

**AN ORDINANCE**

amending Chapter 18, Animals, of the Joplin City Code and enacting new sections thereto and amending other such sections, generally for the purpose of updating animal regulations to provide for the health, safety and welfare of the citizens of the City of Joplin.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Article I, In General, of Chapter 18 Animals of the Joplin City Code be amended or new sections enacted as follows:

a). That Section 18-1 Definitions be amended as follows:

Sec. 18-1 Definitions.

...

Exposed to rabies. An animal has been exposed to rabies if it has been bitten by or exposed to any animal known to have been infected with rabies or any wild, mammalian carnivores or bats that are not available for testing.

...

b). That Section 18-11 Trapping be amended as follows:

Sec. 18-11 Trapping.

No person shall use, or permit to be used, any trap, snare or other trapping device for the purpose of collecting, catching, killing or trapping any animal within the city limits, or on any city-owned land outside the city limits, unless authorized by the director of public health and welfare of the city or as allowed by the following exemptions:

(a) Any employee of the Missouri Department of Conservation authorized by regulation to conduct wild animal trapping.

(b) Any individual property owner within the city may trap and remove or dispose of wild animals on their own property that are causing a nuisance. All trapping must be conducted in compliance with Missouri Department of Conservation regulations.

c). That Section 18-12 Limitation on number of dogs and cats be amended as follows:

Sec. 18-12. Limitation on number of cats and dogs.

No person shall at any time keep, harbor or own as pets more than a combined total of four or more adult dogs and cats. Any young produced by any adult dog or cat permitted herein that causes an exceedence of the four animal limit may be maintained with the parent animals for a period of up to 10 weeks.

...

d). That Section 18-14 Vicious Dogs or other animals be amended as follows:

Sec 18-14 Dangerous dogs or other animals.

...

Sec. 18-14 (b) (2)

(b) A dog or other animal may be declared dangerous if:

(2) A conviction of or plea of guilty by the owner of the dangerous dog or other animal occurs in the municipal court of the city.

...

Sec. 18-14 (f) (10)

(10) Upon conviction of or plea of guilty of any person of a violation of the requirements of these sanctions, the municipal judge may, in addition to the usual judgment, order the animal warden to forthwith take up and humanely euthanize such animal.

Sec. 18-14 (f) (11)

(11) Upon conviction or plea of guilty by the owner of any animal being dangerous, a penalty as provided in section 1-5 may be imposed in addition to any sanctions set forth in this section.

...

e). That a new Section 18-15 Potentially dangerous dogs or other animals be enacted to read as follows:

Sec. 18-15. Potentially Dangerous dogs or other animals.

(a) No person shall own, keep, harbor or allow to be in or upon his premises any potentially dangerous dog or other animal unless it is confined in accordance with the provisions of this section. A dog or other animal may be considered potentially dangerous by virtue of:

(1) Having killed a domestic animal, livestock or poultry without provocation, while off the owner's property.

(2) Having bitten a human being, without provocation, on public or private property other than the property of the owner.

(3) Having bitten while on the owner's property 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; excluding dog bites under subsection (e)(9) of this section.

(4) When unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds, or private property other than that property of the owner, in a menacing fashion or with apparent attitudes of attack, regardless of whether or not a person is injured by the animal.

(5) Possessing a known propensity, tendency or disposition to attack unprovoked, in the opinion of the animal warden or police officer, to cause injury or to otherwise threaten the safety of human beings or domestic animals.

(6) Chases or menaces a person or domestic animal in an aggressive manner and without provocation.

(7) Acts in a highly aggressive manner within a fenced yard or enclosure and able to reach over or under the fence.

(8) Acts in a highly aggressive manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure.

(b) A dog or other animal may be declared potentially dangerous if:

(1) A written complaint (citation) is signed by the individual attacked or their legal guardian or by the director of public health and welfare or his representative; and

(2) A conviction of or plea of guilty by the owner of the potentially dangerous dog or other animal occurs in the municipal court of the city.

(c) Any person charged with a violation of this section who, having been duly notified, fails to appear in municipal court shall upon order of the court waive their right to redeem their dog or other animal. The dog or other animal shall be disposed of pursuant to section 18-146.

(d) Any dog or other animal deemed potentially dangerous pursuant to this chapter shall not be sold or given away without the permission of the director of public health and welfare.

(e) Upon conclusion of the determination of potentially dangerous by the court the following sanctions may be imposed upon the owner of such dog:

(1) Construction of a fenced yard capable of restraining said dog securely on the owner's property. The fence must be tall enough to prevent the dog from being capable of jumping or reaching over. The fence may be required to be of a solid material such as wood or other approved material. All gates or entrances to the fenced yard must be secured with a locking gate at all times.

(2) Construction of a secure enclosed and locked kennel or cage. The kennel or cage shall be of a size suitable for the species, age and condition of the animal kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply. The kennel or cage must have secure sides and if necessary to prevent the dog from escape, a secure top such as heavy gauge chain link fence material, attached to the sides. Such kennel or cage must be constructed to prevent the dog from escape by digging under the side walls. The kennel or cage must be locked with a key or combination lock when such animals are within the structure. Any such kennel or cage must be located at least ten feet from any property lines and must comply with all zoning and building regulations of the city. Kennels for potentially dangerous dogs must be sufficient for the breed.

(3) When confined indoors, no potentially dangerous animal may be kept on a porch, patio or in any part of a house, building or structure that would allow the animal to exit such building on its own volition. No such animal may be kept in a house, building or structure when the windows are open. No potentially dangerous dog may be kept in a house, building or structure when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) No person shall permit a potentially dangerous animal to go outside its fenced yard, kennel, cage or secure structure unless that person has the animal securely leashed on a leash no longer than four feet in length and that person has physical control of the leash. Such animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Additionally, all such animals on a leash outside the animals' kennel, cage or secure structure must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(5) A sign shall be conspicuously posted upon the fence, kennel or cage of any potentially dangerous animal with letters in English at least two inches high containing a warning to "beware of the potentially dangerous animal" or words of similar impact.

(6) All owners, keepers or harborers of any potentially dangerous animal must maintain in effect public liability insurance amount of \$100,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any person which may result from the ownership, keeping or maintenance of such animal. All owners, keepers or harborers of potentially dangerous animals shall present to the animal warden a statement certifying that they have the required insurance policy in effect. Such insurance policy shall provide that no cancellation of the policy will be made unless 30 days' written notice is first given to the health department.

(7) The owner of such potentially dangerous dog or other animal must register such animal with the health department. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and identifying marks of the animal, the location of where the animal will be kept and other such information as the director may require. A registration number for future identification will be issued. Photographs will be taken of the animal for identification purposes. A microchip identification device properly implanted according to manufacturer's guidelines, by a licensed veterinarian, may be required at the owner's expense.

(8) The owner of such dog or other animal shall arrange for the spaying or neutering of such animal at the owner's expense. This sanction may be imposed to help relieve the aggressive nature of

the animal, the desire to wander and to prevent future offspring with dangerous tendencies.

(9) No dog shall be declared potentially dangerous pursuant to any part of the section if the threat, injury or damage caused by such dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or was tormenting, abusing or assaulting the dog or has in the past been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. Nor shall any dog be declared potentially dangerous if it was responding to pain or injury, or was protecting itself, its kennel or offspring. Dogs utilized as part of a K-9 police dog program by a police official are exempted while performing duty.

(10) Upon conviction of or plea of guilty by any person of a violation of the requirements of these sanctions, the municipal judge may, in addition to the usual judgment upon conviction or plea, order the animal warden to forthwith take up and humanely euthanize such animal.

(11) Upon conviction of or plea of guilty by the owner of any animal being potentially dangerous, a penalty as provided in section 1-5 may be imposed in addition to any sanctions set forth in this section.

(12) Sanctions imposed by the court are to be implemented to the animal warden's satisfaction within seven days after the court ruling or the dog or other animal may not be reclaimed and may be disposed of pursuant to section 18-146.

f). That a new Section 18-16 be renumbered to read as follows:

Sec. 18-16. Tampering with traps, cages, animal carriers, or otherwise interfering with duty of animal warden.

It shall be unlawful for any person to tamper with, alter or otherwise damage any trap, cage, animal carrier or other animal control equipment or to interfere with any animal warden in the performance of their duty.

g). That a new Section 18-17 be enacted to read as follows:

Sec. 18-17 Limitation on breeding dogs and cats in city.

No person in residential zoned areas shall allow more than one litter of dogs or cats per household in the city in any twelve-month period.

h). That a new Section 18-18 be enacted to read as follows:

Section. 18-18 Selling or Giving Away Dogs or Cats

No person shall sell or give away dogs or cats on private or public property without the permission of the property owner.

Section 2. That ARTICLE II. Dogs, of Chapter 18 Animals of the Joplin City Code be amended or new sections enacted as follows:

a). That Section 18-41 Running at large, be amended to read as follows:

Sec. 18-41. Running at large.

(a) Every owner shall keep his dog under proper restraint to prevent the dog from being at large.

(1) Any person, whether or not the same dog is involved, convicted of or pleading guilty of violating this section a third time within a two-year period from the date of the first conviction or plea shall be subject to a fine of at least \$200.00 and not more than \$500.00.

(2) Any person convicted of or pleading guilty to violating this section a fourth time within a two-year period from the date of the first conviction or plea may be required to surrender all or some of his dogs currently under ownership to the city department of public health and welfare for disposal at the pound at their discretion.

Upon conviction or plea, the judge of municipal court may also order that the owner not be allowed to own any additional dogs for up to two years.

(3) Any person convicted of or pleading guilty to violating this section a second time within a twelve-month period shall be required to have said dog (same dog on both occasions) spayed or neutered and microchipped at the owner's expense within a reasonable period established by the municipal court judge. For the purposes of this section, proof of impoundment of the same dog for being at-large during the same period may also be considered as evidence of meeting the conviction or plea requirement. Microchip registration information is to be provided to the city department of public health and welfare upon completion.

...

b). That Section 18-63 Application be amended to read as follows:

Sec. 18-63. Application.

Written application for a dog license shall be made at locations approved by the director of health and welfare. Such application shall state the name and address of the owner and the name, breed, color, age and sex of the dog. Such application shall be retained by the location for at least three years and shall be available for inspection by the director of health and welfare. No license shall be issued unless the animal for which it is issued shall have been inoculated against rabies in a manner meeting the provisions of the latest version of the Compendium of Animal Rabies Control.

c). That Section 18-64 Fee be amended to read as follows:

Sec. 18-64. Fee.

The yearly fee for a dog license shall be \$20.00, regardless of sex, which shall be payable to the location approved by the director of health and welfare for license issuance. A numbered receipt shall be given to the applicant as proof of license. The fee provided for in this section shall be paid at the time of making application unless excused as provided in this section. No fee shall be charged for any animal that has been surgically sterilized, upon statement from a veterinarian, in a form to be approved by the director of finance, that the animal has been surgically sterilized, or if a veterinarian approved by the director of health and welfare certifies that in his opinion the animal's health is such that it would not be able to sustain a sterilization operation. Exemption from payment of the fee under this section shall not exempt any party from making application for a license for his dog and complying with all other license requirements and other requirements of this chapter.

...

d). That Section 18-66 Term of dog and kennel licenses be amended to read as follows:

Sec. 18-66 (a) All dog licenses issued under this division shall be for a term of one year beginning January 1.

...

Section 3. That ARTICLE III Cats, of Chapter 18 Animals of the Joplin City Code be amended or new sections enacted as follows:

...

a). That a new Section 18-96 Cats outdoors to be sterilized be enacted to read as follows:

Sec. 18-96. Cats outdoors to be sterilized.

(a) Any cat allowed to be in the outdoors and unsupervised for any period of time shall be spayed or neutered. Proof of spay or neuter must be maintained by the owner and available for review by animal control at their request.

(1) Medical Exception: If a licensed veterinarian states, in writing, that an animal is unfit to undergo the required surgical procedure due to an extreme health condition the requirement is waived.

b). That a new Section 18-97 Stray cats not to be fed be enacted to read as follows:

Section. 18-97. Stray cats not to be fed.

With the exception of any animal shelter approved by the city for the sheltering and care of animals, no person shall feed or harbor stray or feral cats where such feeding and harborage causes a nuisance to residents, increased risk of disease or injury to the cats, or uncontrolled breeding of the cats in question.

...

c). That Section 18-112 be amended to read as follows:

Section. 18-112. Application and Fee.

(a) Written application for a cat license shall be made at locations approved by the director of health and welfare. Such application shall state the name and address of the owner and the name, breed, color, age and sex of the cat. Such application shall be retained by the location for at least three years and shall be available for inspection by the director of health and welfare. No license shall be issued unless the animal for which it is issued shall have been inoculated against rabies in a manner meeting the provisions of the latest version of the Compendium of Animal Rabies Control.

(b) The yearly fee for a cat license shall be \$20.00, regardless of sex, payable to the location approved by the director of health and welfare for license issuance. A numbered receipt shall be given to the applicant as proof of license. The fee provided for in this section for the license shall be paid at the time of making application unless excused as provided in this section. No fee shall be charged for any animal that has been surgically sterilized, upon a statement from a veterinarian, in a form to be approved by the director of finance, that the animal has been surgically sterilized, or if a veterinarian approved by the director of health and welfare certifies that the animal's health is such that it would not be able to sustain a sterilization operation. Exemption from payment of the fee under this section shall not exempt parties from making application for a license for their cat, or from complying with all other license requirements and all other requirements of this chapter.

d). That a new Section 18-113 Term of cat licenses be enacted to read as follows:

Sec. 18-113 Term of cat licenses.

All cat licenses issued under this division shall be for a term of one year beginning January 1.

Section 4. That ARTICLE IV Impoundment, of Chapter 18 Animals of the Joplin City Code be amended or new sections enacted as follows:

...

a). That Section 18-143 Redemption generally be amended to read as follows:

Sec. 18-143. Redemption generally.

Except as otherwise provided in this chapter, the owner shall be entitled to resume possession of any impounded animal upon compliance with the license provisions of this chapter, and other provisions of this chapter when applicable, and the payment of impoundment fees.

b). That Section 18-144 Fees be amended to read as follows:

...

Sec. 18-144. (b) Whenever any animal is impounded, an additional fee of \$4.70 shall be charged for each day or fraction thereof of impoundment for feeding such animal. The fee set herein shall be modified in accordance with the contract between the city and the Joplin Humane Society, a copy of the same being on file in the office of the city clerk.

...

Section 18-144 (e) The owner of any animal required to be quarantined and placed in the Joplin Humane Society shall be required to pay a charge of \$6.00 per day or fraction thereof for feeding such animal, but the owner shall not be required to pay the impoundment fee described in this section. However, the owner shall be responsible for fees as set forth in subsections (c) and (d) of this section as necessary. The fee set herein shall be modified each fiscal year in accordance with the contract between the city and the Joplin Humane Society, a copy of the same being on file in the office of the city clerk.

...

c). That Section 18-145 Restrictions on redemption be amended to read as follows:

...

Sec. 18-145 (d) Any dog impounded for being at-large a second time within a twelve month period shall be required to be spayed or neutered at the owner's expense within five (5) business days of release from impoundment. The owner is required to provide to the director of public health and welfare necessary evidence as defined by the director of public health and welfare from the veterinarian's office providing the procedure as to the completion of the procedure. A conviction or plea of guilty in court for the same dog during the same period of time may also be considered as meeting the requirement for impoundment.

(1) Medical Exception: If a licensed veterinarian states, in writing, that an animal is unfit to undergo the required surgical procedure due to an extreme health condition the requirement is waived.

Section (e) Any dog impounded for being at-large a second time within a twelve month period shall be required to be microchipped at the owner's expense within (5) business days of release from impoundment. The owner is required to provide to the director of public health and welfare necessary evidence as defined by the director of public health and welfare from the veterinarian's office providing the procedure as to the completion of the procedure. A conviction in court or plea of guilty for the same dog during the same period of time may also be considered as meeting the requirement for impoundment.

...

d). That Section 18-243 Maximum number of animals be amended to read:  
Sec. 18-243. Maximum number of animals.

No permit shall be issued under this division or be valid if issued for the permitting and/or keeping within the city of a combined total of more than 12 of the following: rabbits, hares, guinea pigs, chickens (roosters not allowed), turkeys (Toms not allowed), guineas, geese and ducks; or a combined total of more than four of the following: horses, mules, donkeys, sheep, goats and cattle.

Section 5. This ordinance shall be in full force and effect from and after January 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 3rd day of December, 2007.

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Jon Tupper, Mayor

ATTEST:

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Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

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Brian W. Head, City Attorney