

COMMITTEE SUBSTITUTE ORDINANCE NO. 120842

Amending Chapters 14 and 50, Code of Ordinances, by repealing Sections 14-1, Definitions, 14-17, Injuring, trapping or poisoning animals, and 14-48 Rescue of animals left in vehicle under dangerous weather conditions, and enacting in lieu thereof new sections of like number and subject matters and enacting two new Sections 14-54, Chemical Spay/Neuter and 50-271, Lawful Trapping pertaining to animals and offenses.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 14, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 14-1, Definition, 14-17, Injuring, trapping or poisoning animals, and ferrets, and 14-48, Rescue of animals left in vehicle under dangerous weather conditions, and enacting in lieu thereof new sections of like number and subject matters, to read as follows:

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal.

Adequate food means wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age and condition.

Adequate health care means the provision to each healthy animal of all immunizations and preventative care required to maintain good health, space adequate to allow the animal rest and exercise sufficient to maintain good health, and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

Adequate shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The condition of the shelter should be such as to not exacerbate existing weather conditions, e.g., a metal doghouse in the hot sun.

Adequate water means a continual access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal in sufficient amounts to maintain good health in the animal. Such water will be provided in a secure manner so that the container cannot be overturned.

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Animal means any live, vertebrate creature, domestic or wild, other than humans.

Animal shelter means the facilities operated by the city or its contractor for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Commercial animal establishment means any pet shop, grooming shop, boarding kennel, animal exhibit, auction, riding school, stable, carriage horse service, cattery, kennel, sentry or guard dog service, animal trainer, or business keeping animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of such establishments.

Dangerous dog means a dog that:

- (1) Has inflicted severe injury on a human being without provocation on public or private property; or,
- (2) Has killed a domestic animal, or other animal protected under federal, state or local rules without provocation while off the owner, keeper or harborer's property; or,
- (3) Has been previously found to be potentially dangerous, the owner or keeper received notice of such and the dog again aggressively bites, attacks, or endangers the safety of human beings or domestic animals without provocation.

Domestic means any species of animal bred by human beings through several generations to select and successively achieve those qualities of domesticity required for the animals to live and/or work successfully with human beings.

Domestic animal avocation means the care, breeding, showing or sale of dogs or cats by an adult natural person who maintains a hobby-kennel or hobby-cattery containing more than four, but not more than 25, animals over the age of six months on the lot on which he or she is resident or on a contiguous lot, which lot or lots are not zoned for business.

Domestic canines means any breed of canines recognized by an American, Canadian, European or other reputable kennel club, or any mixture of those breeds, exclusive of any portion of wolf, coyote or other wild canid breeding.

Fowl means any and all fowl, domesticated and wild, male and female, single and plural.

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Harboring means any person who offers asylum, refuge or sanctuary to any animal on a basis so temporary as to not be deemed to be owning or keeping shall be deemed to be harboring.

Individual means one adult and competent human.

Large animal means any swine, bovine, goat, sheep or beast of burden, or any other domestic or wild animal of similar or larger size.

License tag means any system of animal identification approved by the commissioner of revenue.

Owning and keeping means any person who feeds or shelters any animal for three or more consecutive days or who professes ownership of such animal shall be deemed to be owning or keeping.

Potentially dangerous dog means a dog that when unprovoked:

- (1) Inflicts bites on a human being or domestic animal or other animal protected under federal, state or local rules, either on public or private property; or,
- (2) Chases or approaches a person upon a street or a public grounds in a menacing fashion or apparent attitude or attack, a dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury or otherwise threaten the safety of humans, domestic animals, or other animals protected under federal, state or local rules; or,
- (3) An offspring, older than eight weeks, later born to a dog found to be a dangerous dog.

Primary enclosure means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment, pool or hutch.

Proper enclosure to confine the dog means:

- (1) A securely confined indoor area of the owner's or keeper's premises, or a securely enclosed and locked pen, kennel, or other exterior structure on the premises, suitable to prevent the entry of young children or human extremities and designed to prevent a potentially dangerous or dangerous dog from escaping; and,
- (2) A pen, kennel or other structure having secure sides and a secure top, and providing adequate shelter from the elements for the dog; and,

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- (3) If a pen, kennel or structure has no bottom secured to the sides, the sides are embedded not less than two feet into the ground; and,
- (4) Doors, windows or other openings enclosed solely by wire or mesh screening shall not be considered a proper enclosure as defined in this subsection.

Provocation means taunting, teasing, willfully causing undue pain, or unlawfully entering upon or into the property of the owner or keeper.

Public nuisance means:

- (1) Any animal (or group of animals which contains any animal) which:
 - a. Molests any passerby or chases passing vehicles, including bicycles.
 - b. Attacks any other animal.
 - c. Is in heat and not properly confined as provided in section 14-32.
 - d. Is at large in violation of [section 14-33](#)
 - e. Damages public or private property.
 - f. Barks, whines, howls, meows or creates any other disturbance which is continuous or untimely so as to disturb an individual who is a neighbor and who does in writing state that he will testify if called upon to testify about such matter under oath. For purposes of this subsection, a neighbor is defined as an individual residing in a residential structure which is within 100 yards of the property on which the animal is kept or harbored.
 - g. Is ridden on public property without a permit or which obstructs or interferes with vehicular or pedestrian traffic.
 - h. Causes injury to a person.
 - i. Threatens or causes a condition which endangers public health or safety.
 - j. Impedes refuse collection by ripping any bag or tipping any container of refuse.
- (2) Any animal or fowl which defecates on public or private property other than that of the owner, keeper or harborer.

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Qualities of domesticity means characteristics of an animal which indicate that the animal does not possess an inherent, overpowering instinctive, danger to human beings during physical contact.

Sanitary means clean and free from infectious or deleterious influences.

Severe injury means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Small animal means any animal not within the definition of large animal, but including all dogs without reference to size.

Spayed/Neutered means the surgical removal of the reproductive organs of a dog, cat or ferret in order to render the animal unable to reproduce or the use of an approved serum which will permanently render the animal unable to reproduce

Supervisor of animal health and public safety means the supervisor of animal health and public safety and staff assigned to work under the direct control of the supervisor of animal health and public safety, who may act through staff to perform any duty under this chapter unless otherwise specifically stated.

Under control means control by leash so as to thereby be restrained from approaching a bystander or another animal or from causing or being the cause of physical property damage or personal injury, when off the premises of the owner or keeper.

Unfit owner means any person who by past violations and convictions has proven himself or herself unworthy to own, keep or harbor a pet in the city.

Veterinary medical care facility means a facility which has the primary function of providing medical care for animals and is operated by a currently licensed veterinarian.

Vicious animal means an animal other than a dangerous dog or potentially dangerous dog displaying the characteristics or propensity to do an act that might endanger the safety of a person, animal, or property or another, including but not limited to a disposition to mischief or fierceness as might occasionally lead to attack on human beings or other animals without provocation whether in play or outbreak of untrained nature.

Wild animal means any species or a portion of a species of animal inherently free-roaming not specifically bred by human beings to select and successfully achieve those qualities of domesticity required for the animal to live and/or work successfully with human beings.

Sec. 14-17. Injuring, trapping or poisoning animals.

(a) Except as necessary for:

- (1) Human safety;
- (2) Relocation of nuisance animals through the use of cage-type traps;
- (3) Destruction of rats, mice and other pests;
- (4) Veterinary medical practice;
- (5) Termination of suffering; and
- (6) Performance of official duties by public employees; it shall be unlawful to deliberately injure or kill, capture or trap, expose a poisonous substance for, or poison any animal; and, further, it shall be an unlawful act to attempt any of such unlawful acts.

(b) The provisions of this Section shall not apply to lawful trapping of wildlife pursuant to section 50-271.

(c) The provisions of this Section shall not apply to a managed bow hunt conducted pursuant to section 50-268.

Sec. 14-48. Rescue of animals left in vehicle under dangerous weather conditions.

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life as determined by the supervisor of animal health and public safety (supervisor) or police, the supervisor or police are hereby authorized to enter such vehicle and rescue such animal and thereafter impound the animal in accordance with Section 14-34. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed and impounded at the municipal animal shelter under the authority of this section and impounded in accordance with Section 14-34. If the supervisor or police are required to forcibly enter a vehicle to rescue the animal, and the vehicle can no longer be secured, the police shall cause the vehicle to be towed to the City Tow Lot. In no event shall the supervisor or police be liable to the animal's owner for damage to the animal, nor liable to the vehicle's owner for tow fees, storage fees or damage to the vehicle when the supervisor or police act pursuant to this provision.

Section 2. That Chapters 14 and 50, Code of Ordinances of the City of Kansas City, Missouri, are hereby amended by enacting two new Sections 14-54, Chemical Spay/Neuter, and 50-271, Lawful Trapping, to read as follows:

Sec. 14-54. Chemical Spay/Neuter.

Any dog, cat or ferret that is neutered by chemical sterilization shall be tattooed between the genitals and inner thigh with a "Z" and shall be micro chipped to indicate the Zinc Neutered status.

Sec. 50-271. Lawful Trapping.

Notwithstanding any other ordinance it shall be lawful to trap wildlife, as defined by the Missouri Wildlife Code, when the following requirements are met:

- (1) Definition.
 - a. Allowed trapping area means property, no part of which is used or designed for use as a public park of the city unless expressly permitted by the Board of Parks and Recreation, that is zoned R-80 or AG-R.
- (2) No trap shall be set in paths made or used by persons or domestic animals.
- (3) No trap except foot-enclosing type traps or cage-type traps shall be set within one hundred fifty feet (150') of any residence, occupied building, sidewalk or established foot path.
- (4) Traps shall be plainly labeled with the user's full name and address or the Missouri Department of Conservation number.
- (5) Trapping of wildlife on allowed trapping areas within the city limits is permitted by persons who have a trapping permit issued by the Missouri Department of Conservation, or by resident property owners or tenants on land they own or lease on allowed trapping areas, pursuant to full compliance with all rules, regulations, stipulations and requirements of the Missouri Wildlife Code and pursuant to full conformity with the Missouri Wildlife Code and all federal hunting regulations.
- (6) Types of traps shall be limited to foot-enclosing type traps, foot-hold traps, cable restraint devices and cage-type traps on dry land and Conibear traps set underwater in permanent water only.
- (7) Traps will be checked and any wildlife caught shall be removed or released at least once every 24 hours.
- (8) Permission of the owner of any property within the allowed trapping area is required prior to any trapping occurring on such property.

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- (9) Any person violating the provisions of this Section shall be deemed guilty of an ordinance violation and shall be punished for that violation by a fine of not more than \$1,000.00 or by imprisonment of not more than 180 days or by both such fine and imprisonment.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney