

## Chapter 5

### ANIMAL CONTROL

*Cross References — Health, § 12-1. et seq.; Keeping animals and fowl in unwholesome surroundings declared a nuisance; § 18-104; Offensive animal pens declared a nuisance, § 18-105; Keeping dead animals in city declared a nuisance, § 18-106; Bringing diseased or injured animals into city declared a nuisance, § 18-107.*

*State Law Reference — Authority of third class city to regulate or prohibit animals from running at large and to provide for impoundment thereof, RSMo. § 77.510; Restraint of animals running at large, RSMo. Ch. 270.*

#### ARTICLE I

##### In General

**SECTION 5-1. Policy.** [Ord. No. 92-31 § 1, 2-9-1993; Ord. No. 2015-11 § 1, 4-14-2015]

The intention of this Chapter is to require animal owners to comply with the law and not merely to operate an impoundment program. Police Officers and the Animal Control Officer shall therefore place primary emphasis upon apprehending and initiating prosecution of violators of this Chapter and with a secondary emphasis on adoption of fully vetted animals suitable for rehoming.

**SECTION 5-2. Definitions.** [Ord. No. 92-31 § 2, 2-9-1993; Ord. No. 2015-11 § 1, 4-14-2015; Ord. No. 2015-21 § 1, 7-28-2015]

The following words shall have the meanings set out below when used in this Chapter:

ACFA — The State of Missouri Animal Care Facilities Act CSR 30-9.010.

ALTERED — Spayed or neutered.

ANIMAL — Every living vertebrate except a human being.

ANIMAL CONTROL OFFICER — A person designated by the Mayor to enforce or assist in the enforcement of this Chapter.

ANIMAL SHELTER — Any facility operated by a humane society, municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Chapter or State law.

AT LARGE — Animals shall be deemed to be at large when off the property of the owner and not under restraint.

BITE — The puncturing of skin by the teeth or claws of an animal.

CAT — Any of a family (Felidae) of the domestic cat, both male and female.

DOG — All animals of the canine species, both male and female.

DOMESTICATED ANIMAL OR FOWL — An animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival or a bird of a species that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.

DOMESTICATED FARM LIVESTOCK — Animals that may be harbored or raised to provide various types of labor, food, or fiber (e.g., feathers, fur, hides, wool) for the benefit of humans or other animals. Livestock species include but are not limited to horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, swine, poultry and bees. Includes species variations such as pygmy, dwarf, miniature and potbellied.

EUTHANIZE — To put to death in a humane manner.

EXOTIC ANIMAL — Any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders, etc.), class Osteichthyes (bony fishes, etc.), class Monorhina (lampreys, etc.), class Reptilia (reptiles, etc.), class Crustacea (crayfish, etc.), or class Gastropoda (slugs, snails, etc.) which is not normally domesticated in this State.

EXPOSED TO RABIES — Any dog, whether it has been registered or vaccinated for rabies or not, or other animal which has bitten, been fighting with or consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.

FARM ANIMAL — An animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber.

FULLY VETTED — All veterinarian care required by the State Animal Care Facility Act or is common practice before an animal is released for adoption. Example: spay or neuter, rabies and FVRCP or D/P shots as well as heartworm testing for dogs.

HUMANE MANNER — Care of an animal to include, but not limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

IMPOUND — The apprehending, catching, trapping, netting, tranquilizing, confining, or, if necessary, the destruction of any animal by the Animal Control Officer or his agent.

IMPOUNDING FACILITIES — Any premises designated by the City for the purposes of impounding and caring for all animals found in violation of this Chapter.

KENNEL — Any place or tract of land, whether indoors or outdoors, whether enclosed or not, used for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of four (4) or more dogs and/or four (4) or more cats over six (6) months of age, or the keeping of more than five (5) dogs and cats. The word "selling" as herein used shall not be construed to include the sale of animals six (6) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over six (6) months old by persons not operating a kennel as herein defined.

LEASH — Any leash, cord, chain, leather strap or line for leading or restraining a dog, cat or other animal, and being no longer than six (6) feet in length.

NEUTERED — Any male animal rendered permanently incapable of reproduction.

OWNER — Any person owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more. If an owner is a minor, each adult person having the care, custody and control of such minor is hereby required to exercise the duties of an owner and for the purposes of this Chapter, each such person shall conclusively be deemed to be the owner. If an animal is kept at a household that has more than one (1) adult owner or tenant of the premises, each such adult is hereby required to exercise the duties of an owner and for the purposes of this Chapter, each such person shall conclusively be deemed to be the owner.

REGISTRATION — The procedure by which an owner, or someone for said owner, shall register a dog and be issued an identification number by the City of Lexington.

SPAYED — Any female animal rendered permanently incapable of reproduction.

TAG — Any object, regardless of shape and material, which bears a registration number and wording that makes reference to rabies vaccination.

TAG, REGISTRATION — Any object, regardless of shape and material, which bears a registration number and wording that makes a reference to a dog license for the City of Lexington, Missouri.

3 CSR 10-9 — Rules of Missouri Department of Conservation, Division 10 — Conservation Commission, Chapter 9 — Wildlife Code: Confined Wildlife: Privileges, Permits, and Standards.

UNALTERED — Not spayed or neutered.

#### UNDER RESTRAINT

1. Any animal, off the premises of its owner's real property, shall be under restraint within the meaning of this Chapter:
  - a. If it is controlled by a line or leash, when said line or leash is held by a competent person;
  - b. When within a vehicle being driven, parked or stopped;
  - c. When not more than twenty-five (25) feet from a competent person, if such animal is not annoying or worrying any human being or domestic animal, or trespassing on private property, or in a public area where animals are forbidden, and is obedient to that person's commands.
2. An animal shall be considered under restraint if it is under the control of a competent person within the property limits of the owner or keeper of said animal without the use of a line, leash or fence.

VACCINATE — The injection, by a veterinarian, of a specified dose of anti-rabies vaccine into the body of an animal.

VACCINATION, REGISTRATION — The procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate by a State-licensed veterinarian. The above referenced words shall be interchangeable.

VETERINARIAN — Any veterinarian holding a current State license.

VICIOUS ANIMAL — Any animal or animals that constitute a physical threat to human beings or other animals, or having the propensity or tendency to do an act which may endanger the safety of persons or property of others in a given situation.

WILDLIFE — See definition of "exotic animal."

**SECTION 5-3. Animal Care.** [Ord. No. 92-31 § 3, 2-9-1993; Ord. No. 2006-08 § 1, 2-28-2006; Ord. No. 2015-21 § 1, 7-28-2015]

A. It is unlawful to domicile any species of domesticated livestock, poultry, honey bees, or any wildlife species, including non-human primates and exotic species, on any premises, in any zoning district, in the City of Lexington, except as set forth below in this Article.

1. *Species permitted in all zoning districts.*

a. *Poultry.*

[1] Chickens: no limit but subject to nuisance ordinances.

[2] Ducks: no limit but subject to nuisance ordinances.

b. Rabbits, domesticated breeds: No limit but subject to nuisance ordinances.

c. Birds, fish, reptiles, and small animals that are legally sold through pet stores and not prohibited by Missouri or Federal law and that do not require a permit from either jurisdiction for citizens to confine or own. Excludes poisonous or dangerous snakes and all snakes that mature at over five (5) feet in length.

d. Live fishing bait purchased or obtained from a licensed commercial fisherman or other legal sources must be species listed in the Approved Aquatic Species List (3 CSR 10-9.110) of the Wildlife Code of Missouri). Live bait obtained as described in this rule may be possessed in any number.

e. Dogs: three (3) over six (6) months old. (Reference Section 5-8 below).

f. Cats: three (3) over six (6) months old. (Reference Section 5-8 below).

2. *Species restricted to specific zoning districts.*

a. Domesticated fowl hatchlings, not over the age of six (6) weeks, offered for sale by licensed wholesale or retail businesses located in a qualifying commercial or industrial zoned district.

b. Domesticated farm livestock, including but not limited to: as pets, for food, for breeding purposes, or for commercial sales, not allowed for any reason in residential zoned districts. They are allowed in "A-1" General Agricultural District and "HC" zoning districts. (Refer to Chapter 29 for limitations in "A-1"

and "HC" districts.) Exception: those fowl and animals delineated in Subsection (A)(1)(a) and (b) above when kept for non-commercial purposes.

- c. Species limitations in Subsection (A)(2)(a) and (b) above do not apply to "A-1" General Agricultural District and "HC" zoned properties or to other agriculture properties annexed in the year 2000 and subsequently zoned to "R-1" or "HC," as long as the properties continue to be maintained and used for agriculture purposes. (Refer to Chapter 29 for limitations in these districts.)
- d. Certain wildlife species, as permitted by Missouri Wildlife Code 3 CSR 10, may be bred and raised for commercial purposes in "A-1" General Agricultural District and "HC" zoned districts and other agriculture properties annexed in the year 2000 and subsequently zoned to "R-1" or "HC," as long as the properties continue to be maintained and used for agriculture purposes. A permit on review authorization is required prior to beginning the project.
- e. Livestock kept in a clinic for treatment by licensed veterinarians shall not constitute a violation of this ordinance.
- f. Honey bees: restricted to "A-1" General Agricultural District and "HC" zoned properties and other agriculture properties annexed in the year 2000 and subsequently zoned to "R-1" or "HC," as long as the properties continue to be maintained and used for agriculture purposes; and

[1] Hives of bees are kept in a manner in which they are inaccessible to the general public and so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way. Hives shall be located at least 50 feet from the nearest property line.

[2] Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, birdbaths, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

[3] No aggressive type bee strains shall be hived in any zoning district.

[4] The owner's name, address, and telephone number must be prominently displayed on each hive.

3. *Species not permitted.*

- a. No wildlife, except as noted in Subsection (A)(2)(d) above, including non-human primates and exotic species, and including bird, fish, crayfish, mussel, amphibian, reptile, mammal, or other forms of wildlife, regardless of classification or type, may be harbored, possessed, restrained or confined within the City of Lexington, Missouri, except that:

[1] Such species may be publicly exhibited for not more than seven (7) days by persons properly licensed in accordance with Missouri Wildlife Code 3 CSR-10.

- [2] May be transported through the City by persons properly licensed in accordance with Missouri Wildlife Code 3 CSR-10.
  - [3] This Subsection (A)(3)(a) shall not be construed to apply to wildlife legally held by circuses, publicly owned zoos, American Zoo and Aquarium Association (AZA) accredited not-for-profit facilities, or bona fide research facilities.
- B. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
  - C. No person shall wound, torture, maim, cruelly ill treat, torment, overload, overwork, mutilate, kill, or otherwise abuse an animal; or cause, instigate, or permit any dogfight, cockfight, or other combat between animals or between animals and humans.
  - D. No person shall give, sell, lend, barter or otherwise knowingly furnish any instrument, means, compound or other thing to be used for the purpose of maltreating, torturing, maiming, or killing any animal.
  - E. No owner of any animal shall abandon such animal within or near the vicinity of the corporate City limits of Lexington.
  - F. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the appropriate local authority.
  - G. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.
  - H. No person shall keep or maintain within the City limits any cows, horses, or other domestic animals or fowls, in any pen, building, or enclosures, which shall be kept unclean, filthy, or in such a manner as to cause obnoxious or disagreeable odors either from the animals, pens or enclosures.
  - I. No person shall tie an animal to a tree or any other object.

**SECTION 5-4. Animal Control.** [Ord. No. 92-31 § 4, 2-9-1993; Ord. No. 2015-11 § 1, 4-14-2015]

- A. All animals shall be kept under restraint by the owner or a competent person on behalf of the animal's owner.
- B. No owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance. The owner of every animal shall be held responsible for every behavior of such animal and shall be held liable for damages caused by such animal under the provisions of this Chapter.
- C. Any dog, cat, or other such domestic animal running at large may be picked up and impounded by the City Police or the Animal Control Officer, and the owner thereof notified as soon as is reasonably possible.

- D. When and/or if any dog, cat, or other animal is found running at large and cannot be safely taken up and impounded, then the Animal Control Officer or any Police Officer is hereby authorized to use such force as may be necessary to capture said animal, including the actual killing of such animal.
- E. Any owner who permits any animal, while kept upon his premises, to fight, howl, bark, yelp, crow, or make other loud, frequent, habitual noises for such period of time that such noises shall annoy or disturb any neighbor or neighborhood shall be deemed guilty of disturbing the peace and, upon conviction, shall be punished as provided in this Chapter.
- F. Any owner who shall own, keep or harbor upon his premises any dog, cat, or other animal that, by threat of attacking or biting, causes fear or annoyance to the neighborhood or to persons passing upon the streets or sidewalks, shall be deemed guilty of a public nuisance.

**SECTION 5-5. (Reserved)** <sup>1</sup>

**SECTION 5-6. Confinement of Female Animals "In Heat."** [Ord. No. 92-31 § 6, 2-9-1993]

Every unspayed female animal when in heat shall be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for planned breeding.

**SECTION 5-7. Violation of Section 5-4 — Fines.** [Ord. No. 92-31 § 7, 2-9-1993; Ord. No. 96-48 § 1, 3-25-1997; Ord. No. 2015-11 § 1, 4-14-2015]

- A. In the prosecution of a violation under Section 5-4, proof that an animal was running at large in violation of said Section, together with proof that the defendant named in the complaint was, at the time described in the complaint, the person who was the owner of such animal, shall constitute a prima facie presumption sufficient for conviction that the owner of such animal was the person that permitted such animal to run at large.
- B. Failure to comply with the provisions of such Section shall subject the owner to the following fines:
  - 1. First offense.
    - a. Vaccinated: fifty dollars (\$50.00).
    - b. Unvaccinated: seventy-five dollars (\$75.00).
  - 2. Second offense.
    - a. Vaccinated: one hundred dollars (\$100.00).
    - b. Unvaccinated: one hundred twenty-five dollars (\$125.00).
  - 3. Third offense.
    - a. Vaccinated: no less than one hundred fifty dollars (\$150.00); no more than five

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<sup>1</sup>. Editor's Note: Former Section 5-5, Keeping of Wild Animals, adopted and amended by Ord. No. 92-31 § 5, 2-9-1993, was repealed 7-28-2015 by Ord. No. 2015-21 § 1.

hundred dollars (\$500.00).

- b. Unvaccinated: no less than one hundred fifty dollars (\$150.00); no more than five hundred dollars (\$500.00).

**SECTION 5-8. Limitation Upon the Number of Dogs/Cats Kept.** [Ord. No. 2000-03 § 1, 4-11-2000; Ord. No. 2006-08 § 1, 2-28-2006; Ord. No. 2015-11 § 1, 4-14-2015]

No person or household shall possess or keep more than three (3) dogs over the age of six (6) months and/or three (3) cats over the age of six (6) months unless the person has first obtained a kennel license and has complied with the zoning requirements that are set forth in the Code of Ordinances for the City. This provision shall not apply to a lawfully operated commercial kennel or a kennel maintained in connection with a small animal hospital or the City animal shelter.

**SECTION 5-9. through SECTION 5-15. (Reserved)**

## ARTICLE II Vaccination and Registration

**SECTION 5-16. Vaccination Required.** [Ord. No. 92-31 Art. II § 1, 2-9-1993]

It shall be unlawful for any person within the City limits to own, keep, possess, harbor, and control or permit to remain on his premises any dog or cat over the age of six (6) months which has not been vaccinated against rabies in accordance with the terms set forth in this Article.

**SECTION 5-17. Veterinarian to Perform Rabies Vaccination.** [Ord. No. 92-31 Art. II § 2, 2-9-1993]

Vaccination against rabies shall be performed by a duly licensed veterinarian.

**SECTION 5-18. Requirements for License.** [Ord. No. 92-31 Art. II § 3, 2-9-1993; Ord. No. 2015-11 § 1, 4-14-2015]

- A. A City dog license shall be issued by the City Collector when the following requirements have been met:
  - 1. An application stating the name, address, and telephone number of the owner of the dog, in addition to the name, breed, sex, description of the dog and the date of vaccination against rabies shall be given to the City Collector.
  - 2. The owner, at the time of application for a dog license, shall deliver to the City Collector a written memorandum or receipt signed by a licensed veterinarian, verifying the last date of vaccination of the dog against rabies. The City Collector shall not issue a license unless the dog, as shown by the receipt, has been vaccinated for rabies within one (1) year of said application.
- B. The license fee shall be paid to the City Collector at the time of making application for the license.

**SECTION 5-19. Fees.** [Ord. No. 92-31 Art. II § 4, 2-9-1993; Ord. No. 96-48 § 2, 3-25-1997]

- A. The annual fees for a dog license shall be as follows:



Dog (neutered male or spayed female)	\$10.00
Dog (unneutered male or unspayed female)	\$15.00

B. The license fee shall be paid to the City Collector at the time of making application for the license.

**SECTION 5-20. Licenses to be Purchased Annually.** [Ord. No. 92-31 Art. II § 5, 2-9-1993]

All dog licenses shall be required to be purchased annually and shall be due and payable by the first (1st) day of May of each year. It shall be unlawful for any person within the City limits to own, keep, possess, harbor, and control or permit to remain on his premises any dog over the age of six (6) months which is not licensed with the City.

**SECTION 5-21. Issuance of Tag and Receipt; Records to be Kept of Tags and Receipt.** [Ord. No. 92-31 Art. II § 6, 2-9-1993]

The City Collector shall issue a receipt and a numbered metallic or plastic tag for each dog licensed pursuant to this Article and shall maintain for three (3) years, two (2) records of such receipts and tags, one (1) arranged alphabetically by the name of the dog owner and the other arranged numerically by tag number. Such records shall be open to public inspection at all business hours.

**SECTION 5-22. Tag to be Affixed to Collar or Harness.** [Ord. No. 92-31 Art. II § 7, 2-9-1993]

The owner of the dog shall cause the City license tags issued by the City to be securely fastened to a collar or harness. Said collar or harness is to be worn continuously around the dog's neck and in such a manner that the tag can be easily seen.

**SECTION 5-23. Tags Not to be Used on Dogs for Which Tag was Not Issued.** [Ord. No. 92-31 Art. II § 8, 2-9-1993]

No person shall use any dog tag for any dog other than the dog for which it was issued.

**SECTION 5-24. Duplicate Licenses.** [Ord. No. 92-31 Art. II § 9, 2-9-1993]

If a license issued pursuant to this Article is destroyed or lost, a duplicate or replacement license may be obtained from the City Collector for a fee of one dollar (\$1.00).

**SECTION 5-25. Application of Article to Non-Residents.** [Ord. No. 92-31 Art. II § 10, 2-9-1993]

The provisions of this Article shall not apply to non-residents of the City unless they keep a dog within the City for more than thirty (30) days.

**SECTION 5-26. through SECTION 5-30. (Reserved)**

ARTICLE III  
**Vicious Dogs**

**SECTION 5-31. Presence of Dangerous, Vicious, or Ferocious Animals Prohibited; Penalties.**  
[Ord. No. 92-31 Art. III § 1, 2-9-1993; Ord. No. 2005-28 § 1, 8-9-2005; Ord. No. 2006-48 § 1, 1-9-2007]

- A. *Classification.* The Animal Control Officer or his designated representative shall classify any animal with the following characteristics as a "*dangerous animal*" for purposes of this Section and Section 5-31 of this Code:
1. Any animal which has inflicted a severe or fatal injury on a human on public or private property. "*Severe injury*" means any physical injury resulting directly from an animal's bite, which results in broken bones or lacerations or hospitalization. The victim receiving severe injuries, as defined above, must provide the Police Chief with a signed physician's statement documenting the injury and the treatment qualifying such as a severe injury or sign an authorization for the release of such statement.
  2. Any animal which has attacked or bitten a human being or domestic animal, without provocation, on public or private property other than the property of the owner.
  3. Any animal which, while on the owner's property, has attacked or bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept or domestic animal.
  4. Any animal which, while off the owner's property, has killed a domestic animal, livestock or poultry without provocation.
  5. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
  6. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds or private property other than that property of the owner in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by said animal.
  7. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals.
- B. *Notice.* Within five (5) working days after classifying an animal as a "dangerous animal", the Animal Control Officer or his designated representative shall notify the animal's owner of such classification, in writing. The notice shall identify the requirements and conditions for maintaining a dangerous animal as set forth in this Section. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted at the owner's last known address.
- C. *Appeal And Hearing.* If the circumstances surrounding the classification as a dangerous animal under any of the definitions listed in Subsection (A) of this Section are in dispute or if the animal owner contests the classification, then the owner has the option of submitting, within five (5) working days of notice of said classification, a written request to the Animal Control Officer for a hearing to contest the "dangerous animal" classification.
1. The City Administrator shall, within ten (10) working days after receipt of a bona fide written request, designate a hearing officer to conduct the hearing and render a

decision.

2. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
3. The hearing officer shall determine whether to declare the animal to be a "dangerous animal" based upon evidence and testimony presented at the time of the hearing, in addition to witnesses, animal control personnel, Police or any other person possessing information pertinent to such determination. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.
4. The hearing officer shall issue a decision after the close of the hearing and notify the owner in writing of the decision. The owner or possessor of the animal found to be a "dangerous animal" shall be required to maintain the animal as herein provided in this Code.
5. Any person aggrieved by the determination of the hearing officer may appeal the decision to the Circuit Court of Lafayette County pursuant to the provisions of Chapter 536, RSMo.; provided however, that any appeal must be filed with the Circuit Court within five (5) days of the date of the hearing officer's decision.

D. *Exemptions To Dangerous Animal Classification.*

1. No animal may be declared a "dangerous animal" if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.
2. The Animal Control Officer may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. However, the owner, being responsible for said animal, shall be warned of the animal's tendencies and shall take appropriate action to prevent subsequent incidences. This, however, does not exempt the owner from being cited for other animal control ordinance violations.
3. Animals owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt.
4. Actions to be taken for dangerous animals causing severe or fatal injuries.
  - a. An animal responsible for an unprovoked severe or fatal attack shall be humanely destroyed.
  - b. An animal responsible for a provoked severe or fatal attack should be maintained as a dangerous animal pursuant to this Section of the Code.

E. *Dangerous Animals — Owner's Responsibilities.* From and after January 9, 2007, owners or keepers of an animal that has been declared a dangerous animal may maintain the

dangerous animal only subject to the following limitations, requirements and conditions:

1. *Registration.* Within ten (10) days of January 9, 2007, or the acquisition of a dangerous animal, every owner or keeper of a dangerous animal in the City shall register said animal with the Animal Control Officer of the City on the "dangerous animal" registry. Failure to so register shall constitute a violation of this Section. Notice of this requirement shall be given by posting a copy of this Section in City Hall.
2. *Rabies quarantine impoundment.* Any dangerous animal which bites or scratches a human, or any animal which is determined to be dangerous because of such biting or scratching of a human, shall be impounded for a ten (10) day rabies quarantine in accordance with the provisions of this Section of the Code.
3. *Collar.* Any dangerous animal shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the animal can readily be identified as a dangerous animal. Any dangerous animal shall also be required to have attached the City dog tag, the rabies tag and the microchip tag.
4. *Loose, unconfined or missing dangerous animal.* The owner or keeper shall notify the Police Department immediately if a dangerous animal is loose, unconfined or missing, has attacked another animal or has attacked a human being.
5. *Reporting requirements.* The owner or keeper shall notify the Animal Control Officer within twenty-four (24) hours:
  - a. *Death or transfer of ownership.* If a dangerous animal has died or has been sold or given away or otherwise transferred in ownership or possession. If the animal has been sold, given away or otherwise transferred in ownership or possession, the owner or keeper shall provide the Animal Control Officer with the name, address and telephone number of the new owner or keeper and, if the animal is kept within the City limits of Lexington, the new owner or keeper must comply with the requirements of this Chapter.
  - b. *Birth.* All offspring born of dangerous animals within the City must be removed from the City within two (2) months of their birth.
  - c. *New address.* If the owner or keeper of a dangerous animal moves from one address within the corporate City limits to another address within the corporate City limits.
6. *Confinement.*
  - a. All dangerous animals must be securely confined indoors or in a securely enclosed and locked pen, kennel or other structure, except when leashed and muzzled as provided herein. The pen, kennel or other structure must be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, kennel or other structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and secure top attached to all sides. The pen, kennel or other structure must be locked with a key or combination lock when dangerous animals are confined within. The pen,

kennel or other structure must have a secured bottom or floor attached to all sides; however, if it has no bottom secured to the sides, the sides must be embedded in the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the animal.

- b. The enclosure, when occupied by a dangerous animal, shall not be occupied by any other animal. If the dangerous animal is a female with offspring under three (3) months of age, the offspring may occupy the same enclosure as the mother.
  - c. All structures erected to house dangerous animals must comply with all zoning and building regulations of the City. All such structures must be adequately lifted and ventilated and kept in a clean and sanitary condition.
  - d. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition, in addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
  - e. No dangerous animal shall be kept within five hundred (500) feet of school property.
7. *Signs.* The owner or keeper shall display a sign on his premises that there is a dangerous animal on the property and which bears a symbol warning children of the presence of a dangerous animal. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.
  8. *Leash and muzzle.* A dangerous animal may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding four (4) feet in length and under the control of a responsible person. The muzzle must not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.
  9. *Insurance.* The owner or keeper of a dangerous animal shall present to the Animal Control Officer proof that the owner or keeper has procured liability insurance in a single incident amount of at least one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal covering the twelve (12) month period during which licensing is sought. The owner or keeper must maintain an effective insurance policy with the coverage and in the amounts specified herein at all times. This policy shall contain a provision requiring the City of Lexington receive ten (10) days' written notice by the insurance company prior to any cancellation, termination or expiration of the policy.
  10. *Photographs.* All owners or keepers of dangerous animals must, within ten (10) days of such classification, provide the Animal Control Officer with three (3) color photographs (one (1) showing the left profile, one (1) showing the right profile and one (1) showing the direct face) of the animal, clearly showing the color,

distinguishing markings and approximate size of the animal.

11. *Microchip.* All dangerous animals shall be required to show proof of microchip implant from a licensed veterinarian.
12. *Compliance, violations and penalties.*
  - a. It shall be unlawful for the owner or keeper of a dangerous animal within the City of Lexington to fail to comply with requirements and conditions set forth in this Section. Any animal found to be in violation of this Section may be, in addition to other penalties provided by the Municipal Code, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Section, whichever is shorter.
  - b. Any person found guilty of violating any provision of this Section shall be punished as provided in Section 5-69 of this Chapter. In addition to any penalty as provided above, the court shall order the registration of the subject dangerous animal revoked and the animal removed from the City. Should the defendant refuse to remove the animal from the City, the Municipal Court Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food, handling, veterinary care and testimony, necessitated by the enforcement of this Section.

F. *Guard Animal.*

1. No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by him or under his charge or control any guard animal without such animal being confined behind a fence from which it cannot escape. No guard animal may be kept in any part of a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. Guard animals must not be used or maintained in a manner which, as determined by the Animal Control Officer, endangers individuals on or off the premises guarded.
2. Any guard animal, including law enforcement dogs, used in the City by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this Chapter.
3. All guard animals residing in or used as such in the City of Lexington must be registered annually with the Animal Control Officer.

**SECTION 5-32. Leash Law.** [Ord. No. 2000-03 § 2, 4-11-2000; Ord. No. 2005-28 § 2, 8-9-2005; Ord. No. 2006-48 § 2, 1-9-2007]

*Leash.* No person shall permit a dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length with a minimum tensile strength of

three hundred (300) pounds. No person shall permit a dangerous, vicious or ferocious animal to go outside of its kennel or pen unless in compliance with Section 5-31 of this Code.

**SECTION 5-33. through SECTION 5-38. (Reserved)**

ARTICLE IV  
**Impoundment**

**SECTION 5-39. Authority to Impound.** [Ord. No. 92-31 Art. IV § 1, 2-9-1993]

Unrestrained, unlicensed, abandoned, vicious, and/or nuisance animals shall be seized by the Animal Control Officer, or any Police Officer, and impounded in an animal shelter and there confined in a humane manner.

**SECTION 5-40. Confinement Period.** [Ord. No. 92-31 Art. IV § 2, 2-9-1993; Ord. No. 2015-11 § 1, 4-14-2015]

Impounded animals shall be kept for not less than seven (7) business days from the date of capture if not retrieved earlier by the owner.

**SECTION 5-41. Notification to Owner of Impoundment.** [Ord. No. 92-31 Art. IV § 3, 2-9-1993; Ord. No. 2015-11 § 1, 4-14-2015]

If the owner of an impounded animal can, by any reasonable means, be identified and located by inquiring of residents of the neighborhood where the animal was found, by identification of owners using information found on any tags or microchip that may be on the animal, or by utilizing any social media available in the area, the Animal Control Officer shall take immediate action to notify the owner.

**SECTION 5-42. Reclamation Fees.** [Ord. No. 92-31 Art. IV § 4, 2-9-1993; Ord. No. 96-48 § 3, 3-25-1997; Ord. No. 2002-40 § 1, 9-10-2002]

An owner redeeming an impounded animal shall pay, before release, the following reclamation fees:

- |                       |                           |
|-----------------------|---------------------------|
| 1. First impoundment  | \$15.00 plus boarding fee |
| 2. Second impoundment | \$30.00 plus boarding fee |
| 3. Third impoundment  | \$40.00 plus boarding fee |
| 4. Fourth impoundment | Not returned              |

A boarding fee of ten dollars (\$10.00) shall be charged for each twenty-four (24) hours or fraction thereof that the animal has been impounded. Impoundment fees, boarding fees and/or any other related fees shall be paid to the City Collector before a receipt is provided to the owner in order for the animal to be redeemed.

**SECTION 5-43. Vaccination Required Prior to Release.** [Ord. No. 92-31 Art. IV § 5, 2-9-1993]

All animals shall be vaccinated, registered, and bear appropriate tags before being released to the owner. The Animal Control Officer shall have authority to cause vaccination-registration of those animals having identifiable owners seeking to reclaim the animal. A vaccination fine of ten dollars (\$10.00) shall be assessed and paid for each animal not vaccinated at time of capture. The vaccination fine will apply in addition to other outstanding reclamation fines.

**SECTION 5-44. Disposition of Unclaimed Animals.** [Ord. No. 92-31 Art. IV § 6, 2-9-1993; Ord. No. 2015-11 § 1, 4-14-2015]

Any animal not reclaimed by its owner within seven (7) calendar days from the date of capture may be disposed of in one (1) of the following ways, but in no other ways:

1. By euthanasia, using a method approved by the Humane Society of the United States.
2. By release for adoption by a new owner who shows evidence of ability and intention to provide the animal with an appropriate home and humane care.

**SECTION 5-45. Adoption.** [Ord. No. 92-31 Art. IV § 7, 2-9-1993; Ord. No. 96-48 § 4, 3-25-1997; Ord. No. 2015-11 § 1, 4-14-2015]

- A. No impounded dog or cat shall be released for adoption without being vaccinated within seven (7) business days of release. Persons failing to vaccinate adopted animals within the required time following release shall be punished by a fine of fifteen dollars (\$15.00).
- B. No unaltered animal shall be released for adoption unless a licensed veterinarian certifies in writing that he has been paid in full for altering of the dog or cat and will perform the operation within thirty (30) days or before the dog's first estrous period.
- C. Any new owner adopting an animal from the dog pound shall first obtain a license for the animal (if a license is required) and shall, in addition, pay an adoption fee of ten dollars (\$10.00).
- D. An adoption contract, conforming to the requirements of the Animal Care Facilities Act (MO ACFA 30-9.020) and Sections 273.400 thru 273.405, RSMo., will be completed with a copy to the adopter, City and vetting entity. In addition to Missouri State requirements, the contract shall show how the animal was acquired, description and receipt of fees paid, and release of responsibility.
- E. A new owner adopting an animal from the pound shall pay all of the vetting fees for animals being adopted and a copy of the medical records will be provided to the adopter.

**SECTION 5-46. Diseased or Injured Animal — Release.** [Ord. No. 92-31 Art. IV § 8, 2-9-1993]

- A. Every animal impounded which is found to be diseased or injured and in the opinion of the Animal Control Officer is deemed to be a danger to the public or itself, and whose owner seeks release, shall be released to the owner or to a licensed veterinarian acting in the owner's behalf. All such expenses shall be the owner's responsibility.
- B. Every animal impounded which is founded to be diseased or injured in the opinion of the



Animal Control Officer and whose owner is unknown, may be immediately disposed of by euthanasia.

**SECTION 5-47. Impoundment of Animals Suspected of or Having Bitten or Scratched Any Person or Animal; Penalty for Failure to Comply.** [Ord. No. 92-31 Art. IV § 9, 2-9-1993]

- A. If any animal has bitten or scratched any person, or in the event that said animal is suspected to have bitten or scratched any person, it shall be held for observation for a period of ten (10) days at a veterinarian hospital or clinic, or such other place as may be designated by the City Council, and the owner shall pay all costs. If the owner is not found, or the animal is not claimed, then the City shall pay the cost of impoundment for the purpose of insuring the health and welfare of the City residents. Any unclaimed or disowned dog shall be disposed of after the ten (10) day observation period unless said dog is redeemed and all costs in connection with the observation be paid all in accordance with the provisions of the ordinances of the City of Lexington.
- B. If the owner of any dog, upon request by any member of the Department of Police, or any Animal Control Officer, shall refuse or neglect to surrender said dog for the purpose of having the dog confined for observation as provided herein, he shall upon conviction be found guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), and any law enforcement officer of the City of Lexington shall be authorized to enter upon the private premises of said owner for the purpose of taking the dog.

**SECTION 5-48. Reimbursement of Cost for Animal Impoundment or Boarding.** [Ord. No. 98-14 § I, 4-28-1998]

- A. Upon a plea of guilty, finding of guilt or conviction for violation of the provisions of Chapter 5 ("Animals and Fowl"), the court may, in addition to imposition of any penalties provided by law, order the person to reimburse law enforcement authorities for the costs associated with such violation.
- B. Such costs shall include the reasonable costs of causing the impoundment or boarding of any animal or fowl, including the costs of any chemical tests to determine any illness which may be a concern to the health and safety of other animals and citizens of the City of Lexington, Missouri, and the costs of feeding, watering, caring for and euthanization of the animal or fowl.
- C. The schedule of costs for submission to the court will be set by City Council and made a part of Chapter 5 of the City Code of the City of Lexington, Missouri.
- D. These fees shall be calculated as additional costs by the Municipal Court and shall be collected by the court in the same manner as other costs and fees are collected and remitted to the City Treasurer.

**SECTION 5-49. through SECTION 5-55. (Reserved)**

ARTICLE V

## **Rabies Control and Animal Bite Procedure** <sup>2</sup>

### **SECTION 5-56. Biting.** [Ord. No. 92-31 Art. V § 1, 2-9-1993]

- A. No dog, cat, or other animal shall be kept in any way by its owner so as to permit it to bite members of the public.
- B. The owner of any dog, cat or other animal which bites any person, regardless of the circumstances, or irrespective of whether such dog is vaccinated and registered, shall be required to place such dog, cat or other animal in the custody of 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. If such dog, cat or other animal develops clinical symptoms suggestive of rabies, it shall be allowed to die a natural death, or, if for any reason, such dog, cat, or other animal dies while in confinement, it head shall be removed by a licensed veterinarian and submitted to a qualified laboratory. If, at the end of such ten (10) day period, such dog, cat or other domestic animal is alive and healthy, it may be released to its owner upon payment of applicable fines.
- C. All animals under clinical observation as the result of biting a person must fulfill all other conditions of this Article prior to release.
- D. 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 City Police Department immediately. Such report shall contain the name and address of the owner and of the animal, the day and time bitten, and location where bitten, and a general description of the animal. The person bitten shall also make himself available so as to permit viewing of the wound by the Police Officer or Animal Control Officer, his agents, and all other concerned parties and persons.

### **SECTION 5-57. Confinement of Animals Exposed to Rabies.** [Ord. No. 92-31 Art. V § 2, 2-9-1993; Ord. No. 2005-28 § 3, 8-9-2005]

Every rabid animal or animal exposed to rabies shall be immediately confined by the Animal Control Officer or by a licensed veterinary hospital. The owner shall be responsible for all costs. The animal may be quarantined a maximum of two (2) weeks, but shall be released earlier if certified by a licensed veterinarian to be free of rabies.

### **SECTION 5-58. Animal or Body of Animal Exposed to Rabies shall be Surrendered Upon Demand.** [Ord. No. 92-31 Art. V § 3, 2-9-1993]

The body of any animal dead of rabies or having been exposed to rabies prior to death, shall be surrendered by the owner upon demand of the Animal Control Officer or a Police Officer.

### **SECTION 5-59. Killing or Removing From City Animals Exposed to Rabies Prohibited; Exceptions.** [Ord. No. 92-31 Art. V § 4, 2-9-1993]

No person shall kill a rabid animal or an animal exposed to rabies, nor remove any such animal

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2. State Law Reference — Protection against rabies, RSMo., Chapter 322.

from the City, without permission from the Animal Control Officer or a Police Officer, except when it is necessary to kill such animal to prevent it from escaping or from biting any other animal or person.

**SECTION 5-60. through SECTION 5-65. (Reserved)**

**ARTICLE VI  
Enforcement**

**SECTION 5-66. Right of Entry of Police Officers and Animal Control Officer — Interfering with Police Officer and Animal Control Officer.** [Ord. No. 92-31 Art. VI § 1, 2-9-1993]

The civil and criminal provisions of this Chapter shall be enforced by the Animal Control Officer and/or the Police Department for the City of Lexington. Any Police Officer or Animal Control Officer is authorized to enter any premises where a dog, cat, or other animal is kept or harbored to inspect conditions under which the dog, cat, or other animal is kept, and has complete and full authority to require the owner to exhibit a license for the dog. No person shall hinder, molest, or interfere with the Animal Control Officer or any Police Officer in the performance of his or her duties. This Article is subject to all constitutional rights of property owners.

**SECTION 5-67. Interference with Enforcement.** [Ord. No. 92-31 Art. VI § 2, 2-9-1993]

It shall be unlawful for any unauthorized person to break open the pound or to attempt to do so, or to take or let out any dog, cat or other animal therefrom. Any person who shall interfere with, resist, hinder, or obstruct an official in the enforcement of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

**SECTION 5-68. Prosecution of Owner when Dog is At Large.** [Ord. No. 92-31 Art. VI § 3, 2-9-1993]

Whenever a dog is at large, known to be owned, harbored, kept or fed at a certain residence or by a certain family, then the head of such residence or family, or any adult living there is hereby declared to be the owner of said dog and shall be charged with a violation of this Section even though the dog is not captured; and the officer may, upon request, search the premises where he believes the dog is kept to attempt to verify that said dog is being kept by such person as owner.

**SECTION 5-69. Penalties — When not Specified.** [Ord. No. 92-31 Art. V § 4, 2-9-1993]

Except as otherwise specifically provided, any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). If any violation be continuing, each day's violation shall be deemed a separate violation.