

Chapter 205

ANIMAL REGULATIONS

Section 205.010. Definitions.

[Ord. No. 339, 3-11-2013]

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

DOGS or CATS — All animals of the canine or feline species, both male and female.

OWNER or KEEPER — Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his/her care or acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises owned or occupied by him/her.

PIT BULL DOG — Any and all of the following dogs:

1. The Staffordshire Bull Terrier breed of dogs.
2. The American Staffordshire Terrier breed of dogs.
3. The American Pit Bull Terrier breed of dogs.
4. Dogs which have the appearance and characteristics of being predominately of the breeds of the dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

RUNNING AT LARGE — Allowing a dog or cat 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. Provided however, that if the owner or keeper allows a dog or cat to be off the private premises of the owner or keeper, but maintains positive physical control of the animal through use of an electronic device, and maintains constant visual contact with, and control over, the animal, this shall not constitute running at large.

SERIOUS PHYSICAL INJURY — 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.

TRESPASSER — 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 — 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 — 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, cat or other domestic animal without provocation.

Section 205.020. Vaccination.

The owner or keeper of any dog or cat in the City of Houston Lake is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from the veterinarian and to present such certificate to the City Clerk on or before May first (1st) of each year; and the City Clerk shall register such certificate, which registration shall remain in force until the April thirtieth (30th) next following said registration. It shall be unlawful for the owner or keeper of any dog or cat to permit such animal to remain in the City of Houston Lake unless vaccinated as above provided.

Section 205.030. Running at Large Prohibited — Impoundment.

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large within the City of Houston Lake at any time. Any dog or cat found without the registration provided in Section 205.020, and any dog or cat found running at large, shall be impounded.

Section 205.040. Vicious Dogs Prohibited — Exceptions.

- A. It shall be unlawful to own, keep or harbor a vicious dog in the City of Houston Lake except in accordance with the following provisions:
 1. *Leash and muzzle.* No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all vicious dogs on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 2. *Confinement.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also, such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

3. *Confinement indoors.* No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. *Signs.* All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Dog*". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

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 Houston Lake, especially designated by the Board of Aldermen and the Mayor for such purpose, to take up any dog or cat without the registration provided in Section 205.020, any dog or cat 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 or cat, 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 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 or cats impounded shall be paid from the City Treasury.

Section 205.070. Notice of Impoundment.

Every officer impounding a dog or cat 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 or cat, 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 or cat before disposition of such dog or cat.

Section 205.080. Reimbursement of Costs.

The owner or keeper of any dog or cat impounded under this Chapter shall pay 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 or cat and keeping it impounded.

Section 205.090. Term of Impoundment.

It shall be the duty of any officer impounding any dog or cat under this Chapter to keep the same impounded for a period of seven (7) days, unless such dog or cat 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 or cat shall not have been reclaimed, the same

shall be disposed of or destroyed in a humane manner.

Section 205.100. Animal Neglect or Abandonment.

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.
- B. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, 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 (2nd) or subsequent violation of either offense, 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. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:
 - 1. The care and maintenance of neglected or abandoned 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 or abandonment; and
 - 4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

Section 205.110. Animal Abuse. ¹

- A. A person is guilty of animal abuse when a person:
 - 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

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

or adequate control.

Section 205.120. Knowingly Releasing an Animal.

- A. A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.
- B. As used in this Section, "*animal*" means every living creature, domesticated or wild, but not including *Homo sapiens*.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

Section 205.130. Quarantine Order to Be Issued by Mayor — To Be Published and Posted.

Whenever rabies becomes prevalent in the City, the Mayor shall, according to the necessity of the case, issue a quarantine order requiring every owner or person in charge of any dog or dogs within the limits of the City to either kill or impound his/her dog or dogs or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the City and in the absence of such paper, shall be posted as in case of sales of personal property. The Mayor is authorized by proclamation to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists.

Section 205.140. Keeper of Dangerous Wild Animals Must Register Animals — Exceptions — Penalty.

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, non-human primate, coyote, any deadly, dangerous or poisonous reptile or any deadly or dangerous reptile over eight (8) feet long in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge, unless such person has registered such animals with the local law enforcement agency in the County in which the animal is kept.

Section 205.150. Nuisance Animals Prohibited.

[Ord. No. 143 §6, 2-23-1981]

No person shall own, keep or harbor any dog or bitch which, by loud, frequent or habitual barking, howling or yelping, shall annoy or disturb any neighborhood or person or by habitually jumping upon or threatening persons upon public streets or shall cause persons thereon to be put in fear of injury.

Section 205.160. Backyard Hens Ordinance.

1. Definitions. As used in this section, the following terms shall have the meanings ascribed to them:

a. "Backyard Hen or Hen", Gallus gallus domesticus of the female sex and female ducks. This definition does not include male chickens or roosters, or other fowl, including, but not limited to, peacocks, turkeys, guinea fowls, or other waterfowl, all of which are not permitted under this Section.

b. "Backyard Hen Coop or Coop", an enclosed and roofed structure for housing Backyard Hens that provides shelter from the elements.

c. "Backyard Hen Run or Run", an enclosed outside yard or area for keeping Backyard Hens.

d. "Backyard Hen Tractor or Tractor", a movable Backyard Hen Coop lacking a floor.

e. "Humane Standards of Care", includes, but is not be limited to, accessibility of the Backyard Hens to food and water, proper medical attention, proper shelter from the elements, and cleanliness in animal waste areas with regular waste removal.

f. "Nuisance", any act which is unreasonably annoying or vexatious to another or substantially interferes with the rights of others, and shall include, but not be limited to, obnoxious odors, excessive noise, and creation of an environment attractive to other animals or insects or more broadly defined under Section 215.010.

2. Backyard Hen Requirements:

a. Permit Required. In order for a person to keep or otherwise maintain Backyard Hens upon any single-family residential Lot within the City, a "Backyard Hen Permit" shall be obtained from the City. The Backyard Hen Permit shall be obtained prior to the keeping of Backyard Hens on the property. The City shall establish an application process to be followed by all individuals seeking a Backyard Hen Permit. An approved Backyard Hen Permit shall be valid in perpetuity as long as continued compliance with the Regulations set forth in this Section is demonstrated. Backyard Hen Permits shall not be transferable to a future owner of a Lot or to another Lot under the same applicant or property owner. Permits shall be subject to inspection by Platte County Animal Control, Houston Lake City Council, City Official or Codes Enforcement Officer, at any time.

b. Applications. Applications for a Backyard Hen Permit shall be filed on forms prescribed by the City with the following information:

1. Applicant's name and contact information.

2. If the applicant is not the property owner, then written permission of the property owner shall be submitted with the application along with the property owner's name and contact information.

3. Street address or legal description of the property where backyard hens will be kept.

4. The requested number of backyard hens.

5. Sufficient information to show compliance with the Regulations for Keeping Backyard Hens as set forth in this Section, which shall be confirmed by City staff prior to the issuance of the Backyard Hen Permit.

c. Regulations for Keeping of Backyard Hens under an Approved Backyard Hen Permit. The keeping of Backyard Hens will adhere to the regulations set forth in this Section:

1. Maximum of six (6) Hens per Lot, regardless of the number of dwelling units on the Lot.

2. Only female Hens shall be permitted. There is no restriction on the Backyard Hen species, as defined in Section 215.010.

3. Roosters and other fowl (e.g. peacocks, guineas) shall not be permitted.

4. Hens must be kept in secure, predator-proof enclosures located in the rear yard of the owner's Lot.

5. It shall be unlawful to engage in Backyard Hen breeding, egg production or fertilizer production for commercial purposes.

6. Backyard Hens must be kept in an enclosure or fenced area at all times. During daylight hours, Backyard Hens may be allowed outside of their Backyard Hen Pens in a securely fenced yard if under supervision by Owner or designated agent of Owner. Backyard Hens shall be secured within a Coop or Backyard Hen Tractor during non-daylight hours.

7. The materials used in making a Coop or Backyard Hen Tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited.

8. Materials used shall be impervious to moisture so that the surface does not permit the absorption of fluids. This may be accomplished by sealing with paint, or using a material that is impervious to moisture by nature, i.e., plastic, metal, concrete, glazed faced tile, etc. The surface shall be routinely maintained. If paint is peeling, it must be repainted to seal the surface.

9. Coop and Backyard Hen Tractors shall be well maintained, kept in a clean, dry, odor-free, neat and sanitary condition at all times.
10. Coops, Backyard Hen Tractors and Backyard Hen Pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
11. Coops and Backyard Hen Tractors shall be designed to provide safe and healthy living conditions for the backyard hens while minimizing adverse impacts to other residents in the neighborhood.
12. A Coop or Backyard Hen Tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.
13. No Coop, Backyard Hen Tractor or Backyard Hen Pen shall be placed in any area of property that is considered Lot Lines, Front Lot Line, Side Lot Line, or Rear Lot Line as those terms are defined in Section 405.010. Coops, Backyard Hen Tractors and Backyard Hen Pens must be located at least ten (10) feet from the Lot Lines.
14. The minimum size of any Coop or Backyard Hen Tractor shall be two (2) square feet per Backyard Hen. The maximum size of any structure Coop or Backyard Hen Tractor shall be four (4) square feet per backyard hen. The interior roosting area of any Coop or Backyard Hen Tractor shall be not less than two (2) feet in height. The exterior height of any Coop or Backyard Hen Tractor, including any risers or pedestals, shall not exceed eight (8) feet. A backyard Hen Pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
15. Owner shall maintain the cleanliness and odor of the Coop and Hens so as not to cause a nuisance to residents/owners of neighboring Lots.
16. Odors from Backyard Hens, Backyard Hen manure or other Backyard Hen related substances shall not be perceptible at the Lot Lines.
17. Perceptible noise from the Backyard Hens shall not be loud enough at the Lot Lines to disturb persons of reasonable sensitivity.
18. No person shall park over one (1) hour within the City limits any truck loaded with Backyard Hens that would cause an offensive smell or noise, or which would unnecessarily annoy the rest of others.
19. The Backyard Hen owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Backyard Hens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an Animal

Control Officer. Backyard Hens shall receive Humane Standards of Care by their owner. Backyard Hens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

20. Backyard hens shall not be allowed to run at large. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding. No dog, cat or other domesticated animal, which kills a Backyard Hen running at large will, for that reason alone, be considered a dangerous or prohibited animal.

21. The Backyard Hen owner must provide for the storage and removal of Backyard Hen manure. All stored manure shall be covered in 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, Backyard Hen Tractor and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

3. Unlawful Acts

a. It shall be unlawful for any person to keep Backyard Hens in violation of any provision of this Section.

b. It shall be unlawful for any owner, renter or leaseholder of property to allow Backyard Hens to be kept on the property in violation of the provisions of this Section.

4. Violations and Penalties

a. Any person who shall violate a provision of this Section or fail to comply therewith, or with any of the requirements thereof, in addition to any other remedy or action available to the City or Codes Enforcement, shall be punished, upon conviction, pursuant to Section 100.220. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

5. Inspection

a. Platte County Animal Control, Houston Lake City Council member, Houston Lake City Official, or Houston Lake Codes Enforcement Officer may inspect Permit holder's Lot to determine compliance with this Section.