

Chapter 73--Animals

(ORD #7-87)
(ORD #3-92)
(ORD #7-95)
(ORD #5-98)
(ORD #7-98)
(ORD #8-02)
(ORD #10-02)
(ORD #11-02)
(ORD #09-21a)
(ORD #16-23)

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Subchapter A--Dogs, Cats and Kennels

73.010. (ORD #16-23) Definitions.

For the purpose of this Chapter the terms defined in this section shall have the meanings herein assigned.

1. Owner. Any person, group of persons or corporation owning, keeping or harboring a dog or cat.
2. Dog. All domesticated members of *Canis Familiaris*, male or female, six months of age or over.
3. Cat. All domesticated members of *Genus Felis*, male or female, six months of age or over.
4. Harboring. Any person, group of persons or corporations feeding or sheltering or otherwise offering asylum, refuge or sanctuary to any dog or cat.
5. At large. Any dog or cat that shall be deemed to be at large if permitted or allowed to be off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.
6. Spayed female cat. A female cat certified by a licensed veterinarian to have been spayed.
7. Spayed female dog. A female dog certified by a licensed veterinarian to have been spayed.
8. Neutered male dog. A male dog certified by a licensed veterinarian to have been neutered.
9. Neutered male cat. A male cat certified by a licensed veterinarian to have been neutered.
10. Pup. A dog under the age of six months.
11. Kitten. A cat under the age of six months.
12. Humane officer. Any person appointed by the mayor with the approval of the city council whose duty it is to assist in enforcing this Chapter.

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- 13.** Kennel. Any facility, building, or other structure housing, maintaining, harboring or keeping dogs or cats in the numbers specified by Section 73.030 by any person, group of persons, corporation or other organized entity where the animals are kept, housed or cared for at minimum period of 12 hours.

73.020. Enforcement.

The provisions of this Chapter shall be enforced by the chief of police, a duly appointed and acting police officer of the city, and by the humane officers designated and appointed by the mayor with the approval of city council.

73.030. (ORD #09-21a) (ORD #16-23) License and registration required.

All dogs and cats kept, harbored, or maintained by the owners within the city, shall be licensed and registered if over six months of age. Said licenses shall be issued by the city clerk upon payment of a license tax of \$5.00 for each spayed female and/or neutered male and \$10.00 for each unspayed female and un-neutered male. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose, his name and address, and the name, breed, color and sex of each dog or cat owned or kept by him. Provisions of this section shall not be intended to apply to dogs or cats whose owners are nonresidents temporarily within the city nor to dogs brought into the city for purpose of participating in any dog or cat show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used to blind persons.

- 1.** Owners shall keep on the dog or cat, at all times when the dog or cat is not inside a private building, a collar or harness, and a tag issued by the city clerk shall be affixed to the collar or harness in such a manner that the tag can easily be seen.
- 2.** No person shall use for any dog or cat a tag issued for a different dog or cat.
- 3.** Penalty. Upon conviction of any violation of the section such person shall be punished by a fine of not less than \$15.00 or more than \$100.00.
- 4.** The maximum number of dogs or cats allowed to be kept, harbored, or maintained on any premise without a kennel license are as follows:
 - a. Three adult domestic animals in total
 - b. Puppies and kittens under the age of 6 months are allowed to remain with the bearing female.
- 5.** Dogs and cats licensed with the city within the prior 2 calendar years (2021 & 2022) and as of July 1, 2023, will be exempted from the requirement of a kennel license, but if additional animals not previously licensed in 2021 and 2022 and to include those animals licensed as of July 1, 2023, are added to a premises, then all animals present shall count toward the limitations of 73.030(4).

73.040. (ORD #16-23) Running at large prohibited.

- 1.** (Ord. # 5-98) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer, or allow said animal to run at large within the City.
- 2.** All dogs shall be confined by a minimum fence height of 4 feet to a maximum of 8 feet to prevent persistent climbing, escape and roaming. Electronic in-ground fencing systems and/or electronic ranging fencing systems will be allowed provided the dogs remain confined to property.
- 3.** Penalty. Upon conviction of any violation of this section, such person shall be punished by a fine of not less than \$15.00 or more than \$100.00.

73.045. (ORD #5-98) Barking and Annoying Dogs.

- 1.** It shall be unlawful for any person owning, keeping, or harboring upon his/her premises, any barking, yelping, whining, or howling dog if the dog's action constitutes a nuisance. A dog's barking, yelping, whining, or howling is a nuisance if the loudness, frequency, or timeliness of the noise is such that it reasonably disturbs any person residing at a residential structure within 100 yards of the property on which the animal is kept or harbored.
- 2.** It shall be unlawful for any person to own, keep or harbor within the City of Holden, any dangerous or vicious animal, knowing the same to be dangerous or vicious, and suffer or permit said animal to be exposed to the public upon any street, sidewalk, or thoroughfare, or on the premises of persons other than the owner or keeper without being muzzled and under restraint by said owner, or keeper, at all times.

73.047. (ORD #5-98) (ORD #7-98) (ORD #11-02) (ORD #16-23) Dangerous Dogs.

- 1)** Any dog with one or more of the following characteristics shall be classified as a dangerous dog:
 - a)** (ORD #7-98) Any dog that has inflicted a severe or fatal injury on a human being on public or private property. Severe injury means any physical injury resulting directly from a dog's bite that results in bone fractures, lacerations requiring stitches, lacerations more than one and one-half inches long, or medical treatment costing more than \$100.00.
 - b)** (ORD #7-98) Any dog that has more than once killed or severely injured a domestic animal, dog, or cat without provocation, while off the owner's property. Severe injury means any physical injury resulting from a dog's bite that results in broken bones, lacerations requiring stitches, lacerations more than one and one-half inches long, or veterinary care for which costs exceed \$100.00.

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- c)** Any dog that has a human being or a domestic animal without provocation on public or private property. For purpose of this subsection, "bitten" means when the dog's teeth have broken or perforated a person's or animal's skin.
- d)** (ORD #7-98) Any dog that has inflicted a severe or fatal injury on a human being or domestic animal after being provoked. Severe injury means any physical injury resulting directly from a dog's bite that results in bone fractures, lacerations requiring stitches, lacerations more than one and one-half inches long, or medical treatment costing more than \$100.00.
- e)** Any dog that, when unprovoked, chases a person upon any street, sidewalk, or public or private property other than the property of the owner in a menacing fashion or with an apparent attitude of attack or viciousness, regardless of whether or not a person is injured by such dog.
- f)** Any dog with a known propensity, tendency, or disposition to attack, cause injury, or otherwise threaten the safety of human beings, domestic animals, other dogs, or cats, even when unprovoked.
- 2)** If the Chief of Police or Animal Enforcement Officer determines that any dog falls within the classification of a dangerous dog, the Chief of Police or Animal Enforcement Officer shall state that conclusion in writing to be given to the owner of such dog and shall list the basis for such conclusion. If the city wishes to destroy the dog, this intention must also be stated in writing. If the owner of the dog is unknown or cannot be located after reasonable effort has been made, the writing shall be given to the person keeping or harboring the dog. If the owner of the dog disputes the Chief of Police's or the Animal Enforcement Officer's conclusion that the dog in question is a dangerous dog, or disputes the city's decision to destroy the dog, the owner may within five working days submit a written request to the City Clerk requesting a hearing regarding the dog's classification as a dangerous dog and the dog's disposition. If a hearing is not requested, the dog shall be deemed a dangerous dog and if the city has made known its intention to destroy the dog, the dog shall be destroyed. If a hearing is requested, the hearing procedures shall be as follows:
- a.** The hearing shall be before the Mayor or his/her appointee.
 - b.** The hearing and all subsequent appeals shall be conducted pursuant to Chapter 536 RSMo.
 - c.** Pending the outcome of such hearing, the dog must be confined indoors at all times, with a licensed veterinarian, or in an outside structure meeting the requirements set forth in Section 73.047.6e. However, if any of the conduct which allegedly brings the dog within the definition of a dangerous dog took place while the dog was not on the property owner or the person keeping or harboring the dog, or the city has a reasonable basis for concern that the dog will not be securely confined for any reason, or the dog's alleged conduct is of a nature that the city is

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seeking the dog's destruction, the city, at its option, may impound the dog, at the owner's cost, pending the conclusion of the administrative process.

- d. The hearing officer shall issue written findings of fact and conclusions of law within five days after the hearing, addressing whether the dog is a dangerous dog within the provisions of this ordinance and the dog's disposition.
- e. The hearing officer may, at his/her discretion, after considering the dog's history, the facts of the incident in question, the wishes of the victim, and the best interests of the City of Holden, waive or modify any requirement or condition set forth in Section 73.047.6.

3) (ORD #11-02) If, after the hearing, the dog in question is determined to be a dangerous dog, the dog shall be seized and impounded by the city and the dog may be humanely destroyed or may be ordered removed from the City of Holden or may be ordered destroyed and such destruction stayed, and the dog ordered handled under the provisions of Section 73.047.6. If the hearing officer allows the dog to be removed from the city rather than being destroyed, the hearing officer shall stay the destruction of the dog so long as the following requirements and conditions are met and compliance with these conditions continue:

- a. All owners of the dog must sign an affidavit verifying that the dog will be permanently removed from the Holden city limits. That the dog will not be placed inside another city and disclosing the location of where the dog is to be kept.
- b. The dog must be tattooed for identification and the location of the tattoo, and the tattoo identification number must be filed with the City Clerk.
- c. Photographs of the dog must be taken from each side and be given to the City Clerk for recording.
- d. All owners of the dog must sign an affidavit consenting to the immediate seizure, impoundment, and humane destruction of the dog if it is ever found within the Holden city limits from that time forward. All subsequent owners of the dog shall be bound by this provision.

4) If, after hearing, the dog in question is determined to be a dangerous dog, the owner of the dog may request the hearing officer consider staying the destruction of the dog due to special circumstances. Upon such a request, the hearing officer shall determine whether special circumstances exist which would justify staying the destruction of the dog and is doing so the hearing officer shall consider the dog's history, the facts of the incident at issue, the wishes of the victim, and best interest of the City of Holden. If the hearing officer finds that special circumstances exist which justify staying the destruction of the dog, the hearing officer shall order the dog destroyed and stay the destruction under such terms as

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the hearing officer deems prudent considering public safety and the best interests of the City of Holden and in addition all requirements of Section 73.047.6 shall be imposed. If the dog's owner, keeper, or harbor, fail to comply with the terms or conditions imposed by the hearing officer, or the dog is thereafter found running at large, or subsequently attacks a human being or injures another domestic animal, the Chief of Police or an Animal Enforcement Officer shall notify the owner in writing of the city's intention to lift the stay of the dog's destruction and destroy the dog. If the owner of the animal cannot be located after reasonable effort has been made, the writing shall be given to the person keeping or harboring the dog. If the owner of the dog does not agree with the city's intention to lift the stay and destroy the dog, the owner may, within five working days, submit a written request to the City Clerk requesting a hearing. If a hearing is requested, the hearing officer shall determine if the dog's owner, keeper, or harbinger has failed to comply with the terms and conditions set forth in the stay of destruction; if the dog was found running at large; if the dog attacked a human being; or if the dog injured another animal, and if the hearing officer finds any of the foregoing true, the hearing officer shall order the dog destroyed.

5) Exemptions to dangerous dog classification:

- a. No dog may be declared dangerous, if the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass, other tort, or crime upon the premises occupied by the owner, keeper, or harbinger of the dog; was teasing, tormenting, abusing, or assaulting the dog; has in the past, tormented, abused, or assaulted the dog; or was committing or attempting to commit a crime upon the premises.
- b. Dogs owned by governmental or law enforcement agencies or those being used in the services of those agencies shall be exempt from being classified as dangerous.

6) Any person owning, keeping, or harboring a dangerous dog shall comply with the following:

- a. Dangerous dogs shall at all times wear a bright orange collar with a large brightly colored metal tag with the phrase dangerous dog attached to the collar so the dog can be readily identified as a dangerous dog.
- b. The owner, keeper, or person harboring a dangerous dog shall notify the police department immediately if the dog is loose, unconfined, missing or has attacked a person or animal.
- c. The owner, keeper, or person harboring a dangerous dog shall notify the police department within 24 hours if a dangerous dog has died, been sold, or given away. The owner, keeper, or person harboring the dangerous dog shall provide the police department with the name, address, telephone number of the new

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owner or if the dog has been sold, the new owner must comply with all requirements of this chapter and dog's classification shall not change upon transfer of ownership.

- d.** While the dog is on the owner's, keepers, or harborers property, a dangerous dog must be confined in a securely enclosed and locked pen or structure suitable for preventing the entry of young children and designed to prevent the animal from escaping. Each outside structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If the structure only has an earthen bottom, the sides of the enclosure must be embedded in the ground a minimum of 12 inches. The enclosure also must provide protection from the elements for the dog. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal. If the dangerous dog is a female with a litter of puppies under three months of age, the puppies may occupy the same enclosure as the mother. No dangerous dog may be kept on a porch, patio, or in any part of a residential structure where the dog may exit the structure on its own volition and enter another area which does not comply with the requirements of this subparagraph. In addition, no such animal may be kept in a structure when the windows are open or when screen windows or screen doors are the obstacle preventing the dog from exiting the structure.
- e.** Within 10 days of the determination that the dog is a dangerous dog within the provisions of this section, the dog's owner, keeper, or person harboring the dog shall display a sign on his or her premise that there is a dangerous dog on the property. The 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 any kennel or structure in which the dog is held.
- f.** A dangerous dog may be off the owner's, keepers, or the harborers property only if the dog is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a person 18 years of age or older. The muzzle must be constructed in a manner that will not cause injury to the dog or interfere with its vision or respiration, but the muzzle must physically prevent the dog from biting any person or animal.
- g.** Within 10 days of the determination that the dog is a dangerous dog within the provisions of this section, the dog's owner, keeper, or harborer shall present to the City Clerk proof that said person has procured liability insurance in the amount of at least

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\$100,000.00 which has been prepaid covering the 12-month period for which the dog shall be licensed. The policy shall contain a provision requiring the City Clerk to be notified by the insurance company upon any cancellation, termination, or expiration of the policy.

- h. Within 10 days of the determination that the dog is a dangerous dog within the provisions of this section, the dog's owner, keeper, or harbinger must provide the City Clerk with two color photographs of the dog, one showing the left profile of the dog and the other photograph showing the right profile. Upon request, the Chief of Police or Animal Enforcement Officer will take the photographs.
- 7) Law enforcement personnel and animal enforcement personnel may enter onto any person's property to seize any dog subject to impoundment, to search for such dog, or to inspect any facility built to accommodate a dangerous dog.
- 8) It shall be unlawful for any owner, keeper, or harbinger of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. For every day such violation exists, shall be deemed a separate offense.
- 9) A dog's actions which have taken place prior to the enactment of this ordinance shall be considered in determining whether a dog is a dangerous dog within the provisions of this ordinance and in determining whether the dog should be destroyed.

73.050. (ORD #16-23) Vaccination, certificate of same required.

1. No dog or cat license shall be issued unless such dog or cat shall first have been vaccinated against rabies by a duly licensed veterinarian provided, however, said requirement shall not apply to those animals within a duly licensed kennel.
2. Prior to the issuance of a dog or cat license, there shall be presented to the city a certificate of vaccination and a rabies tag. The certificate shall show the name and address of the owner, sex of the animal, the date of vaccination, and shall contain a description of the animal; provided, however that any individual applying for an animal license whose dog or cat has been vaccinated for rabies within six months prior to the application for license shall, upon due presentation of the certificate of registration confirming said fact, be issued a current dog or cat license upon payment of the appropriate license fee.
3. Said dog or cat shall annually be vaccinated against rabies by a duly licensed veterinarian and a dog or cat license shall be annually obtained from and issued by the officer of the city clerk of the City of Holden, Missouri. Provided, however, said annual requirement for vaccination against rabies shall be waived if a

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certificate of vaccination is obtained from a duly licensed veterinarian stating that the vaccination received is effective for more than one year. Upon issuance of each license, it shall be the duty of the city to deliver to the persons procuring the license a tag on which shall be engraved a license number and the year of issuance. The owner of such dog or cat shall cause such license tag together with the rabies vaccination tag to be fastened securely around the dog or cat's neck and worn continuously for the purpose of displaying to the public the fact that said animal has been duly vaccinated and licensed according to law. This requirement shall not apply to animals within a duly licensed kennel.

4. Animals receiving a multi-year rabies vaccination, may request a multi-year license to coincide with the length of the vaccination. The current license fee will be multiplied by the years of the vaccination.
5. If a license is destroyed or lost, a duplicate or replacement shall be obtained from the city clerk for a fee of \$.75 upon furnishing satisfactory proof of such loss or destruction.
6. Penalty. Upon conviction of any violation of this section, such person shall be punished by a fine of not less than \$15.00 or more than \$100.00.

73.055. (ORD #5-98) Termination of animal.

Any law enforcement officer or animal control officer may immediately destroy any animal if the animal is running at large and the officer feels that the destruction of the animal is necessary to prevent harm to persons or other animals.

73.060. (ORD #5-98) Impoundment.

Dogs or cats without a current city license tag as required by this Chapter or found running at large or abandoned, may be seized, and impounded by any police or animal enforcement officer. Puppies or kittens of any dogs or cats impounded for any reason, or found running at large or abandoned, may be seized and impounded by any police officer or animal enforcement officer. Impoundment may be in any animal shelter or other location designated by the Mayor or City Council. If for any reason an animal is impounded pursuant to the provisions of this Chapter, the costs of the impoundment shall be paid by the animal's owner, keeper, or harbinger.

73.065. (ORD #7-87) Interference with officers.

It is unlawful for any person to set free or to attempt to set free, or to take or to attempt to take from any duly appointed officer any animal taken up by said officer in compliance with this section, or in any manner to interfere with or hinder such officer in the legal performance of his duties as described by this section.

73.070. (ORD #5-98) Redemption.

At any time prior to the disposing of the animal upon satisfactory proof of ownership, a person may redeem his animal upon exhibiting a certificate of registry for each dog and cat and upon payment of an impound fee for each

dog, cat, and litter of pups or kittens, of \$15.00 plus the daily fee charged by the impoundment facility for each day of the impoundment. In addition, prior to receipt of a dog or cat, the owner shall exhibit proof of all required vaccinations, or proof of a \$50.00 deposit with the City Clerk which shall be refunded upon proof of either prior vaccinations or subsequent vaccinations so long as the subsequent vaccination occurs within two weeks from the date of the deposit. If such proof is not provided within 30 days after the deposit is made, the deposit shall be forfeited and paid over to the city. Any animal impounded under any provisions of this Chapter shall only be released to its owner. Under exceptional circumstances, if the owner of the animal is unavailable, the Chief of Police may authorize the release of the animal to another person if the identity of the animal's owner can be established.

73.080. (ORD #3-92) Disposition of animals.

Whenever any owner of a cat or dog or litter of pups or kittens fails to redeem said animal within five days of impoundment, the city may cause said animal to be destroyed, or allow the animals to be adopted out by the designated animal shelter. All costs of impoundment and disposition may be taxed to the animal's owner, whether or not said animal is redeemed.

73.090. (ORD #3-92) Abandonment.

It shall be unlawful for any person to dump a dog or cat or litter of pups or kittens within the City for the purposes of abandoning said dog, cat, or litter of pups or kittens. Upon conviction of this section such person shall be punished by a fine of not less than \$100.00 or more than \$500.00.

73.095. (ORD #5-98) Observation of Rabies.

Any dog, cat, or other domesticated animal which bites, scratches, or otherwise inflicts a skin piercing wound upon a person or domesticated animal shall be confined within an approved kennel or other impoundment facility designated by the Mayor and shall be kept out of contact with human or other animal life for a minimum of ten (10) days to be observed for rabies contamination. If the Chief of Police reasonably believes that under the circumstances it appears the animal can be securely kept by the owner in a suitable fashion, the Chief of Police may allow the animal to be secured by the owner during the ten (10) day observation period. The owner of the animal shall be responsible for all expenses incurred.

73.100. (ORD #9-21a) (ORD #16-23) Dog kennel-license required.

- 1.** (ORD # 09-21a) (ORD #16-23) Any person who shall own, keep, or harbor upon his premises more than the number of dogs and/or cats over the age of six months as specified in Section 73.030 shall be deemed the operation of a kennel. It shall be unlawful to operate a dog or cat kennel within the city in any area zoned residential. A dog or cat kennel may be operated as described below in area zoned industrial. It shall be unlawful to operate a dog or cat kennel within the city limits without having first secured a license to operate such a kennel from the city; however, veterinary hospitals are exempt from this section. Any person desiring to operate a dog or cat kennel shall file an application with the City Clerk on a form provided by the city. The application shall provide information necessary verify licensing with the state and sufficient information to determine whether or not the proposed

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kennel and its operation will violate any provisions of state law or city ordinances. If it appears that such kennel and the operation thereof will not be in violation of state law or city ordinances, the City Clerk shall issue a kennel license to such applicant upon payment of the license fee of \$100.00. Such a license must be renewed annually.

2. Such license shall permit the applicant to operate a kennel as described in the application for a period of one year unless such license is revoked. Any violation of the provisions of this chapter shall constitute sufficient cause to revoke such license.
3. (ORD #7-95) If any dog or cat kennel is licensed to operate within 200 hundred feet of a building used or occupied as a residence, except the residence of the keeper or owner of the kennel, the dogs or cats shall be continuously confined within the kennel building or the residence of the kennel keeper or kennel owner and shall not be allowed to run at large or to be in any outdoor enclosure of the kennel or residence.
4. Kennel premises shall be maintained in a clean and sanitary condition at all times, and sanitary methods shall be used to obliterate or prevent any offensive odors. The city animal control officer, city health officer and the city police shall have the right to inspect such kennels at reasonable hours.
5. (ORD #7-95) All kennel dogs and cats shall be fed, maintained, and housed in separate compartments with separate outdoor runways (if runways are allowed) and shall not come in physical contact with other dogs or cats except when breeding, or in cases of mothers and their young, or if all the dogs or cats are owned by the kennel owner or kennel keeper. The inside and outside spaces of the kennel shall be completely cleaned at least twice per day.
6. (ORD #16-23) All animals will be kept in accordance with Missouri Department of Agriculture regulations and guidelines for kennels and animal care.
7. The breeding of dogs shall take place in an enclosed place and entirely out of public view.
8. (ORD #16-23) Penalty. Upon conviction of any violation of this section, such person shall be punished by a fine of not less than \$75.00 or more than \$500.00.

73.200. (ORD #08-02) Banning of Pit Bulls

1) Definition: Pit Bull shall mean:

- a. The Staffordshire Bull Terrier breed of dog.

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- b. The American Pit Bull Terrier breed of dog.
- c. The American Staffordshire Terrier breed of dog
- d. Dogs of mixed breed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers.
- e. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers or combination of any of these breeds.
- f. Any mixed breed of dog which contains as an element of its breeding the breed of the Staffordshire Bull Terrier, the American Pit Bull Terrier, or the American Staffordshire Terrier so as to be identifiable as partially of the breed of Staffordshire Bull Terrier, the American Pit Bull Terrier or the American Staffordshire Terrier.

2) Presumptions. The notation that a dog is a Pit Bull, Staffordshire Bull Terrier, American Pit Bull Terrier, or Staffordshire Terrier, contained in Holden City records or in records kept or maintained by a veterinarian who has records on the dog shall create a presumption that the dog is a Pit Bull for the purposes of this ordinance.

3) Unlawful (ORD #10-02) It shall be unlawful to possess, shelter, keep, maintain, harbor, or own a Pit Bull within the City of Holden, Missouri, except as provided for herein. Any violation of this Section; or its particulars, shall be punished by a fine of \$500.00, in addition to any other penalty authorized.

4) Exceptions. The prohibition set forth in sub-section 3 of this section shall not apply to the following:

a) Any Pit Bull traveling through Holden in a motor vehicle provided the dog is securely confined in the vehicle, is never allowed to exit the vehicle, and if in a passenger compartment, all windows of the vehicle are completely closed if the vehicle is parked.

b) Any Pit Bull securely confined in a vehicle while being transported to a veterinary clinic located in the City of Holden, Missouri.

c) Any Pit Bull while on the property of a veterinary clinic.

d) Any Pit Bull while actively providing services to a law enforcement agency, governmental agency, fire department, or branch of the military.

e) (ORD #10-02) Any Pit Bull located in the City of Holden at the time of passage of ordinance #8-02 shall be exempt from the prohibitions set forth in sub-section 3 of this section if and only if the following conditions are met:

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i) the Pit Bull was lawfully registered with the City of Holden at the time ordinance #8-02 was passed; and

ii) the owner of the dog signs a written acknowledgement that the animal is deemed a dangerous animal and shall be handled according to Section 73.047.4 and if not so handled, impounded or destroyed under that section; and

iii) in place of the requirements of Section 37.047.6 (f) and (g), the following requirements shall be complied with;

(1) The Pit Bull may not leave the property where it is regularly kept unless to receive medical care from a veterinary. If removed for this purpose it must be restrained and controlled by being muzzled and restrained on a substantial chain or not more than six feet in length under the control of a person 18 years of age or older. The muzzle must be constructed in a manner that will not cause injury to the dog or interfere with its vision or respiration, but the muzzle must physically prevent the dog from biting any person or animal.

(2) Within 10 days of signing the acknowledge required by Section 73.200 (e)(2), the dog's owner, keeper, or harbinger shall present to the City Clerk proof that said person has procured liability insurance in the amount of at least \$50,000, prepaid for the twelve month period the dog shall be under. The policy shall contain a provision requiring the City Clerk to be notified by the insurance company of any cancellation, termination, modification, or expiration of the policy.

5) **Seizure of Pit Bulls.** An animal control officer or other law enforcement officer of the City shall immediately seize any Pit Bull found in the City of Holden determined to be in violation of this Section. The dog shall be impounded until its final disposition is determined. If the dog is running at large and the destruction of the dog is necessary to prevent harm to persons or other animals, the dog may be immediately destroyed. If the dog is securely confined on private property, all reasonable efforts should be used to seize the dog without causing its destruction.

6) **Notice and Hearing.**

a) **Notice of Seizure.** The owner or custodian of any dog seized under the provisions of this section, or any other person who is determined to be in possession of the dog, or person determined to be maintaining, sheltering, or harboring the dog shall be given written notice of its seizure by the City, of the City's intention to destroy the dog, and of the right of request a hearing.

b) **Request for Hearing.** The request for hearing shall be filed in writing at Holden City Hall within 5 days of notification that the dog has been seized and shall include the name and address of the person requesting the hearing, and their relationship to the dog (owner, custodian, etc.). Only those persons with an ownership or custodial interest in the dog may request a hearing. After written notification of the seizure of the dog is given to any person, and a hearing is not timely requested, or is not properly requested, the dog shall be destroyed after the expiration of the time allowed for requesting a hearing.

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- c) Time of Hearing.** The hearing shall be held not less than 10 days after the date the written notice of the time and place of the hearing is mailed to the person requesting the hearing or no less than 10 days after the notice of the time and place of the hearing is personally served upon to the person requesting the hearing.
- d) Issues To Be Addressed.** At the hearing, the only issues to be allowed are whether the dog is a Pit Bull as defined in this Section and whether the dog was found in the City of Holden in violation of this ordinance.
- e) Disposition After Hearing.** If, after hearing, the dog is found to be a Pit Bull and is found to have been in the City of Holden in violation of this Section, the dog shall be destroyed. If, after hearing, the dog is found not to be a Pit Bull or it is determined that the dog was not within the City of Holden in violation of this Section, the dog shall be released to the person requesting the hearing and the costs of impoundment shall be borne by the City (if the dog is not held pursuant to other provisions of the ordinances of the City of Holden.)
- f) Appeal.** The decision of the hearing officer may be appealed pursuant to Chapter 536 RSMo.
- g) Cost of Impoundment.** Except as provided for in Sub-Section 6, the person requesting the hearing shall be responsible for all cost of impounding the dog.
- 7) Destruction of Dog, Owner/Custodian Unknown.** If the owner or custodian of a dog seized under the provisions of this Section cannot be located after reasonable efforts, the City may destroy the dog after five days. If a dog is found running at large and is taken to a pound under the authority of another Section or Sections of the ordinances of the City of Holden, nothing contained herein shall prevent the destruction of dog under the pound's ordinary destruction policy.
- 8) Alternate Disposition of Pit Bulls.** Nothing contained herein shall prevent the City from allowing a dog seized pursuant the provisions of this Section from being removed from the City under specified conditions thereby avoiding the necessity of destroying the dog.
- 9) Impoundment/Destruction Per Other Law.** Nothing contained in this Section shall prevent a dog from being impounded by the City or destroyed pursuant to other law.
- 10) Damages.** The damages for the wrongful destruction of any dog under the authority of this Section shall be limited to the actual cash value of any dog destroyed plus any impoundment fees paid by the dog's owner or custodian.

Subchapter B--Cruelty to Animals

73.400. Cruelty to animals prohibited.

No person in this City shall overdrive, overwork, torture, cruelly beat, needlessly wound or kill, or carry or transport in any vehicle or other conveyance in an inhumane manner any animal, or cause any of these acts to be done.

73.410. Molestation of birds and fowl.

It shall be unlawful for any person to molest, injure or disturb any small birds or fowl of the nest, young or brood of any such birds or fowl within the City.

73.420. Custodian to provide food, shelter.

No person in the City shall fail to provide any animal or fowl in his charge or custody with necessary sustenance, drink, and protection from the elements, or cause any of these omissions to be done. Any such shelter so provided shall be kept clean and inoffensive insofar as is reasonably possible, and filth, offal, etc., shall not be allowed to unduly accumulate therein.

73.430. Abandonment of animals prohibited.

No person in the city shall abandon any animal or cause any animal to be abandoned.

73.440. Animal fights prohibited.

No person in the City shall maintain any place where fowl or animals are suffered to fight upon exhibition or for sport or upon any wager.

73.450. Wanton poisoning of animals prohibited.

No person in the City shall poison any dog or cat, or any other animal if known to belong to another person or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or cat, or any other animal known to belong to another person.

Subchapter C--Domestic Animals and Fowl

73.600. (ORD #16-23) Restriction on keeping.

Any person who shall, within the City limits, keep or maintain hogs, horses, cattle or goats within four hundred feet of any residence or other dwelling place other than that of the owner, or shall keep or maintain rabbits, potbellied pig, chickens, ducks, turkeys or other domestic fowl within one hundred feet of any residence or other dwelling place other than that of the owner, shall, upon conviction thereof, be deemed guilty of a misdemeanor; provided, however, that if all occupants of residences or other dwelling places within such distances agree thereto in writing, such animals or fowl may be kept and maintained at less than such distances. All animals will be kept in a manner acceptable to Missouri Department of Agriculture standards for care.