

## **Chapter 4**

### **ANIMALS AND FOUL**

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## **Chapter 4**

### **ANIMALS AND FOUL**

#### **ARTICLE I. IN GENERAL**

##### **Sec. 4-1. Dogs.**

A bill for an ordinance relating to dogs.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. That the chairman of the board of trustees is hereby authorized, upon sufficient apprehension of danger from mad dogs, to issue his proclamation forbidding dogs of every description from going at large in this town, and ordering the marshal to kill, and any other person may kill any dogs found at large after such proclamation has been published, unless the same shall be muzzled. (Ord. 23, §1)
2. That any person who shall keep or harbor any notoriously dangerous or vicious dog shall, on conviction, be fined in a sum not exceeding \$25, and after the owner is convicted as herein provided any person may kill the said dog. (Ord. 23, §2)
3. That any person or persons who shall cause or encourage any dogs to fight within the limits of the town of Freeburg shall, on conviction, be fined in any sum not exceeding \$25. (Ord. 23, §3)

##### **Sec. 4-2. Dog tax.**

A bill for an ordinance relating to dog tax.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. That there is hereby ordered a dog tax of one dollar for each year for each dog owned or kept within the limits of the town of Freeburg. When any such tax shall be paid it shall be the duty of the town clerk to give a special tag, which must be attached to the collar of the dog, and a receipt showing the same has been paid and for what year; all dog tax shall be paid up to the first day of January following the payment of same. Any dog found within, and belonging to any person living within, the town limits, without having a license tag attached to his collar, showing the payment of the tax for the then current year, shall be taken up and impounded by the town marshal, and if the owner of such dog is unknown and does not appear and claim same and pay the license and cost of impounding within

two days, then such dog shall be killed by the town marshal, or be given to any one who will pay the said license and cost. A female dog is to be taxed \$2.00 per annum. (Ord. 24, §1)

2. If the owner of such dog is known to the marshal, but does not appear within two days after such dog is impounded, then the town marshal shall notify such owner, either verbally or in writing, that he must immediately pay the license tax and cost of impounding, and if the owner fails to immediately pay the same, such dog shall be disposed of as provided in the foregoing section of this ordinance. (Ord. 24, §2)
3. The town marshal shall receive for his fees 25 cents from the owner for each dog impounded, which fee shall be paid, together with the license tax, before such dog is released. (Ord. 24, §3)

#### **Sec. 4-3. Stock running at large.**

A bill for an ordinance relating to stock running at large.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. That any horses, mules, asses, sheep, goats or hogs found running at large within the limits of the town of Freeburg, or on any streets, alleys, ways or commons thereof, or on any private property or premises of any one not the owner of said animals, without the consent of the owner or person in control of said private property or premises, shall be taken up and impounded by the town marshal. (Ord. 27, §1)
2. The town marshal, on taking up such animal, shall give notice to the owner thereof, if known to him, and if said owner is not known to him, the town marshal shall immediately cause notice of the seizure and impounding of such animal, describing the same by giving as nearly as possible the color, age, sex, marks and brands, and the reason for the seizure and detention, and that such animal will be proceeded against and sold therefor, and the time and place of sale, to be posted in four public places in the town of Freeburg; said animal shall be kept fifteen days after such notice shall be so given or posted, and at the expiration of said fifteen days, if the owner thereof does not appear and claim the same and pay the cost and fees for impounding and keeping as herein provided, the town marshal shall proceed at once to sell the same at public auction at the town pound, or place used for that purpose, after first giving a second notice thereof by causing four hand-bills to be posted in public places in the town of Freeburg twenty-four hours before the time of said sale. (Ord. 27, §2)
3. Out of the proceeds of said sale the town marshal shall pay, first, the cost and fees herein provided for the taking up, impounding, keeping, serving notices and selling of such animal, and the residue of the amount received, if there be any, he shall pay to the owner of said animal, or if such owner does not appear and claim the same, to the town treasurer, thereafter to be claimed and received by such owner. (Ord. 27, §3)

4. The costs and fees provided for and to be collected under this ordinance shall be as follows: For taking up and impounding each animal, 25 cents; for giving notice as herein specified, 25 cents for each set of four notices posted, or for personal notice given the owner; for selling each animal, 25 cents; for keeping horses, mules or asses, 40 cents each day for each animal; for keeping sheep or goats, 10 cents each day for each animal; for keeping hogs, 10 cents each day for each animal, and for all purposes of this ordinance a sow with a litter of sucking pigs shall be considered as two hogs. (Ord. 27, §4)

**Sec. 4-4. Inoculation of Animals.**

- (a) Every resident person who owns, controls, manages, possesses or has part interest in any animal three (3) months of age or older, kept any time during the year, or every resident person who permits any animal (3) months of age or older, to come upon, on or in, and to remain in or about his home, place of business or other premises in the Village of Freeburg, shall have such animal inoculated against rabies.
  - (b) Such resident shall have and keep a certificate of inoculation against rabies signed by a licensed veterinarian, which certificate shall have been executed and vaccine was administered sometime during the previous twelve (12) month period, and which certificate shall bear thereon information as to the type vaccine used, inoculation date, color, approximate weight, age and sex of the animal.
  - (c) All dogs and cats shall wear a collar with a current rabies identification tag attached.
  - (d) Any animal not so inoculated shall be impounded as provided herein.
- (Ord. 184, §2)

**Sec. 4-5. Impoundment if Not Restrained.**

- (a) Dogs at Large. It shall be a violation of the ordinances of the Village of Freeburg for an owner or keeper of a dog to let such dog run at large, which is defined to mean off the premises of the owner or keeper and not under the control of the owner, keeper or a responsible member of the household of the owner or keeper. A dog is under control if it is under the immediate and effective restraint of a responsible person.
- (b) Cats as Large. Cats in the Village of Freeburg that do damage to shrubs, gardens or property shall be deemed to be in violation of the ordinances of the Village of Freeburg and it shall be a violation for the owner or keeper of such cat to let such cat run at large, which is defined to mean off of the premises of the owner or keeper or a responsible member of the household of the owner or keeper. A cat is under control if it is under the immediate and effective restraint of a responsible person.
- (c) Animals at Large. It shall be unlawful for any person possessing, owning or otherwise having under the person's custody or control any domestic animal or fowl of any kind and to permit the same to run at large in or upon the streets and public places or upon the land of any person in the Village of Freeburg or to tether the same in such a way that such animals or fowl may go across or upon any of such places. This section applies to all animals and fowl excepting dogs and cats.

(d) Impoundment. Any cat, dog, domestic animal or fowl running at large in violation of the preceding section shall forthwith be taken up by the Village of Freeburg and impounded as provided herein.

(Ord. 184, §3)

**Sec. 4-6. Dangerous Dogs.**

(a) Any dog with the following characteristics shall be classified as dangerous:

1. Any dog which 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, which results in broken bones, or lacerations requiring stitches, or inpatient hospitalization.
2. Any dog which has killed a domestic animal, livestock or poultry without provocation, while off the dog owner's property.
3. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
4. Any dog which has bitten a human being, without provocation, on public or private property other than the property of the dog owner.
5. Any dog while, while on the owner's property, has 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 dog is kept.
6. Any dog 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 dog owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by said dog.
7. Any dog 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) The following actions shall be required of owners of dogs and dangerous dogs:

1. Any dog, regardless of whether it has been previously classified as a dangerous dog, which bites or scratches a human being, shall be impounded for a ten (10) day rabies quarantine at a veterinarian clinic in Missouri.
2. Any dangerous dog shall wear at all times, a bright orange collar with a large brightly colored metal tag attached to the collar so the dog can be readily identified as a dangerous dog.
3. The owner or keeper shall notify the Mayor or City Clerk Freeburg immediately if a dangerous dog is loose, unconfined, missing, or has attacked a human being or other animal.
4. The owner or keeper shall notify the Mayor or City Clerk of Freeburg within twenty-four (24) hours if a dangerous dog has been sold, given away, died, or if the owner has moved to a new address. The owner or keeper shall provide the Mayor or City Clerk of Freeburg the name, address and telephone number of the new owner and the new owner shall comply with the requirements of this ordinance. If the owner or keeper has moved, the same information shall be provided.

5. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten feet (5 ft. x 10 ft.) and must have secure sides and a secure top. 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 dog. There shall be no other animals within the enclosure except a female offspring and then only until they reach three (3) months of age.
  6. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog 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 dog from exiting the structure.
  7. The owner or keeper shall display a sign on his or her premises and upon the kennel, pen, fenced yard or enclosure that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. If the owner or keeper fails to do so, then the Village may post such a sign.
  8. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
  9. All owners or keeps of dangerous animals, must, within five (5) days of such classification, provide the Director of Public Works with two (2) color photographs (One showing the left profile and the other showing the right profile) of the animal, clearly showing the color, distinguishing markings, and approximate size of the animal. No action shall be taken thereafter by the owner or keeper to alter or conceal the identity of the dog.
  10. All owners or keeps of dogs classified as dangerous under this ordinance shall provide proof of financial responsibility to satisfy any claim made by any person injured by the dog. The Village shall have the right to require updated information and to investigate any proof provided.
  11. Any dog found to be in violation of this ordinance shall be impounded as set forth herein.
- (Ord. 184, §4)

**Sec. 4-7. Impoundment**

- (a) Any animal impounded pursuant to the provisions of this ordinance shall promptly be delivered to an impounded in any facility meeting all requirements of state statutes.
- (b) The City Clerk shall be notified of any animal placed for impoundment on the date of impoundment.

- (c) If the owner or keeper of the impounded animal is known, they shall be notified by telephone or mail of such impoundment within twenty-four (24) hours of the Clerk's receipt of notification.
- (d) If the animal is not redeemed by the owner or keeper within five (5) calendar days of impoundment, the facility will be instructed to dispose of the animal in any state authorized/approved manner. The Clerk, in his sole discretion, may grant an addition five (5) day period for the owner to redeem the animal.
- (e) In order to redeem an animal, the owner or keeper must provide proof of compliance with any ordinance violation or requirement (to the satisfaction of the Village's representative), payment of an impoundment fee of \$100.00 and payment of all cost and expenses of the boarding, treatment and care of the animal while impounded.
- (f) Any owner or keeper who has previously had any animal impounded for four (4) or more times shall not be permitted to redeem an animal except on sufficient proof to the Mayor, and in the Mayor's sole discretion, of future compliance with all ordinances pertaining to animals.

(Ord. 184, §5)

**Sec. 4-8. Penalty Provisions.**

- (a) The violation of any provision of this ordinance shall be punishable by a fine of not less than \$1.00 nor more than \$500.00 or by imprisonment for a period of not more than ninety (90) days or by both such fine and imprisonment.
- (b) Any penalty for violation of the ordinance shall be in addition to any expenses of impoundment.
- (c) The violation of this ordinance by each animal of an owner or keeper and each day of violation shall both constitute a separate offense.

(Ord. 184, §6)