

## Chapter 205

### ANIMAL REGULATIONS

#### ARTICLE I

#### Domestic Animal Control

**Section 205.010. Definitions.** [Ord. No. 265, 3-14-2005]

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

**DOGS OR CATS** — All animals of the canine or feline species, both male and female.

**NON-DOMESTICATED ANIMALS** — Those animals not adapted to life in association with and to the advantage of man which are wild animals including, but not limited to, deer, raccoon, bear and any other wild life or any dangerous animal as defined by Chapter 578, RSMo.

**OWNER OR KEEPER** — Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his/her care, or acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises owned or occupied by him/her.

**PIT BULL DOG** — Any and all of the following dogs:

1. The Staffordshire Bull Terrier breed of dogs.
2. The American Staffordshire Terrier breed of dogs.
3. The American Pit Bull Terrier breed of dogs.
4. Dogs which have the appearance and characteristics of being predominately of the breeds of the dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.

**RUNNING AT LARGE** — Allowing a dog or cat to be off the private premises of the owner or keeper, or his/her agent or servant, and not on a leash or confined to the arms, motor vehicle, trailer or other conveyance of the owner or keeper, his/her agent or servant.

**SERIOUS PHYSICAL INJURY** — Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

**TRESPASSER** — A person upon the premises of the owner or keeper of the dog in question without license or privilege to be upon said premises.

UNRESTRAINED DOG — Any dog running at large or a dog on the premises of its owner or keeper but not confined to said premises by a leash, fence, structure or other means that would prevent the dog from leaving such premises.

VICIOUS DOG — Any of the following dogs:

1. Any dog, whether or not running at large, and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
4. Any dog that has killed another dog, cat or other domestic animal without provocation.
5. Any pit bull dog.
6. Any malamute dog, including a wolf-malamute mix.
7. Any wolf-breed dog, including a wolf-shepherd mix.
8. Any non-domesticated animals.

WOLF-MIXED DOG — Any and all of the following dogs:

1. The malamute breed of dogs, including full breed or partial breed.
2. Any wolf-breed of dogs, including full breed or partial breed.
3. Dogs which have the appearance and characteristics of being predominantly of the breeds of the dogs know as wolf-shepherd mix or wolf-malamute mix.

**Section 205.020. Vaccination and Tag.**

The owner or keeper of any dog or cat in the City of Diamond is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from the veterinarian and to present such certificate to the City Clerk on or before June first (1st) of each year; and the City Clerk shall register such certificate, which registration shall remain in force until the May thirty-first (31st) next following said registration; and upon registration, the City Clerk shall issue a tag evidencing the registration and certificate of vaccination, and the owner or keeper shall securely attach the tag so issued to a collar to be worn continuously by the animal for which the tag was issued. It shall be unlawful for the owner or keeper of any dog or cat to permit such animal to remain in the City of Diamond unless wearing the tag above provided for herein.

**Section 205.025. Licensing.** [CC 1979 §75.025; Ord. No. 199 §1, 4-12-1993]

All dogs shall be licensed with the City Clerk and before such license shall be issued, the owner must show a rabies vaccination certificate for the current year before a dog tag is issued. The fee for the license of a dog shall be two dollars (\$2.00) per year, payable upon issuance of the dog tag. All dogs not licensed and not wearing a dog tag will be impounded as provided herein.

**Section 205.030. Running At Large Prohibited — Impoundment.**

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large within the City of Diamond at any time. Any dog or cat found without the tag provided in Section 205.020, and any dog or cat found running at large, shall be impounded.

**Section 205.040. Vicious Dogs Prohibited.** [Ord. No. 265, 3-14-2005]

It shall be unlawful to own, keep or harbor a vicious dog as defined in Section 205.010 in the City of Diamond.

**Section 205.041. Quarantine.** [CC 1979 §75.045]

It shall be the duty of the Mayor, whenever, in his/her opinion, the danger to the public safety from rabid dogs is great and eminent, to publish his/her proclamation ordering all persons owning, keeping or harboring any dog to securely muzzle or confine the same for the period prescribed in the proclamation, and all dogs not so muzzled or confined during such period shall be presumed to be an abandoned dog.

**Section 205.042. Rabid Dogs.** [CC 1979 §75.050]

Owners or keepers of a dog or other animal which has bitten a person, or acts in a manner suggesting rabies, shall upon demand by the Chief of Police surrender such dog for quarantine to a designated animal shelter or veterinary hospital, and the owner shall be responsible for all costs. Such dog may be quarantined a maximum of two (2) weeks but may be released earlier if certified by a licensed veterinarian to be free of rabies.

**Section 205.050. Duty To Impound.**

It shall be the duty of the Animal Control Officer and any other person of the City of Diamond, especially designated by the Board of Aldermen and the Mayor for such purpose, to take up any dog or cat without the tag provided in Section 205.020, any dog or cat running at large, or any vicious dog in violation of Section 205.040 above and to impound the same. In effecting the capture of any dog or cat, the officers aforesaid are authorized and directed to use traps, nets, tranquilizer guns or any other humane method.

**Section 205.060. Cost of Impoundment.** [Ord. No. 314, 3-9-2009]

Any officer performing duties under this Chapter shall be compensated from the City Treasury as provided from time to time by the Board of Aldermen. Such officer shall

account to the City for all sums collected from owners or keepers under this Chapter and pay same into the City Treasury. Costs of feeding and keeping dogs or cats impounded shall be paid from the City Treasury. The cost of impoundment shall be thirty-five dollars (\$35.00) per dog or cat and then five dollars (\$5.00) per day for feeding, sheltering such animals.

**Section 205.070. Notice of Impoundment.**

Every officer impounding a dog or cat under this Chapter shall, within twenty-four (24) hours after such impounding, enter upon a registry open to the public, and in plain public view at the City Hall of the City, a description of such dog or cat, including breed, color, and approximate size, and the date apprehended, and if the owner or keeper is known, the name and address of such owner or keeper; or the owner or keeper shall be given actual notice of the impoundment of such dog or cat before disposition of such dog or cat.

**Section 205.080. Reimbursement of Costs.**

The owner or keeper of any dog or cat impounded under this Chapter may reclaim the same by paying to the Chief of Police, Police Officer, or other official especially designated to receive the same a sum sufficient to reimburse the City for its costs in impounding such dog or cat and keeping it impounded.

**Section 205.090. Term of Impoundment.**

It shall be the duty of any officer impounding any dog or cat under this Chapter to keep the same impounded for a period of seven (7) days, unless such dog or cat shall be reclaimed by his/her owner or keeper under Section 205.080 of this Chapter. If, after the expiration of seven (7) days from the date of such impoundment, such dog or cat shall not have been reclaimed, the same shall be disposed of or destroyed in a humane manner.

ARTICLE II  
**Cruelty To Animals**

**Section 205.100. Animal Neglect or Abandonment.**

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.
- B. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment not to exceed fifteen (15) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment not to exceed ninety (90) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or

animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.

- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:
1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
  2. The disposal of any dead or diseased animals within the person's custody or ownership;
  3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
  4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

**Section 205.110. Animal Abuse.** <sup>1</sup>

- A. A person is guilty of animal abuse when a person:
1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
  2. Purposely or intentionally causes injury or suffering to an animal; or
  3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.
- B. For purposes of this Section, "*animal*" shall be defined as a mammal.

**Section 205.120. Molestation of Birds and Fowl.** [CC 1979 §75.110]

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.

**Section 205.130. Animal Fights Prohibited.** [CC 1979 §75.140]

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.

ARTICLE III  
**Livestock and Poultry**

**Section 205.140. Livestock and Poultry Prohibited.** [CC 1979 §75.200]

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<sup>1</sup>. Note—Under certain circumstances this offense can be a felony under state law.

- A. It shall be unlawful to keep or maintain livestock and/or poultry within the corporate City limits of Diamond, Missouri.
  
- B. The Board of Aldermen shall, under exceptional circumstances, be permitted to issue a permit to the inhabitants of the City of Diamond for the presence of such livestock and/or poultry upon proper showing and hearing that the same will not be a menace or a hazard to the public health of the other residents or inhabitants of the City of Diamond, and the Board of Aldermen may prescribe such rules and regulations in the event said permit is issued as to the control, odor, debris, and breeding grounds of disease-carrying insects and rodents.