



Issue: COUNCIL BILL NO. 2022-011: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 6 OF THE NIXA CITY CODE BY MODIFYING SECTIONS 6-4 AND 6-5 SO THAT VIOLATIONS OF SAID SECTIONS APPLY TO CERTAIN ANIMALS WITHIN THE CITY LIMITS REGARDLESS OF WHERE THE ANIMAL IS KEPT.

Date: January 5, 2021

Submitted: Nick Woodman, City Attorney

Background

While reviewing the City's animal regulation code, staff discovered a potential loophole concerning Sections 6-4 and 6-5 of the City Code. Section 6-4 provides the City's animal at large regulations and section 6-5 contains the City's rabies vaccination requirement for certain animals.

Both of these sections, as currently written only apply when the animal is kept within the corporate limits of the City. This poses an enforcement issue when County residents allow their animals to run at large within the City limits.

Analysis

The proposed modifications to sections 6-4 and 6-5 as set forth in the above referenced Council Bill will allow the City to utilize an important tool to protect the health, safety, and welfare of the residents of the City. The proposed modifications would change the code sections' focus from where the animal is kept or domiciled to the animal's presence within the corporate limits of the City. Meaning, if an animal is present within the City without a rabies vaccination, then that is the violation, regardless of whether the animal is kept or domiciled within the City.

Additionally, staff is proposing to add the language "or other animal" to section 6-4. This will provide the Police Department with an additional enforcement tool should an animal not specifically referenced in the section is at large within the City.

Recommendation

Staff recommends approval of the above referenced Council Bill.

Attachments:

Attachment 1 – Clean version of the proposed amendments.



Sec. 6-4. Animals at large.

It shall be unlawful for any person to allow a dog, chicken, miniature pig, or other animal to run at large within the corporate limits of the city. Any dog, miniature pig, or other animal shall be deemed to be at large when it is off the property of its owner and not physically restrained by a competent person. All owners of dogs, miniature pigs, or other animals shall confine such animals to an enclosed area on their property, or confine their dog, miniature pig, or other animal to a leash, or a chain in such a manner as to at all times have full control of the animal. Any chicken shall be deemed to be at large when it is not confined to the enclosed area of the owner's property as described in section 6-13. For purposes of this section, miniature pig shall have the same meaning as such term is used in section 6-13 of the city code.

Sec. 6-5. Vaccination of animals.

It shall be unlawful for any person to allow any dogs, cats, and other household pets for which a rabies vaccination is available to permit such animal to be present within the corporate limits of the city without shall have a current vaccination for rabies. 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 obtaining a City animal license tag as required by section 6-37 of the City Code. Miniature pigs, as such term is defined in section 6-13 of the city code, shall be required to have a current rabies vaccination even though a vaccine may not be specifically formulated for swine.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER
2 6 OF THE NIXA CITY CODE BY MODIFYING SECTIONS 6-4 AND 6-5 SO THAT
3 VIOLATIONS OF SAID SECTIONS APPLY TO CERTAIN ANIMALS WITHIN THE
4 CITY LIMITS REGARDLESS OF WHERE THE ANIMAL IS KEPT.
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7 WHEREAS Section 6-4 of the City Code contains the City’s regulations related to
8 animals running at large in the City; and
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10 WHEREAS Section 6-5 of the City Code contains the City’s regulations related to
11 the rabies vaccination status of certain animals; and
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13 WHEREAS both of these sections, as currently written, only apply to animals which
14 are kept within the corporate limits of the City; and
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16 WHEREAS the City Council desires to modify these provisions so that they apply
17 to any animal present within the corporate limits of the City regardless of whether such
18 animal is kept, or whether the owner lives, in the corporate limits of the City.
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20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 NIXA, AS FOLLOWS, THAT:
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23 SECTION 1: Chapter 6, Article I, section 6-4 of the Nixa City Code is hereby
24 amended by repealing said section in its entirety and adopting in lieu thereof a new
25 section 6-4, which said section shall read as follows:
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27 (Note: Language to be added is indicated by being underlined. Language to be removed
28 is indicated by being ~~stricken~~.)
29

30 Sec. 6-4. Animals at large.
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32 It shall be unlawful for any person ~~within the corporate limits of the city~~ to allow a
33 dog, chicken, miniature pig, or other animal ~~pup~~ to run at large within the corporate limits
34 of the city. Any dog, miniature pig, or other animal ~~pup~~ shall be deemed to be at large
35 when ~~it he~~ is off the property of its his owner and not physically restrained by a competent
36 person. All owners of dogs, miniature pigs, or other animals ~~pups~~ shall confine such
37 animals to an enclosed area on their property, or confine their dog, miniature pig, or other
38 animal ~~pup~~ to a leash, or a chain in such a manner as to at all times have full control of
39 the animal ~~dog, miniature pig, or pup~~. Any chicken shall be deemed to be at large when
40 it is not confined to the enclosed area of the owner's property as described in section 6-
41 13. For purposes of this section, miniature pig shall have the same meaning as such term
42 is used in section 6-13 of the city code.
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44 SECTION 2: Chapter 6, Article I, section 6-5 of the Nixa City Code is hereby
45 amended by repealing said section in its entirety and adopting in lieu thereof a new
46 section 6-5, which said section shall read as follows:

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(Note: Language to be added is indicated by being underlined. Language to be removed is indicated by being ~~stricken~~.)

Sec. 6-5. Vaccination of animals.

It shall be unlawful for any person to allow any All dogs, cats, and other household pets for which a rabies vaccination is available to permit such animal to be present within the corporate limits of the city without ~~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 obtaining a City animal license tag as required by section 6-37 of the city code ~~the license tag is purchased.~~ Miniature pigs, as such term is defined in section 6-13 of the city code, shall be required to have a current rabies vaccination even though a vaccine may not be specifically formulated for swine.

SECTION 3: The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

SECTION 4: Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

SECTION 5: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

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93 **ADOPTED BY THE CITY COUNCIL THIS 24TH DAY OF JANUARY 2022.**

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96 ATTEST:

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CITY CLERK

PRESIDING OFFICER

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102 **APPROVED BY THE MAYOR.**

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105 ATTEST:

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CITY CLERK

MAYOR

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111 APPROVED AS TO FORM:

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CITY ATTORNEY

DATE OF APPROVAL