

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 4510., 4525., 4531., 4532., 4538., 4541., 4542., 4546., and 4547., Jackson County Code, 1984, relating to animal control and enacting, in lieu thereof, nine new sections relating to the same subject, with a penalty provision.

ORDINANCE NO. 5751, June 12, 2023

INTRODUCED BY Manuel Abarca IV, County Legislator

WHEREAS, chapter 45 of the Jackson County Code was last updated in August 2001;
and,

WHEREAS, since 2001 the County has constructed its own animal shelter and the City of Independence now performs animal control services within the unincorporated area of the County, resulting in a need to update chapter 45 and its definitions and verbiage to current animal control standards; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause

Sections 4510., 4525., 4531., 4532., 4538., 4541., 4542., 4546., and 4547., Jackson County Code, 1984, are here hereby repealed and nine new sections enacted in lieu thereof, to be known as sections 4510., 4525., 4531., 4532., 4538., 4541., 4542., 4546., and 4547., to read as follows:

4510. Definitions.

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

4510.1 Abandon.

Abandon means to leave an Animal unattended without demonstrated or apparent intent to recover or resume custody, or to leave an Animal unattended in excess of [twenty four (24)] twelve (12) hours without providing adequate food and shelter for the duration of the planned absence, or the turn out of release an Animal for the purpose of causing it to be impounded.

4510.2 Adequate Care.

Adequate Care means normal and prudent attention to the needs of an Animal, including Adequate Food, Adequate Health Care, Adequate Shelter, Adequate Ventilation and Adequate Water in sufficient quantities to maintain good health in an Animal considering its age and condition.

4510.3 Adequate Food.

Adequate Food means wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an Animal considering its age and condition.

4510.4 Adequate Health Care.

Adequate Health Care means the provision to each healthy Animal of all immunizations and preventative care required to maintain good health; space adequate to allow the Animal rest and exercise sufficient to maintain good health; grooming as required so that

they are free from dangerous matting which affects their health; and the provision to each sick, diseased, or injured Animal of necessary veterinary care or humane death.

4510.5 Adequate Shelter.

Adequate Shelter means a structurally sound, properly ventilated, safe, sanitary and weatherproof shelter suitable for the species, condition and age of the Animal, which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The area where Animals are kept must allow access to mud-free, dry ground and be kept free from unsanitary conditions, vermin-harboring debris, rodents, refuse, or any dangerous protuberances which can provide an opportunity for injury or a danger to the health of the Animal. The shelter must be sized to accommodate the Animal and allow retention of body heat and should be made of durable material with a solid floor. A sufficient quantity of clean, bedding material consisting of straw, or the equivalent, must provide insulation and protection against cold and dampness and provide for retention of body heat.

4510.6 Adequate Ventilation.

Adequate Ventilation means conditions that allow for sufficient movement of air within an enclosure.

4510.7 Adequate Water.

Adequate Water means a continual access to or access at suitable intervals to a supply of clean, fresh, 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. Water will be provided in a secure manner so that the container cannot be overturned.

4510.[2] 8 Animal.

Animal means any live creature, either domestic or wild, except humans. "Animal" includes fowl, fish, and reptiles.

4510.[3] 9 Animal Bite.

Animal Bite means a break or puncture of the skin of a human so as to cause an open wound.

4510.[4] 10 Animal Control Officer.

Animal Control Officer means an employee or agent of the County, designated by the county executive or director of [public works] environmental health to administer, and enforce the inspection and enforcement requirements contained within this chapter.

4510.[5] 11 Animal Hospital.

Animal Hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of Animal diseases and injuries.

4510.[6] 12 Animal Nuisance.

Animal Nuisance means any nuisance arising out of the keeping, maintaining, or owning of, or failure to exercise adequate control of, an Animal.

4510.[7] 13 Animal Shelter.

Animal Shelter means any facility operated by the County, designated by the County, Animal Control Officer, or a humane society for the temporary care, confinement, and detention of Animals and for the humane killing and other disposition of Animals. The term shall also include any public or private facility authorized by the county executive, director

of [public works] environmental health, or designee, to impound, confine, detain, care for, or destroy any Animal.

4510.[8] 14 At Heel.

At Heel means directly behind or next to a person and obedient to that person's command.

4510.[9] 15 At Large.

At Large means off the premises of the Owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the Animal.

4510.[10] 16 Cat.

Cat means all domestic species or varieties of genus felis, male or female, four (4) months of age or over.

4510.[11] 17 Commercial Animal Establishment.

Commercial Animal Establishment means any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer, establishment for raising small Animals or fowl, or any establishment performing one or more of the principal activities of these establishments. Commercial Animal Establishment does not include those establishments which raise Animals or fowl for food.

4510.[12] 18 County.

County means Jackson County, Missouri.

4510.[13] 19 Cruelty.

Cruelty means [any act or omission whereby unjustifiable suffering or death of an Animal is caused or permitted, including failure to provide adequate food in siphoned quantity, proper

drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, or veterinary care] acts including, but not limited to, (a) intentional and needless killing, (b) maiming, (c) torturing, (d) mutilating, (e) strangling, (f) hanging, (g) beating, (h) neglecting, (i) overworking, (j) abandoning, (k) inhumane trapping, (l) poisoning, or (m) failing to provide veterinary care for an Animal or fowl when ill or diseased. In the case of activities where suffering or death of an Animal is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and Animal training and hunting, "Cruelty" shall mean a failure to employ the most humane method reasonably available.

4510.[14] 20 Dead Animal.

Dead Animal means an Animal which is not killed for food or which is no longer fit for human consumption.

4510.[15] 21 Disposition.

Disposition means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an Animal. "Disposition" includes placement or sale of an Animal to the general public or removal of an Animal from any pet shop to any other location.

4510.[16] 22 Dog.

Dog means all members of canus familiaris, male or female, four (4) months of age or over.

4510.[17] 23 Domestic Animal.

Domestic Animal includes household pets, dogs, cats, potbellied pigs, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and

rabbits, pheasants and other birds, and Animals customarily raised and/or maintained in confinement.

4510.[18] 24 Escape Proof Enclosure.

Escape Proof Enclosure means a cage, pen, building, or structure, or a portion of such structure which operates to confine an Animal in a manner that will prevent its escape and will prevent contact with people and other Animals.

4510.[19] 25 Exposed to Rabies.

Exposed to Rabies refers to a condition which occurs when a person has been bitten by, has fought with, or has come in close contact with an Animal showing symptoms of rabies.

4510.[20] 26 Exotic or Wild Animal.

Exotic or Wild Animal means an Animal which is not of a species customarily used as a household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage. This definition includes hybrids with wolves, coyotes, or other Animals, but does not include fish and captive-bred species of common caged birds.

4510.[21] 27 Guard or Attack Dog.

Guard or Attack Dog means a Dog trained to attack and or injure on command and, upon command, cease the attack. Also, a Dog that protects persons and/or property but is not necessarily trained to attack.

4510.[22] 28 Impoundment.

Impoundment means the taking into custody of an Animal by the Animal Control Officer, or sheriff's office, or any authorized representative thereof. Impoundment may be effected by means of catching, trapping, netting, tranquilizing or other humane method deemed necessary.

4510.[23] 29 Infected With Rabies.

Infected With Rabies means to manifest the principal characteristic symptoms of rabies as described in the standard textbooks treating the diseases of domestic Animals.

4510.[24] 30 Kennel.

Kennel means any premises wherein more than six (6) Dogs or Cats or more than two (2) potbellied pigs are kept by any person(s) engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling Dogs, Cats, or potbellied pigs.

4510.[25] 31 Muzzle.

Muzzle means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an Animal to prevent the Animal from biting any person or other Animal.

4510.[26] 32 Owner.

Owner means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any Animal covered by this chapter. An Animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

4510.[27] 33 Public Nuisance.

Public Nuisance means any Animal that unreasonably annoys humans, endangers the life or health of persons or other Animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "Public Nuisance " shall include, but not be limited to:

- (a) Any Animal that is found running At Large;
- (b) Any Dog or Cat in any section of a park or public recreation area unless the Dog or Cat is controlled by a leash or similar physical restraint;
- (c) Any Animal that damages, soils, defiles, or defecates on any property other than that of its Owner;
- (d) Any Animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the Animal is kept or harbored;
- (e) Any Animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the Animal is kept or harbored;
- (f) Any Animal in heat that is not confined so as to prevent attraction or contact with other Animals;
- (g) Any Animal, whether or not on the property of its Owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (h) Any Animal that chases motor vehicles in a public right-of-way;
- (i) Any Animal that attacks any Domestic Animal;
- (j) Any Animal that causes unsanitary conditions in enclosures or surroundings where the Animal is kept or harbored; and

(k) Any Animal that is offensive or dangerous to the public health, safety, or welfare by virtue of the number of Animals maintained at a single residence or the inadequacy of the facilities.

4510.[28] 34 Sanitary.

Sanitary means a condition of good order and cleanliness to minimize the possibility of disease transmission.

4510.[29] 35 Under Restraint.

Under Restraint means that an Animal is secured by a leash, led under the control of a person physically capable of restraining the Animal and obedient to that person's commands, or securely enclosed within the real property limits of the Owner's premises.

4510.[30] 36 Vaccinated Against Rabies.

Vaccinated Against Rabies means that a veterinarian, duly licensed to practice veterinary medicine, has inoculated the Animal with a rabies vaccine licensed by the United State Department of Agriculture and approved by the Department of Health of the State of Missouri.

4510.[31] 37 Vicious or Dangerous Animal.

Vicious or Dangerous Animal means any Animal that attacks, bites, or physically injures human beings or Domestic Animals without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings or Domestic Animals. Any Exotic or Wild Animal or any Animal that without provocation has bitten or attacked a human being or other Animal shall be prima facie presumed to be a Vicious or Dangerous Animal.

4525. Caring for Animals.

4525.1 Standard of Care.

No Owner or custodian of any Animal shall refuse or fail to provide such Animal with [sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering], Adequate Care [or humane care and treatment,] or unnecessarily expose any such Animal to hot, stormy, cold, or inclement weather.

452[4]5.2 Abandonment.

No Owner or custodian of any Animal shall willfully abandon such Animal on any street, road, highway, or public place, or on private property when not in the care of another person.

4531. Restraint of Guard Dogs.

4531.1 Generally.

[Every] It shall be unlawful for any Owner of a Guard or Attack Dog [shall] to keep such a Dog within the area of the County described in section 4500. of the chapter unless confined in a building, compartment or other Escape Proof Enclosure. Any such enclosure shall be completely surrounded by a fence at least six (6) feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three (3) strands of equally separated barbed wire stretched between them.

4531.2 Fencing.

Barbed wire fences or barbed wire assemblies atop fences shall be permitted in A, RR, LI and HI Districts, but prohibited in all other districts.

4531.3 Anti-Climbing Devices.

All anti-climbing devices shall extend inward at an angle of not less than forty-five (45) degrees nor more than ninety (90) degrees when measured from the perpendicular.

4531.4 Areas of Confinement.

The areas of confinement shall have all gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof and shall have, at minimum, one sign posted stating that a Guard Dog is present.

4531.5 Not Applicable to Government Agencies.

The provisions of this section shall not apply to Dogs owned or controlled by government law enforcement agencies.

4532. Restraint of Vicious or Dangerous Animals.

Every Vicious or Dangerous Animal shall be confined by its Owner or authorized agent of its Owner within a building or [secure] Escape Proof Enclosure and, whenever off the premises of its Owner, shall be securely Muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than three (3) feet in length held by a person at least seventeen (17) years of age capable of controlling the Animal, or caged. Every person harboring a Vicious or Dangerous Animal is charged with an affirmative duty to confine the Animal in such a way that children do not have access to such Animal. It shall be unlawful for any person to tether, restrain by an electronic containment system, or transport in the open bed of a truck or in any vehicle from which escape is possible, any Vicious or Dangerous Animal. Housing of a Vicious or Dangerous Animal in a vehicle for purposes other than transport also shall be a violation of this section.

4538. Vaccination of [Dogs and Cats] Certain Animals.

[Every] It shall be unlawful for the Owner of any Dog, Cat, ferret, or horse over the age of four (4) months to keep such an Animal [shall have] unless such Animal has been Vaccinated Against Rabies by a veterinarian duly licensed to practice veterinary medicine in the State of Missouri.

4538.1 Immunization Tag Required.

[No] It shall be unlawful for the Owner of any Dog or Cat [shall] to allow or permit that Animal [outside] to be off the property of its Owner at any time without an immunization tag attached to its collar.

4538.2 Material of Tag.

All immunization tags shall be of metal or durable plastic.

4538.3 Contents.

The name of the veterinary clinic, the year of the vaccination, and an identification number shall be clearly indicated on the immunization tag.

4538.4 Where Attached.

The immunization tag shall be attached to a collar worn about the neck by the vaccinated Dog or Cat.

4538.5 No Other Immunization Tag Permitted.

No immunization tag other than that issued by a veterinarian for that Dog or Cat shall be worn by the Dog or Cat.

4541. Impoundment.

4541.1 Generally.

In addition to any other remedies provided in this chapter, the Animal Control Officer or a member of the sheriff's office may seize, impound and humanely confine to an Animal Shelter or Hospital any of the following Animals:

- (a) Any Animal that has bitten a human;
- (b) Any Animal At Large;
- (c) Any Animal constituting a Public Nuisance or considered a danger to the public;
- (d) Any Animal that is in violation of any quarantine or confinement order of the Animal Control Officer;
- (e) Any unattended Animal that is ill, injured, or otherwise in need of care;
- (f) Any Animal that is reasonably believed to have been abused or neglected;
- (g) Any Animal that is reasonably suspected of being Infected with Rabies;
- (h) Any Animal that is charged with being potentially dangerous or dangerous, where a County authority determines that there is a threat to public health and safety;
- (i) Any Animal that a court of competent jurisdiction has ordered impounded or destroyed; or
- (j) Any Animal that is considered unattended or abandoned, as in situations where the Owner is deceased, has been arrested, or has vacated or been evicted from the Owner's regular place of residence.

4541.2 Impoundment Procedure [Generally].

Upon Impoundment of an Animal found to be in violation of this chapter, the Animal Control Officer shall attempt to notify the Animal Owner of the Impoundment. [If the Owner is unknown, the Animal Control Officer shall post written notice at the location where the Animal was taken into Impoundment, describing the Animal and the time and place of

Impoundment. The notice shall also include the reason for the Impoundment and the location of the Shelter or Hospital where the Animal is confined, hours during which the Animal can be reclaimed, and fees to be charged to the Owner. The notice shall also state that failure to claim the Animal within five (5) working days will result in the Animal becoming the property of the contracted Shelter.] Any Animal taken up and impounded shall be held at a licensed Kennel, pound, stable, Animal Shelter, or veterinary facility designated by the director of environmental health, subject to the following conditions:

- (a) The owner shall be liable for the reasonable expense incurred for the care and maintenance of any Animal impounded;

Any Animal may be returned to its owner without any waiting period, provided the Animal is not being held for rabies observation, impounded while awaiting final disposition of a court case, or in quarantine, and provided further that the appropriate Impoundment fees have been paid in full and provided further that, in the case of Dogs and Cats, proof of a current rabies vaccination is furnished to the Animal Control Officer; and

Any Animal At Large once Impounded shall be held in accordance with State law. At the end of this period, any Animal not reclaimed by the Owner shall be declared Abandoned and may be offered for adoption or euthanized in a humane manner by the local humane society.

4541.3 Impoundment Pending Court Hearing

An Animal Impounded due to the following circumstances may not be returned to the Owner except as provided in this section:

- (a) The Animal has been impounded pursuant to section 4525.1 (Standard of Care) or 4527 (Cruelty to Animals) of this chapter;
- (b) A licensed veterinarian has provided a written report verifying that the impounded Animal was subject to neglect or cruel, abusive, or inhumane treatment; or

(c) The Owner of said Animal has been issued a general ordinance summons for a violation of section 4525.1 or 4527 and a court date has been set.

- i. The case must have been set for hearing on the earliest possible date, not to exceed 30 days.
- ii. If the court finds the Owner to be guilty or a plea of guilt is entered and the court is satisfied that the Animal would be subject to continued Cruelty or lack of Adequate Care by such an Owner.
- iii. Under such circumstances, if the Animal is not otherwise subject to humane destruction, the Animal shall remain Impounded until the court date and the Owner shall remain responsible for all fees associated with Impoundment.

4541.4 Permanent Marking Requirement for Impounded Animals

Any Animal Impounded shall be permanently marked or identified by means of the implantation of an electronic device, such as a microchip or other method. It shall be unlawful for an Owner to refuse to submit an Animal for permanent identification or marking pursuant to this section. The cost of the permanent marking or identifying an Animal shall be borne by the Owner of said Animal. It shall be unlawful for any person to tamper with, deface, disable, or remove the permanent identification mark.

4541.[2] 5 Notice of Violation.

The Animal Control Officer, sheriff or deputies may, in lieu of Impoundment, issue to the Owner a [notice of violation] general ordinance summons. Such [notice] summons shall impose upon the Owner a minimum penalty of ten dollars (\$10.00) that may, at the discretion of the Animal Owner, be paid to the clerk of the court within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid

within the time period prescribed, a warrant shall be initiated [before an associate circuit judge] in County municipal court and, upon conviction for violation of this chapter, the owner shall be punished as provided in section 4547.2 of this chapter.

[4542. Notice to Owner and Redemption.]

454[2.2]1.6 Boarding Fee.

An Owner reclaiming an impounded Animal shall pay a boarding fee to the Animal Shelter or Hospital for each day the Animal has been impounded.

[4542.3 Unclaimed Animals, Disposition.

Any Animal not reclaimed by its Owner within five (5) working days shall become the property of the contracted Shelter and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the local humane society.]

4546. Enforcement.

The Animal Control Officer or other designee of the County shall be the enforcement official for this chapter. Such official shall have the authority to act on behalf of the County in investigating complaints, Impounding and destroying Animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this chapter. In the event the Animal Control Officer is not employed by the County, the sheriff's office or the director of environmental health may issue summons as recommended by the Animal Control Officer. It shall be [a violation of this chapter] unlawful for any person to interfere with the Animal Control Officer or other enforcement official in the performance of [his] that officer's duties.

4547. Violations and Penalties.

4547.1 Generally.

It shall be [a violation of this chapter] unlawful for any person to:

- (a) Fail to comply with any provision of this chapter;
- (b) Fail to comply with any lawful order of the Animal Control Officer, or member of the sheriff's [department] office, unless such order is lawfully stayed or reversed; or
- (c) Fail to pay any fines, civil penalties or costs imposed by the County municipal court within fifteen (15) days of the imposition of such fines or costs, unless payment thereof is lawfully stayed.

4547.2 Penalty Provision.

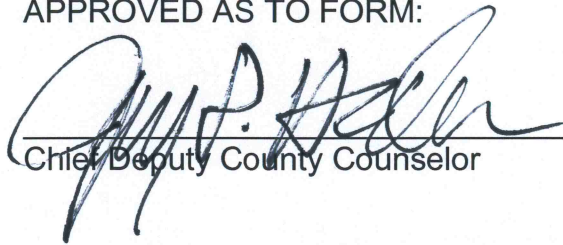
Any person who violates any provision of this chapter shall on conviction be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County [jail] detention center for a term not exceeding one (1) year, or by both. If a violation continues, each day's violation shall be deemed a separate offense.

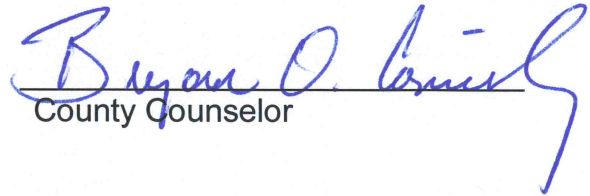
Section B. Penalty Provision.

Any person who commits a violation of any provision of this Ordinance shall, upon conviction, be subject to punishment pursuant to section 4547. of the Ordinance.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5751 introduced on June 12, 2023, was duly passed on July 10, 2023 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

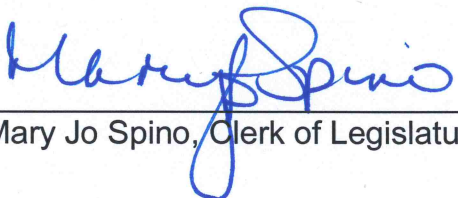
Nays 0

Abstaining 1

Absent 1

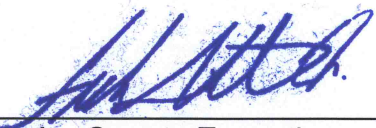
This Ordinance is hereby transmitted to the County Executive for his signature.

7.10.2023
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5751.

7.11.2023
Date


Frank White, Jr., County Executive