

CHAPTER 4.

A N I M A L S

Section 4-1 Animals at Large.

It shall be unlawful for any person within the corporate limits of Nixa, Missouri, to allow a dog, bitch, or pup to run at large. Any dog shall be deemed to be at large when he is off the property of his owner and not physically restrained by a competent person. All owners of dogs shall confine the dogs to an enclosed area on their property, or confine their dog to a leash, or a chain in such a manner as to at all times have full control of the dog or dogs.

Section 4-2 Vaccination of Animals.

All dogs, cats, and other household pets for which a rabies vaccination is available shall have a current vaccination for rabies, if kept within the corporate city limits. All dogs, cats and other applicable household pets shall wear a vaccination tag and shall present documentation that the proper inoculation has been given by a state-licensed veterinarian, when license tag is purchased.

Section 4-3 Dog Licenses.

There shall be a licensing tax imposed of \$3.00 each on all dogs that are not spayed or neutered and kept as pets within the City Limits of Nixa, Missouri. This licensing tax must be paid by the owner or owners of any dog provided that the animal is more than 12 weeks of age.

The fee for licensing a spayed or neutered dog will be \$2.00; but, in order to receive this reduced fee, the owner must present verification from a licensed veterinarian of the procedure. All owners must present evidence of vaccination to obtain an animal license.

Section 4-4 Affixing Dog Tags

The owner of any dog shall ensure that all city and/or vaccination tags are properly affixed by a permanent metal fastening device to the collar of the dog in such a manner that the tag may be easily seen by anyone that comes in contact with the dog. It shall be the responsibility of the owner to ensure that the tags are constantly displayed on the dog. It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, or metallic license tag or rabies vaccination tag from any licensed animal.

Section 4-5 Responsibility of Parent or Guardian

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, or in the control of, or harbored by the minor child. Responsibility will include any and all compliance with the sections of this Chapter.

Section 4-6 Loose Dogs to be Impounded.

All dogs found to be running at large by the Chief of Police shall by him, or his agents, be taken into custody and impounded in the City Dog Pound, and to remain a minimum of five days, and if not claimed at the end of five days, then at the discretion of the Chief of Police, said dog or dogs may be turned over to another agency or destroyed by a licensed veterinarian.

All animals to be claimed by an owner shall show proof of rabies vaccination and a city license, if applicable. If said owner is not able to show proof of vaccination, the person claiming responsibility of the dog must prepay a licensed veterinarian's office and show proof of payment to the city official releasing the dog.

If said owner claiming responsibility of a dog cannot show proof that the dog is registered with the City of Nixa, the owner will be required to purchase a city pet license through City before the animal is released.

Section 4-7 Fee for Impounded Dogs.

Any owner claiming a dog impounded at the facility will pay a service/storage fee for the return of the animal based upon the following:

- A) A \$20.00 service fee plus a \$3.00 per day boarding fee for any unlicensed and/or unvaccinated dog
- B) A \$15.00 service fee plus a \$3.00 per day boarding fee for a licensed and/or vaccinated dog. The owner must provide verification that the vaccination and/or license were current at the time of impounding.

Section 4-8 Impounding of Animals.

The Animal Control Officer may impound any animal for up to 10 days if evidence suggests that the animal was involved in a biting incident.

Section 4-9 Limitation on Number of Cats or Dogs Kept as Pets.

No household located within the R1 zoned district(s) shall possess more than four (4) dogs, or four (4) cats, or a combination of either dogs or cats provided the combination of animals shall not exceed more than four (4) animals.

No household located within the R3, R4 or R5 zone district(s) shall possess more than two (2) dogs, or two (2) cats or a combination of either dog or cat provided the combination of animals shall not exceed more than two (2) animals.

Any household that has more than the prescribed numbers of animals at the time of the enactment of this ordinance from which this subsection is derived November 10, 2008 may continue to keep the same number of dogs or cats provided such persons register these animals with the City in accordance with the prescribed procedures set forth herein within six months after the passage of such ordinance upon payment of all associated fee(s); provided, however in no event shall such person add to or replace such animal(s), and that in no event shall the right to keep more than four (4) animals, within the R1 zone districts, and two (2) animals, within the R3, R4 or R5 zones districts, under the provisions in this subsection be more than five years unless otherwise extended by the city council.

The City of Nixa will not issue any business license to operate a kennel within any residential area of the City. (#1591 6/08)

Section 4-10 Dog litters

In the event a dog shall have puppies on any premises within the city the puppies shall be weaned and removed from the property no later than four (4) months from the date of birth.

Section 4-11 Biting Dogs –Observation period.

The owners of any dog which bites any person regardless of the circumstances, and whether the dog has been vaccinated or not, shall be required to place the animal in a veterinary hospital maintained by a licensed veterinarian or a city approved facility with daily visits from a licensed veterinarian, for clinical observation, for a period of at least ten (10) days following the evening of the bite. Any dog impounded in accordance with the provisions of this Chapter for biting a person may be placed in a veterinary hospital by a representative of the City. All expenses for such placement and observation shall be borne by the owner of the dog, or the person accepting such dog if it is released in accordance with the provisions hereof. If such animal shall die for any reason while in confinement, the head of such animal shall be removed by the veterinarian and submitted to any qualified official laboratory. If at the end of the ten (10) day period, the animal is alive and has developed no symptoms suggestive of rabies, it may be released to its owner or other person in accordance with the other provisions of this Chapter, upon payment of all charges authorized herein for impounding and caring for said dog, in addition to all charges for the placement and observation of said dog in the veterinary hospital. No such dog shall be released until all conditions of this Chapter have been complied with, including rabies vaccination paid for by the owner or person accepting such dog, and the attachment of any identification tag to the dog.

Section 4-12 Animal Defecation.

No person owning or responsible for an animal shall permit the animal to defecate on any public property or right of way or upon any private property not owned or leased by the person owning or responsible for the animal. The owner or responsible party of the animal shall be responsible for the removal of any excreta.

Section 4-13 Nuisance Animals.

It shall be unlawful for any person or persons to keep on their premises any animal that continues to make loud barking, yapping, howling, crowing, meowing, or any other noise, OR produces a foul odor creating a nuisance to the neighborhood when the keeping of said animal or animals who, by frequent or long continuing noise or odor as previously described, shall unreasonably disturb the comfort or repose of any person in the vicinity. (#1622 11/09)

Section 4-14 Unclean Animal Enclosures.

No person shall confine or keep within the City of Nixa, any animal or fowl in any unclean or filthy pen, shed or other enclosure so as to be harmful to the animal or a nuisance to the community, or emits a noxious odor which is an annoyance to any inhabitant of the neighborhood.

Section 4-15 Interference with an Animal Control Officer or Authorized Person in Possession of an Animal at the request of an Animal Control Officer, or unauthorized access to the pound or equipment.

It shall be unlawful for any person to interfere with the official duties of an Animal Control Officer or his designee as long as the duties are in compliance with the Ordinances for the City of Nixa, or any other state or Federal Law.

It shall be unlawful for any person to break open the pound or any transporting device in an attempt to remove, release or retrieve any animal under the control of an Animal Control Officer or other authorized person.

Section 4-16 Disposal of Dead Animals

No person shall deposit, or cause to be deposited, the carcass of any dead animal in the streets, roads, alley woods or waters within the corporate limits for the City of Nixa.

The burial of any carcass upon private property shall be done in compliance with RSMo 269.020.

Section 4-17 Knowingly Releasing an Animal (RSMo 578.029)

A person commits the crime of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

As used in this section "animal" means every living creature, domesticated or wild, but not including Homo sapiens.

The provisions of this section shall not apply to a public servant acting in the course of such servant's official duties.

Intentionally releasing an animal is a class B misdemeanor except that the second or any subsequent offense is a class D felony. (L. 2001 S.B. 462)

Section 4-18 Animal Abuse

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

- 1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030, RSMo;
- 2) Purposely or intentionally caused injury or suffering to an animal; or
- 3) Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

B. For the purpose of this section, "animal" shall be defined as any mammal.

Section 4-19 Animal Neglect and Abandonment

A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.

Shelter (Adequate): A protective cover for any domestic animal (considering the species) which provides adequate space to maintain the animal's health and prevents pain, suffering or a significant risk to the animal's health.

(a) Adequate shelter includes, but is not limited to the following:

1. Sufficient coverage and insulation to protect an animal from hot and cold temperatures
2. Sufficient protection from the elements to keep the animal dry.

3. Sufficient shade and ventilation to prevent an animal from dehydrating; and
4. Adequate bedding or nesting area suitable for the breed, size and medical condition of the animal.

(b) Adequate shelter is structurally sound housing, which is provided with:

1. Adequate space;
2. Four solid walls or an “igloo” type structure;
3. A roof;
4. A dry floor that is either:
 - a. Solid
 - b. Grids - provided the animal can easily stand, walk, lie on the grids without its feet or body parts being caught or damaged. The grids and area under the grids must be designed so they can be cleaned and sanitized.
5. An entrance; and
6. Adequate space for the number of animals on the property.

(c) Materials not suitable for shelters include, but are not limited to:

1. Inadequately insulated containers;
2. Crates with exposed sharp edges;
3. Metal or plastic drums;
4. Abandoned or parked vehicles;
5. Porches or decks;
6. Lean-tos;
7. Cardboard;
8. Trampolines;
9. Pallets;
10. Any other structure that is not safe or suitable for housing or fails to provide sufficient protection against the elements.

Section 4-20 Animals Transported in or by a Motor Vehicle

Any person shall be in violation of this section who:

(A) Transports an animal in or by a motor vehicle unless it is either:

- a. Fully enclosed within the vehicle or a trailer;
- b. Protected by a belt, halter, tether, cage, container or other means which will prevent the animal from falling, jumping, or being thrown from the motor vehicle or trailer and will protect the animal or others from harm.

(B) Leaves an animal in a parked vehicle when temperatures in or outside the vehicle may affect the animal’s health and welfare, or if the conditions

inside or outside a parked vehicle constitute an imminent threat to the animal's health or safety.

This section also permits the Animal Control Officer or any law enforcement officer to remove an animal from a parked or abandoned vehicle in order to protect the health and safety of the animal.

Section 4-21 Vicious/Dangerous or Offensive Dogs and Other Animals.

- A. No person shall own, keep, harbor or allow being in or upon his/her premises any dangerous dog or other animal unless it is confined in accordance with the provisions of this Section. For the purpose of this Section, the terms “*vicious*” and “*dangerous*” are considered synonymous, and from this point forward the use of one term shall be applicable to the other. A dog or other animal shall be considered dangerous by virtue of:
 - 1. Having inflicted a severe or fatal injury on a human being or public or private property. “*Severe Injury*” means any physical injury, resulting directly from an animal's bite or strike which results in death, broken bones, lacerations requiring stitches, or hospitalization.
 - 2. Having killed a domestic animal, livestock, or poultry without provocation, while off of the owner's property;
 - 3. Owning or harboring primarily or in part for the purpose of fighting or any animal trained for fighting;
 - 4. Having bitten in an aggressive manner a human being, without provocation, on public or private property;
 - 5. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property, in a menacing fashion indicating the apparent attitude of attack, regardless of whether or not a person is injured by the animal, or;
 - 6. Being an animal with a known propensity, tendency, or disposition to attack when unprovoked, and in the opinion of the Animal Control Officer or a Police Officer presents a threat of injury or otherwise demonstrates a threat to the safety of human beings or domestic animals.

- B. Any dog or other animal associated with a bite inflicting a non-severe injury, or any bite inflicted in response to provocation or in the reasonable defense of the owner's property and/or the owner, may be exempt from having the dog or animal classified as a vicious/dangerous animal, but the owner may still face penalties for an Offensive Animal.
 - 1. An offensive animal shall be any dog or other animal that inflicts a non-severe injury substantially different in nature than that which is described under Sub-Section A of this Section or exempt under Sub-Section B of this section, and shall be determined after an investigation by the Animal Control Officer.

- C. Otherwise, a dog or animal may be declared vicious/dangerous if:
1. A written complaint (citation) is signed by the individual attacked or their legal guardian, or by the Animal Control Officer, Police Officer or his/her designee.
 2. A conviction of the owner of the dangerous dog or other animal occurs in the Municipal Court for the City of Nixa or Circuit Court of Christian County or any other city or state jurisdiction of an offense requiring the Court to find that the dog or other animal is dangerous or vicious.
 3. When the owner of a dog or other animal moves into the City limits of Nixa with an animal that was registered as a dangerous animal in another city or state.
- D. Any dog or other animal having a dangerous dog or animal complaint initiated against such animal shall be securely impounded at an approved location by the Animal Control Officer until determination of guilt occurs in Municipal Court for the City of Nixa or Circuit Court of Christian County. The owner of said dog or other animal shall be responsible for all costs incurred per Sections of this Code while said animal is impounded. Any animal not reclaimed (if allowed by the court) by its owner within five (5) days after the judicial action is completed shall be disposed of pursuant to Sections of this Code.
- E. Any person charged with a violation of this Section who, having been duly notified fails to appear in the Municipal Court for the City of Nixa or Circuit Court of Christian County, shall upon order of the court; waive their right to redeem their dog or other animal. The dog or other animal shall be disposed of pursuant to Sections of this Code.
- F. Any dog or other animal deemed dangerous under this Code shall not be sold or given away without prior notification to the Animal Control Officer. The person buying or receiving said animal shall provide their address and/or any other pertinent information desired by the Animal Control Officer
- G. No dog or other animal shall be declared dangerous pursuant to any part of this Section of the threat, injury or damage caused by said dog or animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or animal, or was tormenting, abusing, or assaulting the dog or animal, or was committing or attempting to commit any crime. Nor shall any dog or other animal be declared dangerous if it was responding to pain or injury, or was protecting itself, its kennel or offspring. Dogs utilized as part of a K-9 Police Program and supervised by Police Personnel are exempt from these regulations during the performance of official duty.

H. Upon the declaration of “dangerous” for any dog or other animal by any court, the following sanctions may be imposed upon the owner:

1. Any dog or other animal that inflicts a severe or fatal injury upon a human being may be deemed an imminent threat to the public and ordered removed from the City limits of Nixa or humanely euthanized by the court.
2. Upon conviction of any person for violating any required portion of these sanctions, the Municipal Court Judge may, in addition to the usual judgment, order the Animal Control Officer to forthwith take up and humanely euthanize said animal
3. Sanctions imposed by the court are to be implemented to the Animal Control Officer’s satisfaction within seven (7) days after the court ruling, or the dog or other animal may not be reclaimed and may be disposed of pursuant to Sections of this Code.

Section 4-21A Prohibited Animals

- A. It shall be unlawful for any person to keep or maintain any prohibited animal that may emit noises or odors, which disturb the peace of the community.
- B. Prohibited Animals Defined: Are animals classified as livestock, fowl, poultry, wild game, and certain breed of animals that might otherwise be classified as domesticated animals, when such animal creates a noise or odor offensive to the public.
- C. Agricultural Property Defined: Any property designated or zoned by the City of Nixa as Agricultural, including property grand-fathered as previously being agricultural or currently possessing prohibited animals at the time this section is adopted. Animals kept on any agricultural property that was not previously zoned agricultural (or grand-fathered) at the time this section was adopted must meet the following requirements:
 1. The Property owner must keep any animals 100 feet away from the property line of any dwelling other than the property owner’s dwelling.
 2. Property owners must keep any animals 50 feet away from the property line of any church, school or business.
 3. A property owner must live on the property with the animals or within 1 mile of the property where the animals are kept.
 4. Property owners with animals on the property must provide the state recommended amount of pasture or space per animal.
 5. Property owner must also comply with section 4-13 (Nuisance Animals).
 6. Property owners must provide proof of property insurance, owner name, phone number, address and emergency contact information to the Nixa Animal Control Officer.
 7. Property and animals must be maintained according to City Code and State Statutes.

- D. Any property that is permitted to maintain a prohibited animal as a result of being grand-fathered through the adoption of this section, may only replace an animal after receiving authorization from the Nixa Board of Alderman.(#1622 11/09)

Section 4-22 Fines

Any person found in violation of section 4-1, 4-3, 4-4, 4-5, 4-9, 4-10, 4-12, 4-13, 4-14, and 4-20 shall be subject to a fine of no less than \$10 and no more than \$25, plus the cost of registration, if applicable; except that repeat violations within a twelve-month period may face an accelerated fine of no more than \$50 per offense.

Any person found in violation of section 4-2, 4-16, 4-17, 4-18, 4-19 and 4-21A shall be subject to a fine of no less than \$25.00 and no more than \$50.00 per violation; except that repeat violations within a twelve-month period may face an accelerated fine or no more than \$100 per offense.(#1622 11/09)

Any person found in violation of section 4-15 shall be subject to a fine of no less than \$100 and no more than \$500.

Any person found in violation of Section 4-21 shall be subject to a fine of no less than \$100 and no more than \$250; except that repeat violations may face an accelerated fine of no more than \$500 and/or ninety days in jail. The fine may be imposed in addition to the sanctions outlined under Section 4-21 (H). (#1560 11/08 all Chapter 4 repealed and replaced)