violation of this chapter.

Kennel operator means the owner of four or more dogs at least four months of age, whether owned for pleasure or profit, breeding or exhibiting.

Livestock means domestic animals, such as swine, horses, mules, asses, sheep, goats or cattle. When these terms are used herein it shall include any related member of the species whether specifically mentioned or not.

Non choke type collar means, a collar that, when worn by a dog, does not constrict or choke the dog, when the dog pulls or extends the attached tether.

Owner or Keeper means 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.

Poultry means domestic fowl such as chickens, turkeys, guineas, ducks or geese.

Registration and vaccination means the procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate. These words shall be interchangeable.

Running at Large means allowing 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. Also see: "At Large"

Serious Physical Injury means 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.

Tether means a rope, chain, or cable that is attached to a dog's collar or harness for purposes of restraining the dog.

Unrestrained Dog means 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.

Veterinarian means any veterinarian holding a current state license.

Vicious Dog means 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 III: CONTROL OF LARGE ANIMALS

- A. It shall be unlawful for the owner of any animal or animals of the species of horse, mule, ass, cattle, sheep, goat, swine, fowl, or other forms of livestock in this City to permit the same to run at large outside the enclosure of the owner of such stock, and if any of these species of domestic animals aforesaid be found running at large outside the enclosure of the owner, it shall be lawful for any person and is hereby made the duty of the Code Enforcement Officer or his/her designee, on his/her own view, or when notified by any other person, that any of such stock is so running at large, to restrain the same forthwith.
- B. If City has taken custody of any of the aforesaid stock, the City shall work with local livestock veterinarian for feeding and keeping such animal. The owner shall be responsible to pay the City for taking up such animal or animals a reasonable compensation for the taking up, keeping and feeding such animal or animals and shall also pay all persons damaged by reason of such animals running at large.
- C. If the owner of such stock be not known, or if notified and fails to make compensation for the taking up, feeding and keeping of animals taken up under the provisions of this Article, the same shall be deemed strays and be sold at public auction and the money be placed in the general revenues of the City of Clever with whatever reasonable fees paid to the veterinarian taking up said animal for the feeding and care of such animal.

- D. If a person is found in violation or in noncompliance with this Chapter as specified, the Code Enforcement Officer may cause a municipal court summons to be issued and the City Attorney may institute a court proceeding. Each day may be considered a separate offence.

SECTION IV: KEEPING LIVESTOCK WITHIN CITY

- A. No person in a residentially zoned property shall keep any cow, bull, jack, horse, mule, ass, cattle, sheep, goat, swine, fowl (exemption of chicken regulations), or other forms of livestock or combination of such. This Section shall not apply to any agriculturally zoned property where an excess number of such animals are kept in an enclosure or pasture on such farm on a temporary basis and the total area of land contained in said farm which is available for such animals is sufficient to accommodate such animals.
- B. As used in this Section, "farm" shall mean any contiguous area of land having the same owner or owners and the total area which is available for keeping the aforementioned animals exceeds three (3) acres. In determining whether a tract or parcel of land is of sufficient size to qualify as a farm, all the acreage of such tract or parcel shall be included, whether located inside or outside the corporate limits of the City.

SECTION V: KEEPING OF SIX (6) OR LESS CHICKENS WITHIN THE CITY

- A. The maximum number of chickens allowed is six per tract of land regardless of how many dwelling units are on the tract.
- B. Only female chickens shall be allowed. There shall be no restriction on chicken breeds.
- C. Any person who keeps, harbors or owns any chickens within the City shall annually register such premises with the Code Enforcement Officer or his/her designee. The registration cost shall be \$5.00 and completion of the premises registration form.
- a. Property owners must provide owner name, phone number, address and emergency contact information to the city animal control officer.
- D. Property owners must comply with all sections of Chapter 215: Nuisances of the City of Clever Code Book.
- E. Chickens shall be always kept in a secured enclosure or fenced area located in the defined rear of the property.
- F. Chickens shall be secured within an enclosure from sunset to sunrise.
- a. Enclosures shall be kept in a clean, dry, odor-free, neat, and sanitary condition at all times. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries.
- i. No person shall keep or allow or permit to be kept on any premises occupied by him, or under his charge or control, any chicken in an enclosure under such conditions that an offensive or noxious smell or odor shall arise therefrom, to the injury, annoyance or inconvenience of any inhabitant of the neighborhood.
- b. Enclosures shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds, and predators; including dogs and cats.
- c. Enclosures shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
- d. Enclosures shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Openings, windows, and vents shall be covered with sturdy wiring or other predator and bird proof material.
- e. Enclosures shall be located at least 15 feet from any adjacent residential dwelling, church, school, or place of business.
- G. It shall be unlawful for any person or entity to keep chickens in violation of any provision of this subsection.
- H. It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.
- I. Slaughter may occur for personal use provided that it is conducted in a sanitary manner, does not generate

- J. noise that creates a nuisance, and is not visible from adjacent properties or any public area or right-of-way. The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- K. 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.
- L. 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 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.
- M. No dog or cat which kills a chicken shall, for that reason alone, be considered a dangerous or aggressive animal.
- N. 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.
- O. Any violation of this subsection that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under general nuisance abatement provisions of the city.
- P. If a person is found in violation or in noncompliance with this Chapter as specified, the Code Enforcement Officer may cause a municipal court summons to be issued and the City Attorney may institute a court proceeding.
- Q. Each day a violation continues shall be deemed a separate offense.
- R. All other applicable city ordinances codes shall apply.

SECTION VI: This ordinance shall be in full force form and after its passage and approval.

FIRST READING BY TITLE WITH COPIES AVAILABLE TO THE PUBLIC HELD ON THIS 16th DAY OF NOVEMBER 2021

| | Aye | Nay |
|------------------|-------|-------|
| Alderman PRIEBE | _____ | _____ |
| Alderman LARSON | _____ | _____ |
| Alderman SCHMIDT | _____ | _____ |
| Alderman MCPHAIL | _____ | _____ |

Mayor (in case of tie)

SECOND READING AND FINAL PASSAGE HERE ON THIS 19TH DAY OF OCTOBER 2021.

| | Aye | Nay |
|------------------|-------|-------|
| Alderman PRIEBE | _____ | _____ |
| Alderman LARSON | _____ | _____ |
| Alderman SCHMIDT | _____ | _____ |
| Alderman MCPHAIL | _____ | _____ |

Mayor (in case of tie)

Approved Date: _____

(SEAL)

DALE MAISEL, Mayor

Attest:

KRISTY KEITHLEY, City Clerk