BILL NO. 04-2001 ORDINANCE NO. 538

AN ORDINANCE PROHIBITING DOGS FROM RUNNING-AT-LARGE WITHIN THE CITY LIMITS OF THE CITY OF NORBORNE, MISSOURI, AND PROVIDING A PENALTY FOR A VIOLATION HEREOF.

WHEREAS, the Board of Aldermen of the City of Norborne, Missouri, deems it to be in the best interests of the public health, safety and welfare of the residents of the city to prohibit dogs from running-at-large within the city limits of the city.

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NORBORNE, MISSOURI, AS FOLLOWS:

Section 1--Definitions. For the purposes of this ordinance, the following terms shall mean:

(a) **AT LARGE**--Any dog shall be deemed "at large" either: (a) when off the premises of its owner while not either attached to a leash by which the other end is securely held or under the direct control of the person then present; or (b) when on the premises of its owner but not confined to said premises by a leash, fence, structure, or other means that would prevent the dog from leaving said premises and such dog has been personally observed to have been running-at-large off of said premises by a law enforcement officer or other duly authorized official of the city.

(b) **ANIMAL SHELTER**--Any premises designated by the Mayor or other duly authorized administrative official for the purpose of impounding and caring for dogs held under authority of this ordinance.

(c) **CONTROL**--The immediate, complete and effective restraint of a dog by a competent person then present by any means including, but not limited to, a leash or voice command.

(d) **DOG**--A member of the canine (Genus Canis) family.

(e) **IMPOUND**--To take into custody any dog, by humane means, for confinement purposes.

(f) **OWNER**--Any person, firm or corporation owning, controling, harboring, possessing, or having management or care of, in whole or in part, of any dog.

Section 2--Prohibition. It shall be unlawful for an owner to allow or permit any dog to run-at-large within the city limits of the city.

Section 3--Confinement. All dogs shall be securely confined indoors or in a securely enclosed and fastened structure, pen or

kennel, or adequately trained so as to prevent escape from the owner's premises, except when leashed as above provided. Such structure, pen or kennel must have secure sides and, if the dog(s) kept therein are able to escape therefrom, must also have a secure top attached to the sides thereof. Such structure, pen or kennel must have a secure bottom or floor attached to the sides of the structure, pen or kennel or the sides of the structure, pen or kennel must be embedded in the ground no less than two (2) feet in depth. All such structures, pens or kennels erected to house dogs must comply with any and all applicable zoning and building regulations of the city in existence at such time.

Section 4--Impounding. Dogs running-at-large may be taken by an Animal Control Officer, the Chief of Police or any other duly authorized person and impounded in an animal shelter, and there confined in a humane manner. Impounded dogs shall be kept for not less than five (5) days unless reclaimed by their owners. If by a permit tag, license or other means the owner can be identified, the City Clerk shall immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Dogs not claimed by their owners within five (5) days shall be humanely disposed of by the Chief Animal Control Officer, the Chief of Police or any other duly authorized person, including a licensed veterinarian.

Section 5--Redemption from impoundment. An owner reclaiming an impounded dog shall pay a redemption fee of Twenty-five Dollars ($ 25.00), plus an impoundment fee of Ten Dollars ($ 10.00), for each day that the animal has been impounded. The owner may also be proceeded against for violation of this ordinance and his dog's permit or license may be revoked.

Section 6--Returning dog to owner, if known. Notwithstanding the provisions of Section 4 hereof, if an animal if found running-at-large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such case, the Animal Control Officer, the Chief of Police or any other duly authorized person shall notify the City Clerk of the violation of this ordinance and otherwise may proceed against the owner for violation of this ordinance.

Section 7--Costs. Any reasonable costs incurred by an Animal Control Officer, the Chief of Police or any other duly authorized person incurred in seizing, impounding, confining or disposing of any dog pursuant to this ordinance shall be charged against the owner of such animal and such costs shall be collected by the City Clerk.

Section 8--Nuisance. The keeping or permitting of any dog to run-at-large as restricted hereby within the city limits of the City of Norborne, Missouri, is hereby declared to be a nuisance and

the violation of this ordinance shall, upon conviction, be punished as provided herein.

Section 9--Interference with authorized personnel. It shall be unlawful for any person, firm or corporation to interfere with, resist, hinder or obstruct an Animal Control Officer, the Chief of Police or any other duly authorized person in the discharge of any duty imposed upon them by this ordinance.

Section 10--Penalty. Any person, firm or corporation violating any provision of this ordinance shall, upon conviction, be fined not less than Twenty-five Dollars ($ 25.00) nor more than Five Hundred Dollars ($500.00) and/or by a term in the county jail not to exceed ten (10) days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 11--Effective date. This ordinance shall be in full force and effect from and after its final passage and approval.

Read three (3) times and duly ADOPTED AND PASSED by the Board of Aldermen of the City of Norborne, Missouri, this 4th day of June, 2001.

Roger Healy
Mayor

[SEAL]

ATTEST:

Dorothy L. Drew
City Clerk

APPROVED by the Mayor this 4th day of June, 2001.

Roger Healy
Mayor

[SEAL]

ATTEST:

Dorothy L. Drew
City Clerk

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