

Ordinance No. 44-A

Bill No. 2001-44A

AN ORDINANCE PROVIDING FOR THE REGULATION OF DOGS AND CATS IN THE CITY OF ARCADIA.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ARCADIA, MISSOURI, as follows:

SECTION 1. DEFINITIONS.

Except where otherwise indicated by context, the following definitions shall apply in the interpretation and enforcement of this Ordinance.

A. "Dog" is any member of the canine (genus canis) family.

B. "Cat" is any member of the feline (genus felis) family.

C. "Enclosure" is any fence or structure of at least six (6) feet in height forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dog in conjunction with other measures which may be taken by the owner, such as tethering of the dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping such enclosure.

D. "Kennel" is the keeping and maintaining by any person of more than two (2) dogs within the City Limits.

E. "Cattery" is the keeping and maintaining by any person of more than two (2) cats within the City Limits

F. "Owner" is any person owning, keeping or harboring any dog within the City Limits.

SECTION 2. RUNNING AT LARGE.

A. It shall be unlawful for any person owning, controlling, harboring, possessing, or having the management or care, in whole or in part, of any dog to permit such dog to run at large. For the purposes of this Article, every dog when on any street, alley or any other public places in the City of Arcadia, 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 to the owner's property by suitable means such as a leash, chain or fence so as to prevent its straying from the premises, shall be deemed running at large.

B. It shall be unlawful for any person owning, controlling, harboring, possessing, or having the management or care, in whole or in part, of any cat to permit such cat to run at large. For the purposes of this Article, every cat when on any street, alley or any other public places in the City of Arcadia, which is not duly registered with the City of Arcadia shall be deemed running at large.

SECTION 3. NUMBER OF CATS OR DOGS.

It shall be unlawful for any person or persons residing within the same household or residence or upon the same real property located within the City of Arcadia, Missouri, to keep or maintain in the aggregate more than two (2) cats within the City limits without first obtaining a State Approved Commercial Cattery License and a special use permit from the City of Arcadia Board of Alderman. It shall also be unlawful for any person to keep and maintain in the aggregate more than two (2) dogs within the City limits without first obtaining a State Approved Commercial Kennel License and a special use permit from the City of Arcadia Board of Aldermen. A special use permit shall be applied for in writing and may be granted by the Arcadia Board of Aldermen in accordance with the rules and regulations set forth in the Zoning Ordinance of the City of Arcadia, Missouri. No person shall establish a cattery or kennel within the City of Arcadia, Missouri, without first applying for and receiving a special use permit for such cattery or kennel from the Arcadia Board of Aldermen.

SECTION 4. LICENSE FEE.

Any person within the City limits, managing or maintaining a cat cattery or dog kennel shall pay a minimum annual license fee in the amount of Two Hundred Fifty Dollars (\$250.00), which license fee shall entitle the cattery or kennel owner to keep and maintain two (2) cats or two (2) dogs in such cattery or kennel, and Two Dollars (\$2.00) for each additional cat or dog under restraint and on the cattery or kennel owner's premises at all times. It is further provided that all cats or dogs covered by this license shall be vaccinated.

SECTION 5. RABIES VACCINATION REQUIRED.

It shall be unlawful for any owner of any dog or cat to keep or maintain any such animal unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine and such vaccination shall be renewed from time to time as may be necessary. The owner of any dog or cat shall at all times, upon the request of any Police Officer or City Official furnish proof that such animal has been vaccinated with anti-rabies vaccine and that the vaccination is still effective.

SECTION 6. ANNUAL REGISTRATION.

No dog or cat shall be permitted to be and remain within the corporate limits of the City of Arcadia, Missouri, unless the owner thereof, or someone for said owner, shall have caused said dog or cat to be registered with the City of Arcadia, Missouri, and the registration fee on said dog or cat to be paid on or before the first (1st) day of January of each year.

SECTION 7. ANNUAL REGISTRATION FEE.

The registration fee on each dog or cat, male or female, of which the certificate of a veterinarian or the affidavit of the owner is produced, shall be three dollars (\$3.00) per year, payable to the City Collector of Arcadia; upon payment of the registration fee, a suitable identification tag will be issued to the owner for attachment to the collar of the dog or cat.

SECTION 8. REGISTRATION TAGS AND CERTIFICATES, HOW FURNISHED.

The City Collector shall procure, whenever necessary, such a number of metallic tags as may be required, of convenient size and shape and design, to be changed at the discretion of the collector; and said City Collector shall also cause to be prepared printed blanks bound in book form, and arranged in such manner that one (1) certificate can be torn out and a stub or duplicate thereof left in the book.

SECTION 9. ANTI-RABIES VACCINATION REQUIRED.

Before registering such dog or cat, the owner of the dog or cat shall produce to said City Collector a tag or certificate issued by a duly licensed and practicing veterinarian of the State of Missouri, for said particular dog or cat showing that said dog or cat has been immunized or vaccinated against rabies at the expense of the owner or custodian by administration of anti-rabies virus by a licensed veterinarian.

SECTION 10. DOGS AND CATS RUNNING AT LARGE.

It shall be the duty of every Police Officer to take up and impound, in a suitable place, to be designated by the Board of Aldermen, any and all dogs and cats that are running at large. If the dog or cat wears a tag or if its owner can be identified by any reasonable means, the owner of such animal shall be notified by a Police Officer as soon as possible after the animal has been impounded. It shall further be the duty of every Police Officer of the City of Arcadia to kill any dog or cat acting in such a manner as to be dangerous to the public or which cannot be safely taken up and impounded without endangering the life or limb of the officer attempting to capture and impound the same.

SECTION 11. DOGS AND CATS TO BE REDEEMED BY THE OWNER -- HOW.

Any dog or cat so taken and impounded as aforesaid, may be redeemed by the owner or custodian thereof by paying to a City Police Officer such money being transferred from the Collecting Officer to the City Collector, a sum of money in accordance with the following schedule:

- a) For taking up and impounding said dog or cat: A \$50.00 fee per occurrence.
- b) For feeding and caring for said dog or cat, per day, or portion thereof: A \$3.00 ^{\$40.00/day} fee per day.

SECTION 12. DOGS AND CATS MAY BE REDEEMED BY OWNER -- WHEN.

In the event that the dog or cat is redeemed by the owner or custodian thereof within Ten (10) days after the date of taking up and impounding the same, any person may redeem such dog or cat by paying the fees set forth in Section 11 of this Ordinance.

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SECTION 13. DOGS AND CATS SHALL BE KILLED -- WHEN.

All dogs and cats remaining in the City Animal Pound Ten (10) days after the date of taking up and impounding the same, shall be killed or disposed of by a City Police Officer or their duly authorized agent.

SECTION 14. ANNOYING, BARKING DOGS, COMPLAINTS.

No person shall own, keep or harbor any dog that by loud, continual or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, or which habitually barks at or chases pedestrians or any vehicle whatsoever, to the annoyance of such pedestrians or drivers or owners of vehicles: provided however, that no violation under this Section shall be prosecuted without there first being filed by an injured party a signed complaint formally charging said violator hereunder.

SECTION 15. MANNER OF KEEPING DOGS AND CATS.

No person shall cause or allow any place where any dog or cat is or may be kept to become unclean or unwholesome. It shall be further unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

SECTION 16. FAILURE OF OWNER TO REDEEM ANIMAL.

Whenever a dog or cat shall be impounded and shall not be redeemed by the owner, and the owner can be identified, such owner shall be deemed guilty of a violation and shall be subject to a penalty, together with cost of suit and maintaining and destroying said animal.

SECTION 17. FAILURE TO PAY REGISTRATION FEE.

Every owner of a dog or cat and every person who shall suffer or permit a dog or cat to remain upon premises under his immediate control without having caused such dog or cat to be registered and the registration fee thereon to be paid as provided herein, shall be guilty of a violation and subject to penalty.

SECTION 18. INTERFERING WITH POLICE OFFICERS OR ANIMAL CONTROL OFFICER.

Any person or persons who shall interfere with, resist, hinder or obstruct any member of the Police Force, in the discharge of any duty imposed upon him by this Article, such person shall be deemed guilty of a violation and subject to penalty.

SECTION 19. PENALTY CLAUSE.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or thirty (30) days confinement, or both. Each successive day of violation may be construed as a separate offense.

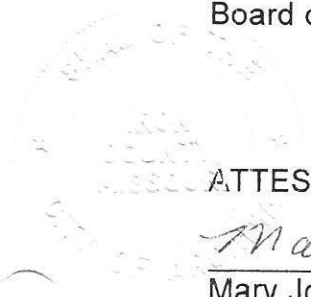
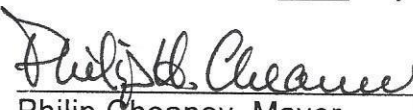
SECTION 20. SEVERANCE CLAUSE.

That if any section, sentence, phrase or clause of this ordinance shall be held to be invalid for any reason by a court of competent jurisdiction, the invalidity of such section, sentence, phrase or clause shall not impair the validity of the remaining sections, sentences, phrases or clauses of this ordinance; the Board of Aldermen hereby declares that it would have passed the remaining portions of this Ordinance had it known that such section, sentence, phrase or clause would be held invalid.

SECTION 21. REPEALING CONFLICTING ORDINANCES.

That all ordinances or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed; and this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

WHEREUPON, this ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri, on this 9th day of July 2001.



Philip Cheaney, Mayor

ATTEST:


Mary Johnson, City Clerk