



Jackson County Missouri

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Kansas City, Missouri
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Legislation Text

File #: 3169, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing chapter 45, Jackson County Code, 1984, relating to animal control, and enacting a new chapter 45, consisting of 33 sections, relating to the same subject, with a penalty provision.

ORDINANCE #3169, August 13, 2001

INTRODUCED BY Terry Young, County Legislator

WHEREAS, staff of the Public Works Department have completed an exhaustive review of the county's existing animal control ordinance; and,

WHEREAS, as a result of this review, the Director of Public Works recommends a comprehensive revision of this ordinance, found in chapter 45 of the County Code; and,

WHEREAS, the recommended revision is in the best interests of the public health, welfare, and safety of the citizens of Jackson County; now therefore,

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

Section A. Enacting Clause. Chapter 45, Jackson County Code, 1984, consisting of 43 sections, is hereby repealed, and one new chapter enacted in lieu thereof, to be known as chapter 45, consisting of 33 sections, to be known as sections 4500., 4501., 4510., 4520., 4521., 4522., 4523., 4524., 4525., 4526., 4527., 4528., 4529., 4530., 4531., 4532., 4533., 4534., 4535., 4536., 4537., 4538., 4539., 4540., 4541., 4542., 4543., 4544., 4545., 4546., 4547., 4548., and 4549., to read as follows:

CHAPTER 45 ANIMAL CONTROL

SCOPE

4500. Scope.

This chapter shall apply only within the unincorporated areas of Jackson County, Missouri, and any city which contracts with Jackson County to provide animal control services.

4501. Purpose and Intent.

The purposes of this chapter are to promote the public health, safety, and general welfare of the citizens of Jackson County, Missouri, to ensure the humane treatment of animals by regulating the

care and control of animals within the county.

DEFINITIONS

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) hours without providing adequate food and shelter for the duration of the planned absence, or the turn out or release an Animal for the purpose of causing it to be impounded.

4510.2 Animal.

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

4510.3 Animal Bite.

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

4510.4 Animal Control Officer.

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

4510.5 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 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 Animal Shelter.

Animal Shelter means any facility operated by the County 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, or designee, to impound, confine, detain, care for, or destroy any Animal.

4510.8 At Heel.

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

4510.9 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 Cat.

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

4510.11 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 County.

County means Jackson County, Missouri.

4510.13 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. 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 Dead Animal.

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

4510.15 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 Dog.

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

4510.17 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 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 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 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 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 Impoundment.

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

4510.23 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 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 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 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 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:

- (1) Any Animal that is found running At Large;
- (2) 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;
- (3) Any Animal that damages, soils, defiles, or defecates on any property other than that of its Owner;

- (4) 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;
- (5) 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;
- (6) Any Animal in heat that is not confined so as to prevent attraction or contact with other Animals;
- (7) 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;
- (8) Any Animal that chases motor vehicles in a public right_of_way;
- (9) Any Animal that attacks any Domestic Animal;
- (10) Any Animal that causes unsanitary conditions in enclosures or surroundings where the Animal is kept or harbored; and
- (11) 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 Sanitary.

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

4510.29 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 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 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 Vicious or Dangerous.

AUTHORITY OF ANIMAL CONTROL OFFICER.

4520. Powers.

In addition to the authority granted by the other sections of this chapter, the Animal Control Officer

shall have the following powers.

4520.1 Assistance from Sheriff.

The Animal Control Officer, whenever he deems it appropriate, may call on the sheriff, or any of his deputies or employees to act as a representative of the Animal Control Officer or to assist the Animal Control Officer with enforcement of the provisions of this chapter.

4520.2 Right of Entry.

The Animal Control Officer, the sheriff, and their representatives are authorized to enter on any premises for the purpose of pursuit, apprehension, removal or examination of any Animal which has bitten any person or which is suspected of being Infected With Rabies or which is being kept in a cruel or inhumane manner.

4520.3 Apprehend Animals.

The Animal Control Officer and his authorized representatives are authorized to apprehend any Animal which is a Public Nuisance.

4520.4 Right to Enter Unenclosed Lot or Land.

The Animal Control Officer and his authorized representatives are authorized to enter on any unenclosed lot or land to apprehend any Animal which is a Public Nuisance.

4521. Report of Veterinarians.

Every Veterinarian treating or having under observation any Animal Infected With Rabies, or suspected of being rabid or suspected of having been Exposed to Rabies shall immediately report to the Animal Control Officer or the sheriff.

4521.1 Contents of Reports.

The Report made by the veterinarian shall include the name and address of the Owner of the Animal and the immunization tag number if the Animal is a Dog or Cat.

4521.2 Sheriff to Forward Reports.

The sheriff shall forward any applicable reports to the Animal Control Officer.

4522. Nuisances.

It shall be unlawful for any person to keep any Animal when the keeping of such Animal constitutes a Public Nuisance or menace to public health or safety.

4523. Keeping of Exotic or Wild Animals.

It shall be unlawful for any person to own, harbor, or permit At Large any Exotic or Wild Animal without the written permission of the Animal Control Officer. Such permission shall be given only after a permit has been granted by the State of Missouri and only if it is demonstrated to the satisfaction of the Officer that the Animal will not constitute a threat to public health or safety so as to prevent the transmission of rabies or other diseases and prevent injury to both humans and Animals.

4524. Keeping of Numerous Animals.

4524.1 Districts A, RR, and RE.

In the zoning districts designated as A, RR, or RE, where the tract size is two acres or larger, it shall be unlawful for any person to keep more than a total of six Dogs or Cats, and two potbellied pigs; except that a litter of pups, kittens, or piglets may be kept for a period of time not exceeding four (4) months from birth. This subsection shall not apply to any licensed establishment where Animals are kept for breeding, sale, sporting purposes, or boarding.

4524.2 Other Residential Zoned Districts.

In all other residential zoned districts, it shall be unlawful for any person to keep more than a total of three Dogs or Cats, and one potbellied pig within the county; except that a litter of pups, kittens, or piglets may be kept for a period of time not exceeding four (4) months from birth. This subsection shall not apply to any licensed establishment where Animals are kept for breeding, sale, sporting purposes, or boarding.

4524.3 Kennels.

In areas where Kennels are allowed by conditional use permit, no Kennel, including all Animal structures, pens, runways, or exercising tracks shall be located no closer than 200 feet from any property line. The location of all other Animal enclosures shall comply with the setback regulations of the applicable zoning district.

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, or humane care and treatment, or unnecessarily expose any such Animal to hot, stormy, cold, or inclement weather.

4524.2 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.

4526. Sanitation.

4526.1 Waste Matter Not to Accumulate.

No person owning, harboring, or keeping an Animal shall permit any waste matter from the Animal to collect and remain on the property of the Owner or custodian, or on the property of others, so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the Owner's or custodian's property, or on abutting property of others.

4526.2 Unsanitary Conditions Prohibited.

No person owning, harboring, keeping, or in charge of any Animal shall cause unsanitary, dangerous, or offensive conditions by virtue of the size or number of Animals maintained at a single location or due to the inadequacy of the facilities.

4527. Cruelty to Animals.

4527.1 Physical Cruelty Prohibited.

No person shall willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any Animal, or otherwise engage in any act to cause or inflict unnecessary injury, suffering, or death to such Animal; except that reasonable force may be used to drive away vicious or trespassing Animals. The provisions of this section are not applicable to customary practices associated with the raising of Domestic Animals.

4527.2 Poisoning Prohibited.

No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any Animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any Animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits to control insects and wild rodents.

4528. Restraint and Confinement.

4528.1 Generally.

No Owner of any Animal shall fail to keep such Animal Under Restraint or to permit such Animal to run At Large upon the streets and public ways of the county.

4528.2 Dogs.

Any Dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the Owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the Dog, or shall be under the immediate control of a person physically capable of restraining the Dog.

4528.3 Public Nuisance.

No Owner or custodian of any Animal shall fail to exercise proper care and control of such Animal to prevent the same from becoming a Public Nuisance.

4528.4 Dogs and Cats in Heat.

Every female Dog or Cat in heat shall be confined in a building or other enclosure in such a manner that such female Dog or Cat cannot come into contact with a male Animal except for planned breeding.

4529. Concealment of Animals Prohibited.

No person shall conceal any Animal which has bitten any person or which is suspected of having rabies.

4530. Interference With Animal Control Officer Prohibited.

No person shall interfere with the Animal Control Officer or his representatives in the performance of his duties under this chapter to impound, examine, or destroy Animals which have bitten a person or which are suspected of having rabies.

4531. Restraint of Guard Dogs.

4531.1 Generally.

Every Owner of a Guard or Attack Dog shall keep such Dog confined in a building, compartment or other 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 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, 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.

4533. Property Owners May Impound.

Any person finding an Animal At Large upon his property may remove the same to any Animal Shelter that will take possession of the Animal. If no such Shelter is available, the property owner may hold the Animal in his own possession, and within three days, notify the Animal Control Officer. The property owner shall provide a description of the Animal and the name of the Owner if known. The Animal Control Officer shall take possession of the Animal.

4534. Return of Animal to Owner.

If the name of the Owner or custodian of an Animal found At Large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall return the Animal to the residential address of the Owner. If there is no one present, the Officer shall leave written notice of whom the Owner must contact to reclaim the Animal. The Officer shall then remove the Animal to the nearest Animal Hospital or Shelter that will accept the Animal.

4535. Disposition of Large Animals.

The Animal Control Officer or other designated person on call who removes a large animal such as a horse, cow, mule, or any other large animal not acceptable by any Animal Hospital or Shelter shall be authorized to call the County's contractor which shall convey the Animal to a farm or other appropriate facility that has an agreement with the County to accept such Animals. The Disposition of

any Animal removed to a facility other than an Animal Hospital or Shelter shall be handled in the same manner as though the Animal were confined in an Animal Hospital or Shelter.

4536. Disposition of Dead Animals.

The owner or proprietor of the premises shall remove the carcass of any Dead Animal from his property within forty-eight (48) hours of the death of that Animal. Removal shall be by proper burial or complete removal from the property.

4536.1 Failure to Remove.

If the owner or the proprietor of the premises fails to remove the Dead Animal, the Animal Control Officer may have the Animal removed by the department of public works or by a representative.

4536.2 Cost of Removal.

The expense of the removal shall be charged to the owner or the proprietor of the property.

4537. Animal Bites.

An Animal Bite shall be immediately reported to the Animal Control Officer or the sheriff's department. Any person bitten by an Animal or the parent or guardian of any minor child bitten by an Animal shall report the Bite whether or not the Animal is Infected With Rabies or is suspected of being Infected With Rabies.

4537.1 Isolation, When.

Any Animal which has bitten any person must be isolated and impounded in an Escape Proof Enclosure, for observation for a period of ten (10) days. The Animal Control Officer shall seize and impound the Animal for the observation period if the Owner of the Animal is unknown or cannot be located, or the Owner does not consent to the Impoundment or, if in opinion of the Animal Control Officer, the Owner is unable to impound the Animal.

4537.2 Destruction, When.

Any Animal which has bitten any person may be immediately destroyed by the Animal Control Officer when the Owner of the Animal is unknown or cannot be located, or when the Owner of the Animal gives consent, or when the Animal is suspected of having rabies, or if the Animal exhibits any symptoms of rabies during the ten (10) day observation period.

4537.3 Head Examined, When.

The head of any Animal destroyed in accordance with this section shall be submitted to a laboratory for examination.

4537.4 Liability for Costs.

The Owner of any Animal that has bitten any person shall be liable for all costs resulting from Impoundment for the observation period or from destruction of the Animal. If the Animal is alive and in a good state of health after the observation period, the Owner may reclaim the Animal by paying all Impoundment costs.

4538. Vaccination Of Dogs and Cats.

Every Owner of any Dog or Cat shall have that Animal Vaccinated Against Rabies by a veterinarian duly licensed to practice veterinary medicine in the State of Missouri.

4538.1 Immunization Tag Required.

No Owner of any Dog shall allow or permit that animal outside 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.

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.

4539. Removal of Tag.

No person shall remove or cause the collar, harness, leash or tag to be removed from any vaccinated Dog or Cat without the consent of the Owner.

4540. Exception.

Sections 4538. and 4539. do not apply at such time as a Dog or Cat is being handled in the course of any organized Dog or Cat training or exhibition program.

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 department may seize, impound and humanely confine to an Animal Shelter or Hospital any of the following Animals:

- (1) Any Animal that has bitten a human.
- (2) Any Animal At Large;
- (3) Any Animal constituting a Public Nuisance or considered a danger to the public;
- (4) Any Animal that is in violation of any quarantine or confinement order of the Animal Control Officer;
- (5) Any unattended Animal that is ill, injured, or otherwise in need of care;
- (6) Any Animal that is reasonably believed to have been abused or neglected;
- (7) Any Animal that is reasonably suspected of being Infected with Rabies;
- (8) 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;
- (9) Any Animal that a court of competent jurisdiction has ordered impounded or destroyed;
- (10) 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 his

regular place of residence.

4541.2 Notice of Violation.

The Animal Control Officer, sheriff or his deputies may, in lieu of Impoundment, issue to the Owner a notice of violation. Such notice 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 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.

4542.1 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.

4542.2 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.

4543. Commercial Animal Establishments.

4543.1 Commercial Animal Establishment Standards.

The following standards apply to Commercial Animal Establishments.

(1) Prevent a Public Nuisance.

Any person operating a Commercial Animal Establishment shall keep and maintain the fowl and Animals, and all structures, pens and yards in which the fowl and Animals are kept, in a manner which will prevent a Public Nuisance or a health hazard to humans.

(2) Avoid Injury to Animals.

Any person operating a Commercial Animal Establishment shall keep and maintain the fowl or Animals, and all structures, pens and yards in which the fowl or Animals are kept, in a manner which will avoid injury to the fowl or Animals.

(3) Sanitized Cages.

All cages, pens, and other holding areas shall be properly sanitized to keep enclosed fowl and Animals free of disease.

(4) Food for Animals.

All fowl and Animals in cages, pens, or other holding areas shall be provided with an adequate supply of wholesome food and water.

(5) Removal of Diseased Fowl or Animals.

To prevent the spread of disease, the proprietor of the Establishment or the Owner of the fowl or Animals shall remove and treat or humanely dispose of all disease_infested fowl and Animals within twelve (12) hours after discovery of the disease.

(6) Failure to Treat Diseased Animals or Fowls.

If the proprietor of the Establishment or the Owner fails or refuses to treat or to humanely dispose of the disease infested fowl or Animals, the Animal Control Officer may impound the fowl or Animals and have the fowl or Animals treated or disposed of in a humane manner.

(7) Costs.

If diseased infested fowl or Animals are impounded for treatment or for humane disposition by the Animal Control Officer, the costs shall be paid by the proprietor of the Establishment, the Owner, or both.

4544. Administrative Sanctions and Remedies.

As part of any order issued pursuant to this chapter, a court shall have the authority to order the following administrative sanctions and remedies:

- (1) Obedience training for the Animal(s) in question;
- (2) Muzzling of an Animal while off the property of the Owner;
- (3) Confinement of an Animal in a secure enclosure;
- (4) Reduction of the number of Animals kept at any one location;
- (5) Removal of an Animal from the custody of the Animal's Owner or custodian in cases of neglect or Cruelty;
- (6) The sterilization of an Animal;
- (7) A ban on maintaining other Animals; and
- (8) Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.

4545. Appeals.

Any person aggrieved by any decision of the Animal Control Officer or other enforcement officer, except the issuance of a infraction citation, may appeal the same to the director of public works by filing a written appeal with the director within five (5) days of receiving notice of the decision.

4546. Enforcement.

The Animal Control Officers 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. It shall be a violation of this chapter to interfere with the Animal Control Officer or other enforcement official in the performance of his duties.

4547. Violations and Penalties.

4547.1 Generally.

It shall be a violation of this chapter to:

- (1) Fail to comply with any provision of this chapter;
- (2) Fail to comply with any lawful order of the Animal Control Officer, or member of the sheriff's department, unless such order is lawfully stayed or reversed; or
- (3) Fail to pay any fines, civil penalties or costs imposed by the 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 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.

4548. Conflicting Ordinances.

Any other Ordinance of Jackson County, Missouri, that is in conflict with this chapter is hereby repealed to the extent of such conflict.

4549. Severability.

The provisions of this chapter are declared to be severable. If any section, sentence, clause, or phrase of the chapter shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this chapter, but they shall remain in effect; it being the legislative intent that this chapter shall remain in effect notwithstanding the validity of any part.

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

APPROVED AS TO FORM:

County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3169 of August 13, 2001 was duly passed on _____ August 27 _____, 2001 by the Jackson County Legislature. The

votes thereon were as follows:

Yeas _____7_____ Nays _____0_____

Abstaining _____0_____ Absents _____2_____

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

Date

Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #3169.

Date

Katheryn J. Shields, County Executive