

AN ORDINANCE ADOPTING ANIMAL CONTROL REGULATIONS FOR THE VILLAGE OF LOCH LLOYD, MISSOURI.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH LLOYD, MISSOURI AS FOLLOWS:

SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal.

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.

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, and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

Adequate shelter means a structurally sound, properly ventilated, 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 condition of the shelter should be such as to not exacerbate existing weather conditions, e.g., a metal doghouse in the hot sun.

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. Such water will be provided in a secure manner so that the container cannot be overturned.

Animal means any live, vertebrate creature, domestic or wild, other than humans.

Animal shelter means the facilities operated by the Village's authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law.

Dangerous dog means a dog that:

- (1) Has inflicted serious physical injury on a human being without provocation on public or private property; or

- (2) Has killed a domestic animal, or other animal protected under federal, state or local rules without provocation while off the owner, keeper or harborer's property; or
- (3) Has been known to bite or attack a human being, without provocation, two or more times.

Dog means any breed of canines recognized by an American, Canadian, European or other reputable kennel club, or any mixture of those breeds, exclusive of any portion of wolf, coyote or other wild canid breeding.

Domestic means any species of animal bred by human beings through several generations to select and successively achieve those qualities of domestication required for the animals to live and/or work successfully with human beings.

Fowl means any and all fowl, domesticated and wild, male and female, single and plural.

Harboring means any person who offers asylum, refuge or sanctuary to any animal on a basis so temporary as to not be deemed to be owning or keeping.

Owning and keeping means any person who feeds or shelters any animal for three or more consecutive days or who professes ownership of such animal.

Pit Bull means

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- ~~(1) Staffordshire bull terrier breed of dog;~~
 - ~~(2) The American pit bull terrier breed of dog;~~
 - ~~(3) The American Staffordshire terrier breed of dog;~~
 - ~~(4) Any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier, American Staffordshire terrier, or American pit bull terrier, as to be identifiable as partially of the breed of Staffordshire bull terrier, American Staffordshire terrier, or American pit bull terrier;~~
 - ~~(5) Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and other breeds commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of any of these breeds.~~

Primary enclosure means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment, pool or hutch.

Proper enclosure to confine the dog means:

- (1) A securely confined indoor area of the owner's or keeper's premises, or a securely enclosed and locked pen, kennel, or other exterior structure on the premises, suitable to prevent the entry of young children or human extremities and designed to prevent a dangerous dog from escaping; and,

- (2) A pen, kennel or other structure having secure sides and a secure top, and providing adequate shelter from the elements for the dog; and,
- (3) If a pen, kennel or structure has no bottom secured to the sides, the sides are embedded not less than two feet into the ground; and,
- (4) Doors, windows or other openings enclosed solely by wire or mesh screening shall not be considered a proper enclosure as defined in this subsection.

Provocation means taunting, teasing, willfully causing undue pain, or unlawfully entering upon or into the property of the owner or keeper.

Public nuisance means any animal which:

- (1) When unprovoked, chases or approaches a person upon public property or any private property other than the property of the dog's owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not the person is injured.
- (2) Attacks any other animal.
- (3) Is in heat and not properly confined as provided in section 4.
- (4) Is at large in violation of section 5.
- (5) Damages public or private property.
- (6) Impedes refuse collection by ripping any bag or tipping any container of refuse.
- (7) Bites or attacks a human being, without provocation, one time.

Sanitary means clean and free from infectious or deleterious influences.

Serious physical injury means a physical injury that results in broken bones or disfiguring lacerations requiring sutures or cosmetic surgery.

Under control means control by leash so as to thereby be restrained from approaching a bystander or another animal or from causing or being the cause of physical property damage or personal injury, when off the premises of the owner or keeper.

Unfit owner means any person who by past violations and convictions has proven himself or herself unworthy to own, keep or harbor a pet in the Village.

Veterinary medical care facility means a facility which has the primary function of providing medical care for animals and is operated by a currently licensed veterinarian.

SECTION 2: ANIMAL CONTROL OFFICER

The Board of Trustees may appoint an animal control officer to administer and enforce this ordinance and the Board may, either in lieu of or in addition to the appointment of an animal control officer, enter into a contract with any person, firm, corporation, organization or agency for the administration and enforcement of this ordinance.

SECTION 3: VACCINATION REQUIRED

An owner or keeper of a dog, cat or ferret, shall have such dog, cat or ferret vaccinated against rabies in accordance with Compendium of Animal Rabies Prevention and Control issued by the National Association of State Public Health Veterinarians, Inc. (NASPHV). The animal control officer may require an owner to produce a certificate from a licensed veterinarian as proof of the vaccination.

SECTION 4: CONFINEMENT OF DOGS IN HEAT

The owner, keeper or person harboring any female dog shall, during the period that such animal is in heat, keep it securely confined and enclosed within a building except when out upon such person's premises briefly for toilet purposes while on leash or otherwise effectively physically restrained. For the purposes of this section, the term "briefly for toilet purposes" shall consist of a maximum time of 15 minutes on each separate occasion.

SECTION 5: DOGS RUNNING AT LARGE--PROHIBITED--EXCEPTION

A. It shall be unlawful for any person owning, keeping or harboring any dog to permit, suffer or allow the dog to run at large within the Village. For the purpose of this section, any dog shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harbinger to run at large when found outside of the residence structure of the owner, keeper or harbinger and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape, provided however, that properly functioning invisible (underground electric) fences shall be deemed a suitable fence.

B. It shall be unlawful for any owner, keeper or harbinger of a dog to allow said dog to be restrained in any such manner as to allow the animal to be upon the private property of another person without that person's permission. In attached residential structures where more than one party occupies a property, no animal may be chained, fenced or otherwise restrained in a common-ground area shared by more than one tenant.

C. A legally blind, deaf or physically disabled person using a guide, hearing or service dog in the customary manner shall be deemed to be in compliance with this section.

D. Official use of dogs by any governmental unit shall be deemed in compliance with this section.

E. Any person permitting or allowing a dog to run at large within an "off-leash dog area" established by the Board of Trustees (pursuant to motion after obtaining the property's owner written consent) shall be deemed to be in compliance with this section, subject to the following rules and regulations:

1. The off-leash dog area is for dogs, their handlers and those accompanying them. No other use is allowed.
2. All dogs must be vaccinated.
3. No dogs under 6 months of age.
4. No female dogs in heat.
5. Dogs must be on leash when entering and exiting the off-leash dog area.
6. Dogs must be under control of their handler and in view of their handler at all times.
7. No spiked collars.
8. Children under age 13 must be accompanied by an adult.
9. Handlers must be 13 years of age or older.
10. Handlers must have possession of the dog leash at all times.
11. Maximum of two dogs per handler.
12. Handlers must "scoop the poop."
13. Handlers must fill all holes dug by dog(s) under their control.
14. No food or drinks in glass containers - training treats are allowed.
15. Dogs must be removed from the off-leash dog area at the first sign of aggression.
16. No animals other than dogs shall be permitted in the area.
17. Handlers are responsible for any injuries caused by the dog(s) under their control.
18. Users of the facility do so at their own risk. Neither the Village nor the respective landowner shall be liable for any injury or damage caused by any dog in the off-leash area.

SECTION 6: LIMITATION ON NUMBER OF DOGS, CATS, AND FERRETS

A. It shall be unlawful for any person in charge of a residence to own, keep or harbor more than two dogs or two cats, or any combination of such animals exceeding two in number, over the age of 120 days at such residence for more than forty-five (45) days.

B. It shall be unlawful for any person to own, keep or harbor more than two ferrets.

C. When animals in excess of the limit established in this section are found at a residence, all of the animals found at the residence may be removed to the animal shelter, except that the person in charge of the residence, if present, may designate and retain up to two cats or dogs and two ferrets.

SECTION 7: ANIMAL WASTE

It shall be unlawful for any person owning or in the control of any animal within the Village, to allow or permit such animal to defecate on any private or public property other than such person's own premises, unless such person shall remove such waste within one (1) minute of the deposit.

SECTION 8: EXCESSIVE NOISES PROHIBITED

No person shall own, keep or harbor any animal which by making excessive noise disturbs a neighbor.

The following definitions and conditions shall be specially applicable to enforcement of the prohibition set out in this section:

- (1) The phrase "excessive noise" shall mean and include any noise produced by an animal which is so loud and continuous or untimely as to disturb a neighbor.
- (2) The term "neighbor" shall mean an individual residing in a residence structure which is within 100 yards of the property on which the animal is owned, kept or harbored and who does in writing state that he will testify under oath to the animal making excessive noise.
- (3) If a general ordinance summons is issued charging violation of this section, a subpoena shall also be issued to the disturbed neighbor to testify in the matter.

SECTION 9: IMPOUNDMENT

A. When:

(1) The animal control officer shall have the power to catch, confine, and impound dogs, cats and other animals as follows:

- a. All female dogs or cats not securely confined in an enclosed place, while in heat;
- b. All dogs which are at large;
- c. All animals infected or suspected of being infected with rabies including animals known to have been bitten by a rabid animal, whether the animal to be impounded is running at large or on a leash or whether it is confined to its owner's premises;
- d. All unconfined or unleashed animals with fierce or dangerous propensities;
- e. Dogs or cats not vaccinated for rabies in accordance with section 3;
- f. Dogs or other animals which have bitten a person or animal or which have been bitten by a dog or animal suspected of having rabies, or which are suspected of having rabies, or have been exposed to rabies;
- g. Any animal defined as a public nuisance by this ordinance;

(2) Dogs or other animals impounded in accordance with this section shall be impounded under the supervision of and in a manner satisfactory to the animal control officer.

(3) Every animal impounded under provisions of this regulation, which is found upon arrival at the pound to be diseased or injured, and whose owner is unknown after due diligence or relinquishes ownership in writing, shall be euthanized.

(4) If an owner or keeper is present or can be located, in lieu of impoundment a general ordinance summons may be issued to that person and such person may retain possession of the

animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other section of this ordinance.

(5) Whenever any animal is impounded, the animal control officer shall release the animal upon satisfactory proof that the party claiming the animal is entitled to possession thereof and all impoundment fees have been paid. However, if an animal is deemed to be a danger to the public health and safety, the animal control officer may retain such animal and refuse redemption of such animal. If the animal control officer has evidence which indicates that a person has been convicted of animal abuse or severe neglect within a five-year period, the animal control officer may refuse to redeem a pet to such a person based on his or her being an unfit owner.

B. Non-rabid animals – claiming. Any animal captured or impounded, as authorized herein, and determined not to be infected with rabies may be redeemed by the owner or other person having the right of possession of such animal, upon the presentation of a proper vaccination certificate, and upon payment of a shelter service fee when applicable. If the animal is not claimed in the manner provided herein, within five (5) days after its capture, such animal shall be disposed of by euthanasia or sale as directed by the animal control officer. Before release by such sale, the buyer shall have the dog vaccinated and registered and pay the shelter service fee provided herein.

SECTION 10: RABIES

A. Any dog, cat or other animal which exhibits objective symptoms suggestive of rabies may, after written certification by the animal control officer to the owner, be impounded on or off the property of the owner. This animal shall be held for ten (10) days at the impounding facilities for clinical observation and, if alive and healthy at the termination of this period, shall be returned to the owner after payment of the shelter service fee. As an alternative procedure, the owner, at his/her own expense, may designate any veterinary medical care facility for a similar ten (10) day period. If such animal shall die, during the observation period, regardless of the location, the head shall be removed and submitted to a qualified laboratory for examination.

B. Any person within the Village having information or knowledge of any animal that:

- (1) exhibits clinical symptoms suggestive of rabies,
- (2) has been exposed to rabies, or
- (3) is suspected of having rabies

shall report such knowledge or information to the animal control officer.

C. No person shall refuse to deliver up to the animal control officer any dog, cat or other animal infected or exposed to rabies, which such person owns, when requested to do so under the provisions of this ordinance.

SECTION 11: ANIMAL BITE--PROCEDURE

A. The owner of any dog, cat or other animal which bites any person, regardless of the circumstances, or irrespective of whether such animal is vaccinated, shall be required to place such dog, cat or animal in the custody of the animal control officer for confinement in a manner satisfactory to the animal control officer and in a manner that will prevent contact with people and other animals for a period of ten (10) days, following the evening of the day of the bite, for the purpose of clinical observation. All expenses shall be borne by the owner of the dog, cat or other animal. As alternative procedures, the owner, at his/her own expense, may designate any veterinary medical care facility for a similar ten (10) day period or confine the dog, cat or animal in his/her residence for a similar ten (10) day period.

B. It shall be the duty of any person bitten by any animal or the parent or guardian of any minor bitten by an animal to report the same to the animal control officer immediately. Such report shall contain the name and address of the owner and of the animal, the day and time bitten, the location where bitten, and a general description of the animal.

SECTION 12: ANIMALS AS PUBLIC NUISANCES

A. No person shall own, keep or harbor any dog or other animal that is not securely confined, which by attempting to bite, jump upon, charge toward or otherwise threaten any other person shall cause such other person to have a reasonable fear of immediate serious physical injury. Any person cited pursuant to this subsection may state as a defense subject to proof that the threatening behavior of the animal was instigated or provoked by the complainant or that the fear expressed by the complainant was not a reasonable fear of immediate serious physical injury, and the court shall give any such defense such weight as the court in its judicial discretion finds to be appropriate in the circumstances of the case.

B. It shall be a violation to own, keep or harbor any animal within the Village as a public nuisance.

C. No person shall own, keep or harbor any dog or other animal in such manner as to hinder, obstruct or interfere with access to an outside utility meter, utility pole or mailbox by any authorized employee of the utility or postal service. Any dog or other animal so owned, kept or harbored as to hinder, obstruct or interfere with access to an outside utility meter, utility pole or mailbox may be removed by the animal control officer and taken to the animal shelter.

SECTION 13: DANGEROUS DOGS

It shall be unlawful to own, keep or harbor or in any way possess a dangerous dog.

SECTION 14: PROHIBITED ANIMALS

A. No person may own, keep or harbor upon his premises any chickens, ducks, geese, turkey, pigeons, hogs, goats or other domestic fowl. No person may own, keep or harbor any horse,

pony, burro, mule or other equine on land that is subject to the Declaration of Covenants, Conditions and Restriction for Loch Lloyd as of the date of this Ordinance.

B. The keeping or harboring of dangerous animals other than dogs within the Village is hereby prohibited. Other than as to dangerous dogs, the animal control officer shall have the authority and responsibility to declare an animal dangerous because of past behavior, violations, potential spread of zoonotic disease, or the inherently dangerous nature of the animal as to persons. Such declaration shall be made in writing and shall include the date of and reasons for the declaration. Upon request the animal control officer shall provide a copy of the written declaration to the requesting person. Such a declaration shall be grounds for the impoundment and destruction of the animal unless, without danger to the public, it can be and is removed from the Village within 48 hours after being declared dangerous. If such animal is found again in the Village limits, it will be immediately impounded and promptly destroyed or disposed of.

C. Except insectivores animals, it is unlawful to keep or harbor any poisonous animal or any carnivorous or omnivorous animal and including but not limited to nonhuman primates, all nondomestic cats including bobcats and lynx, ocelots, mountain lions, tigers, panthers, lions, or any wild/domestic cat hybrid, wolves, wolf/dog hybrids with any percent of wolf parentage, raccoons, skunks, foxes, crocodiles, alligators and caimans. Nonpoisonous snakes shall be kept in locked escape-proof cages, except when being handled. It shall be an ordinance violation for an owner, keeper, harbinger or handler to permit a snake or lizard to escape from a cage or while being handled.

~~D. It shall be unlawful to own, keep, harbor or in any way possess a pit bull.~~

E. Nothing contained in this Ordinance shall prohibit the keeping of domesticated rabbits.

SECTION 15: CRUELTY TO ANIMALS PROHIBITED

A. Adequate care required; inspections. No owner or keeper of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care and adequate shelter. Such shelter shall be clean, dry, shaded and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise as determined by the animal control officer. This requires that an owner must offer some freedom from continuous chaining, stabling and tethering. Any restraint placed on an animal must be such that it prevents the animal from being tangled or injured by the restraint. Grooming of animals is also required so that they are free from dangerous matting which can affect their health. The area where animals are kept must also be kept free from unsanitary conditions, vermin-harboring debris, junk or any other dangerous protuberances which can provide an opportunity for injury or a danger to the animal's health. Any owner, keeper or harbinger of an animal in this Village, by the act of owning, keeping or harboring such animal, does thereby authorize the animal control officer to enter the yard where such animal is kept if the animal control officer reasonably believes that the animal is kept in an unlawful, negligent, cruel, abusive or inhumane manner, and to examine such animal and to seize and impound such animal at the animal shelter when, in the examiner's opinion, it is being kept in an unlawful, negligent, cruel, abusive or inhumane

manner. If an animal control officer cannot view and observe the animal in plain sight, the owner, keeper or harbinger, upon request, must exhibit for inspection any and all animals which are not in plain sight but are on or inside the premises.

B. Abuse of animals; fighting animals. No person shall beat, cruelly ill-treat, torment, tease, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight or other combat between animals or between animals and humans; and any animal so used shall be seized, impounded and promptly humanely destroyed. In addition, no person shall place or attempt to place an animal in an enclosure or in any other place for the purpose of fighting or combat. No person shall attend such unlawful exhibition or be umpire, judge or spectator at such exhibition.

SECTION 16: VIOLATION AND PENALTIES

The violation of, failure to comply with or the committing of any act prohibited in any provision of this ordinance shall constitute an unlawful act and upon the conviction of such unlawful act, unless a penalty has been otherwise specified within this ordinance, the person so convicted shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and each day that such unlawful act continues to be committed shall constitute a separate offense.

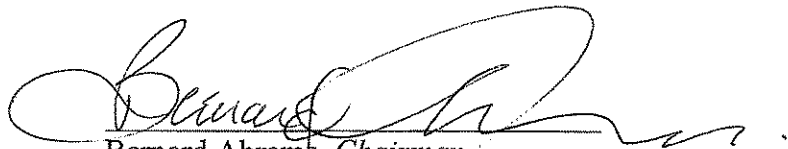
SECTION 17: EFFECTIVE DATE/REPEALER

This ordinance shall be in full force and effect from and after the date of its passage. Ordinance No. 04-06 is hereby repealed.

SECTION 18: SEVERABILITY

The sections of this ordinance shall be severable. In the event any section of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining sections of this ordinance are valid unless the court finds the valid sections of this ordinance so essentially and inseparably connected with, and so dependent upon the void section, that it cannot presume that the Board of Trustees would have enacted the valid sections without the void ones; or unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

PASSED by the Board of Trustees of the Village of Loch Lloyd, Missouri, this 17th day of December, 2015.


Bernard Abrams, *Chairman*

ATTEST:


Wayne Little, Village Clerk