

COUNCIL BILL 2025-2014

ORDINANCE 2025-2014

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF LAKE ANNETTE, MISSOURI, AMENDING THE LAKE ANNETTE, MISSOURI CODE OF ORDINANCES PERTAINING TO THE KEEPING OF ANIMALS.

WHEREAS, on June 1, 1998, the City of Lake Annette, Missouri (“the City”) passed Ordinance No. 185 pertaining to the keeping of animals; and

WHEREAS, the city deems it necessary to update these regulations.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LAKE ANNETTE, MISSOURI, AS FOLLOWS:

SECTION 1. That Ordinance No. 185 is rescinded.

SECTION 2. That the Lake Annette, Missouri Code of Ordinance be amended to include the following:

CHAPTER 2: ANIMAL CONTROL

ARTICLE 2.01

GENERAL PROVISIONS

2.01.001. Purpose

The purpose of this chapter is to promote harmonious relationships in the interaction between man and animal by:

1. Protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment, and health hazards;
2. Delineating the animal owner’s, keeper’s or harbinger’s responsibility for the acts and behavior of their animals at all times;
3. Providing security to residents from annoyance, intimidation, injury, and health hazards by animals; and
4. Encouraging responsible pet ownership.

2.01.002 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and derivations shall have the meaning given in this section:

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

Animal control officer means any person as may be designated by the board of aldermen to enforce the provisions of this chapter.

Animal shelter means any premises designated by the city for the purpose of impounding and caring for animals held under the authority of this chapter.

At large means an animal running at will, acting on its own initiative and not secured by a leash or lead, unless the animal shall be on the premises of the owner and under control of a responsible person and obedient to that person's command.

Bite means any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, abrasion, or other piercing of the skin, resulting in the saliva of the biting animal contacting the wound.

Control of an animal means that the animal is on a leash not more than eight (8) feet in length, is under voice control in the presence of a competent person, is on or within a vehicle being driven or parked, or is within the property limits of its owner or harbinger or upon the premises of another person with the consent of that person.

Dangerous animal means and includes any wild animal, reptile or fowl which is not naturally tame or gentle but is of wild nature or disposition and which, because of its size, vicious nature, or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.

Dog means any member of the animal species *Canis familiaris*.

Domestic animals include dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

Enclosure means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner, keeper or harbinger such as tethering of the vicious dog. Such enclosure shall be securely closed and locked and designed with secure sides, top and bottom, and shall be designed to prevent the animal from escaping from the enclosure. If such enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot.

Harbinger means any person who provides food and shelter for any animal for three consecutive days or more.

Impound means to seize summarily, confine, or restrain in custody.

Inoculation, vaccination, or vaccination for rabies means the inoculation of an animal with a vaccine approved by the state for use in the prevention of rabies.

Kennel means the house, store, yard, enclosure, or place where any owner shall

own, keep, harbor, maintain or have the custody of more than three (3) dogs over the age of six (6) months.

Own means and includes own, keep, harbor, or have charge, custody, or control of an animal.

Owner means any person or persons, firm, association, partnership, or corporation owning, keeping, or harboring an animal. A parent or legal guardian shall be deemed to be an owner of animals owned or maintained by children upon their premises.

Person means any individual, firm, association, partnership, or corporation.

Vicious dog means:

1. Any dog with a known propensity, tendency, or disposition to attack unprovoked, cause injury to, or otherwise threaten the safety of human beings or domestic animals;
2. Any dog which unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;
3. Any dog which, without provocation, attacks, or bites, or has attacked or bitten, a human being or domestic animal; or
4. Any dog owned or harbored primarily or in part for the purpose of dog fighting.

Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was committing or attempting to commit a crime. No dog may be declared vicious if any injury or damage was sustained by a domestic animal that, at the time such injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

Voice control means that an animal:

1. Is physically capable of hearing normal commands;
2. Is, at the time under consideration, within reasonable proximity to the controller so that shouting or excessively loud commands are not necessary;
3. Has been adequately trained in obedience so as to be capable of understanding control commands; and
4. Either continually demonstrates, or is able to demonstrate on demand,

response to a command that will cause the animal to immediately come into close proximity to the controller and cease any kind of aggressive behavior or action that would be offensive to other persons or animals.

Work dog means any dog trained for and actively engaged in rescue, law enforcement, or war work, or as a guide for the blind or deaf.

2.01.003. Violations; penalties.

a. Nuisance violations. Any person found guilty of permitting an animal nuisance to exist shall be fined:

- a. Not less than \$50.00 nor more than \$100.00 for the first offense;
- b. Not less than \$100.00 nor more than \$200.00 for the second offense within a consecutive twenty-four (24) month period, otherwise the first offense fine;
- c. Not less than \$150.00 nor more than \$300.00 for the third offense within a consecutive twenty-four (24) month period, otherwise the first offense fine;
- d. Not less than \$300.00 nor more than \$500.00 for the fourth or subsequent offense within a consecutive twenty-four (24) month period, otherwise the first offense fine; and/or
- e. Ordered to remove such animal permanently from the city within twenty-four (24) hours of such order.

b. Vicious dog violations.

- a. Any vicious dog:
 - i. Whose owner, keeper, or harbinger does not secure the liability insurance coverage required in accordance with this chapter;
 - ii. Which is not maintained on property with an enclosure; or
 - iii. Which shall be outside of the dwelling of the owner, keeper; or harbinger or outside of an enclosure, except as provided in section 2.01.007(a);

Shall be confiscated by an animal control officer and destroyed in an expeditious and humane manner after the expiration of a thirty (30) day waiting period. In addition, the owner, keeper, or harbinger, upon conviction, shall be assessed a fine of not less than \$500.00 or imprisoned in the county jail for up to thirty (30) days, or both fine and imprisonment.

b. Imposition or execution the fines may not be suspended, except that fines for the first or second offense may be suspended if the owner provides proof of the destruction of the dangerous or vicious dog or consents to relinquish ownership of the dangerous or vicious dog to animal control and shall be liable for cost incurred by the city for the disposal of said animal.

2.01.004. Powers and duties of animal control officers.

- a. Duties; interference. The animal control officers of the city are hereby charged with the duties of enforcing this chapter, and no person shall interfere with, hinder, molest, or abuse such officers in the exercise of their powers.
- b. Right of entry. The animal control officer of the city may:
 1. Enter without a warrant upon private property to regulate or prohibit the running at large of any animal or the creation of an animal nuisance where such animal is found in plain sight, other than in a residence structure, and to seize such animal from said private property.
 2. Enter without a warrant upon private property to apprehend a vicious animal, a wild creature or an animal suspected of being infected with rabies where such animal is found in plain sight other than in a residential structure and to seize such animal from said property; and
 3. Enter upon private property to investigate cruelty to animals.

2.01.005. Animal nuisances; guard dogs and attack dogs.

- a. Definition of animal nuisance. “Animal nuisance” is created when an animal:
 1. Runs uncontrolled. Controlled is defined as: the animal is on a leash not more than eight (8) feet in length; is within a vehicle being driven or parked; or is within the property limits of its owner or harborer (one who provides food and shelter for three (3) consecutive days) or upon the premises of another person with the consent of that person;
 2. Molests or disturbs persons or vehicles by chasing, barking, or biting;
 3. Attacks other animals;
 4. Damages property other than that of the owner or harborer;
 5. Barks, whines, howls, bays, cries, yelps or makes other noise excessively so as to cause unreasonable annoyance, disturbance or discomfort to an individual who is a neighbor (a neighbor is defined as an individual residing in a residence structure which is within one thousand (1000) yards of the property on which the animal is kept or harbored);
 6. creates noxious or offensive odor;
 7. Defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless the defecation is

- promptly removed by the animal owner or harborer;
8. Creates an insect breeding and/or attraction site due to an accumulation of excreta;
 9. Is ridden on public property and obstructs or interferes with vehicular or pedestrian traffic;
 10. Threatens or causes a condition which endangers public health or safety; or
 11. Impedes refuse collection by ripping any bag or tipping any container of such.
- b. Prohibition. It shall be unlawful for the owner or harborer of any animal to cause or permit such animal to perform, create, or engage in an animal nuisance. Any animal found acting in any way forbidden by this section, in the determination of the animal control officer or a police officer, shall hereby be declared a nuisance and its owner or harborer shall be subject to citation.
 - c. Removal of excrement. It shall be unlawful for any person to fail to immediately remove any excrement deposited by their animal upon public or private property, other than the property of the owner or harborer. This subsection shall not apply to a blind person while walking their work dog.
 - d. Injury to property. It shall be unlawful for any person owning or possessing a dog to permit such dog to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush, or injure any lawn, flower bed, plant, shrub, tree, or garden in any manner whatsoever, or to defecate thereon.
 - e. Guard dogs and attack dogs. No person shall leave any guard dog or attack dog unattended in any place in or out of any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present. As used in this section the term “guard dog or attack dog” means any dog intended to attack intruders, whether the dog has been trained to do so or the dog does so without training. No guard dog or attack dog shall be left unattended in any place except inside a building or out-of-doors in a fenced yard, with a fence adequate to prevent the dog from leaving the yard.

2.01.007 Vicious or dangerous dogs.

- a. Control of vicious dogs. All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner, keeper or harborer to maintain any vicious dog upon any premises which does not have a locked enclosure. It shall be unlawful for any owner, keeper or harborer to allow a vicious dog to be outside of the enclosure unless it is necessary for the owner, keeper or harborer to obtain veterinary care for the vicious dog or to sell or give away

the vicious dog or to comply with the commands or directions of the animal control officer with respect to the vicious dog. In such event the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length and shall be in direct control and supervision of the owner, keeper or harbinger of the vicious dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal.

- b. Signs. The owner, keeper, or harbinger of a vicious dog shall display in a prominent place on their premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posed on the pen or kennel of the animal.
- c. Dog Fighting. No person, firm, corporation, organization, or department shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting.
- d. Insurance.
 - 1. No vicious dog shall be permitted in the city unless the owner, keeper, or harbinger of such vicious dog shall present to the city proof that the owner, keeper, or harbinger has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog. Such policy shall contain a provision requiring the city to be named as additional insured for the sole purpose of the city to be notified by the insurance company on any cancellation, termination, or expiration of the liability insurance policy.
 - 2. The owner, keeper or harbinger shall maintain and not voluntarily cancel the liability insurance required by this section unless the owner, keeper or harbinger shall cease to own, keep, or harbor the vicious dog.
- e. Determination of vicious dog.
 - 1. In the event that the animal control officer has probable cause to believe that a dog is vicious, the municipal judge shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question shall be declared vicious. The animal control officer shall notify the owner, keeper or harbinger of the dog that a hearing will be held at which time they may have the opportunity to present evidence of why the dog should not be declared vicious. The hearing shall be held within thirty (30) days after service of notice upon the owner, keeper or harbinger of the dog.
 - 2. After the hearing, the owner, keeper, or harbinger of the dog shall be notified in writing of the determination. If the determination is made that the dog is vicious, the owner, keeper, or harbinger shall comply with the provisions of this chapter within thirty (30) days subsequent

to the determination.

3. In the event that the animal control officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer may seize and impound the dog pending the aforesaid hearings. The owner, keeper, or harbinger shall be liable to the city where the dog is impounded for the costs and expenses of keeping such animal.
- f. Identification collar; muzzle. A vicious or dangerous dog shall wear, at all times, a bright orange collar, so the animal can readily be identified as a dangerous animal. No dangerous animal shall be allowed out of its enclosure and off the premises without a muzzle to prevent the animal from biting.
- g. Destruction of dog. The judge may order the destruction of a vicious or dangerous dog upon a finding of guilt for any offense under this section. The judge shall order the destruction of a vicious or dangerous dog that is subject of a complaint upon conviction for any person(s) for a second offense under this section.

2.01.008. Rabies-exposed animals to be confined; destruction.

- a. Confinement required. Every animal exposed to rabies shall be immediately confined by the owners, keepers, or harborers, who shall immediately notify an animal control officer of the animal's exposure. The owner, keeper, or harbinger shall immediately, upon request, surrender such animal to an animal control officer or any authorized agent of the city for the confinement in a licensed veterinary hospital. The animal shall be confined for a minimum period of ten (10) days from the date of exposure. All costs of confinement shall be assessed against and paid by the owner, keeper, or harbinger.
- b. Killing animal or removing from city. No person shall kill a known or suspected rabid animal or an animal exposed to rabies, except when it is necessary to kill such animal to prevent its escape or attack of any person or animal. No person shall remove such an animal from the city limits without the permission of an animal control officer.
- c. Dead animals. The location of the remains of any dead animal known or suspected to have been exposed to rabies prior to death shall be reported to an animal control officer and the remains shall be surrendered to an animal control officer for laboratory examination.
- d. Animals bitten or scratched by suspected rabid animal. Any animal that has been bitten or scratched by another animal that is known or suspected of being rabid shall be immediately confined in such a place as may be directed by an animal control officer. If the animal that made the bite or scratch is determined to be rabid, or evidences positive signs of rabies, such animal that was bitten or scratched will be kept in such confinement for a minimum period of ten (10) days from the date of scratch or bite, or destroyed and its

remains surrendered to an animal control officer, or otherwise confined or disposed of as may be directed by an animal control officer.

- e. Destruction of animal. An animal control officer shall have the authority to immediately destroy any animal which is determined to have bitten or scratched a human if the animal control officer determines that destruction of such animal is necessary to determine whether such animal is rabid.
- d. Muzzling proclamation. Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the board of aldermen shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on their premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation. Any unmuzzled dog running at large during the time fixed in the proclamation shall be killed without notice to its owner.

Section 2.01.09. Kennels

- a. Any person who owns, keeps, harbors, maintains, or has custody of more than three (3) dogs over the age of six (6) months shall be deemed to be the owner of a dog kennel. Dog kennels are only allowed on property zoned Agricultural.
- b. Such person shall make application to the city clerk for a kennel license. Upon determination by the city clerk that the proposed kennel and its operation will not violate any provisions of law, the city clerk will issue a kennel license to the applicant upon payment of the license fee of fifty dollars (\$50.00).
- c. Such license shall allow the applicant to operate for a one (1) year period, unless the license is revoked; any violation of this chapter shall constitute sufficient cause for revocation of such license.
- d. Kennel premises shall be maintained in a clean and satisfactory and sanitary condition at all times, and sanitary methods shall be used to obliterate or prevent any offensive odors.
- e. If any dog kennel is operated with two hundred (200) feet of any building used as a residence, except as the residence of the person who owns the kennel, then the dogs shall be permitted to be in the outdoor enclosures during daylight hours.
- f. All kennel dogs must be confined to the premises of the kennel owner, except when on a leash or in a car or other conveyance.
- g. All kennel dogs shall be fed, maintained, and housed in separate compartments, and separate outdoor runways. None of the kennel dogs shall be allowed to come into physical contact with either the other kennel dogs or any other dogs, except when breeding and except in cases of a mother and her young. The inside and outside spaces shall be completely cleaned at least two (2) times per day.
- h. No kennel shall be operated within the same building that is occupied by humans for living purposes.

- i. Any animal control officer may enter upon private property at reasonable times to inspect dog kennels. Refusal by the owner to permit such inspection shall constitute cause for revocation of the kennel license and shall also be deemed a violation of this chapter.

Section 2.01.010. Animal care; cruelty to animals.

- a. Responsible animal care. It shall be unlawful for any owner, keeper, or harborer of a domestic animal not to provide for said animal:
 - a. Sufficient quantity of good and wholesome food and water.
 - b. Proper protection from the weather.
 - c. Veterinary care when needed to prevent suffering.
 - d. Human treatment.
- b. Cruelty to animals.
 - a. It is unlawful for any person to willfully or maliciously kill, maim, disfigure or torture; beat with a stick, chain, club or other object; mutilate, burn, or scald with any substance; drive over or other cruelty to animal, except that reasonable force may be employed to drive off vicious or trespassing animals.
 - b. It is unlawful for any person to fail, refuse, or neglect to provide any animal in their charge or custody as owner, keeper, or harborer with proper food, drink, shade, care, or shelter, or carry any animal in or upon any vehicle in a cruel or inhumane manner.
 - c. It is unlawful for any person to abandon any animal within the city limits.
 - d. It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with harmful or poisonous substances. It is not the intent of this subsection to prohibit the use of poisonous substances for the control of vermin of significance to the public health.
 - e. It is unlawful for any person to permit any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans.
 - f. It is unlawful for any person to do any trapping anywhere in the city, except for the use of any trap specifically designed to kill rats, mice, gophers, or moles with the consent of the owner or occupant of the property where the trap is set; and except for the use of cage-type live traps employed for the control of nuisance animals as long as such traps are tended each twelve (12) hours.

Section 2.01.011. Limitations upon ownership.

- a. The total number of dogs over six (6) months of age shall not exceed three (3) per dwelling unit or premises in areas zoned for residential use within the city. This restriction shall not apply to animals owned as of the effective date of this section.
- b. The number and type of other domesticated animals allowed per dwelling unit or premises within the city shall be limited in accordance with any requirements and restrictions of this chapter.

ARTICLE 2.02

KEEPING OF CERTAIN ANIMALS

Section 2.02.001. Penalty.

Any person who violates this article, pleads guilty or is found guilty of violation of this article shall be fined not more than five hundred dollars (\$500.00) or confined in the county jail for not more than ninety (90) days, or both such fine and confinement.

Section 2.02.002. Keeping of livestock.

It shall be unlawful for any person to keep, or cause or allow or permit to be kept, on any premises occupied by them or under their charge or control, any horses, mules, hogs, cattle, sheep, or other animals in a stable, stall, pen, shed, enclosure, or any yard or appurtenance thereof, except that one horse and/or one cow shall be allowed for every three (3) acres of contiguous agricultural land that is owned by any individual or family within the city limits. In any such circumstance wherein a horse and/or cow is permitted under this section, the owner of the animal shall follow all other ordinances relating to the care and cleanup of such animal. In no event shall any one individual, family or landowner have more than three (3) horses or three (3) cows with the city limits.

Section 2.02.003. Keeping of fowl.

- a. It shall be unlawful for any person to keep, or cause or allow or permit to be kept, on any premises occupied by them or under their charge or control, any type of fowl, including but not limited to geese, pigeons, game birds, peacocks, or other domestic, wild, or exotic bird or birds, in a stable, stall, pen, shed or enclosure or any yard or appurtenance thereto within the city limits with the specific exception that residents may maintain premises upon which not more than twelve (12) chickens may be kept. No roosters shall be allowed, and no retail sales of eggs shall be allowed on the premises.
- b. Every person maintaining a poultry yard at which not more than twelve (12) chickens are maintained shall keep the same clean and sanitary and free from

all refuse. Such yard shall be thoroughly swept at least once every three (3) days, and it shall be unlawful to permit any decaying food or any refuse of any kind to remain in such yard. Refuse from such yard shall, when swept up or collected, be kept in an airtight container until disposed of in accordance with the ordinance of the city, and it shall be unlawful for any person to permit any such refuse or remains to remain uncovered. Every poultry lard at which chickens are kept shall be adequately enclosed so as to be impenetrable against rats or other rodents.

Section 2.02.004. Keeping of exotic or wild animals.

It shall be unlawful for any person to own, harbor, or permit at large any exotic or wild animal without the written permission of the board of aldermen. Such permission shall be given only after a permit has been granted by the state and only if its demonstrated to the satisfaction of the board of aldermen that the animals will not constitute a threat to public health or safety so as to prevent the transmission of rabies or other diseases and prevent injury to both humans and animals.

SECTION 3. - That a copy of this Ordinance shall be kept on file in the office of the City Clerk.

SECTION 4. – That all Ordinances in conflict herewith are hereby repealed.

SECTION 5. – That the City Clerk is authorized by this Ordinance to correct any scrivener’s errors identified within this Ordinance.

SECTION 6. – Effective Date. This Ordinance shall be in full force and effect immediately upon its execution by the Board of Aldermen of the City of Lake Annette, Missouri.

Read for the first time by title only and approved by the Board of Aldermen of the City of Lake Annette, Missouri, the 24th Day of September 2025.

Read for the second time by title only and approved by the Board of Aldermen of the City of Lake Annette, Missouri, the 24th Day of September 2025.

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS 24th DAY OF SEPTEMBER 2025 AT THE REGULAR MEETING BY THE FOLLOWING ROLL CALL VOTE:


Alderman Thomas Aye

Alderman R. Lampkin Aye

Alderman Burns Aye

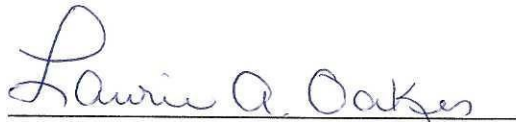
Alderman M. Lampkin Aye

APPROVED:



Angela Hansen, Mayor

ATTEST:



Laurie A. Oakes, MPCC, City Clerk

Witness my hand and seal this 24th Day of September 2025.

