

AN ORDINANCE REPEALING ORDINANCE NUMBER 2011-07 AND ENACTING AN ORDINANCE ESTABLISHING RULES FOR OWNERSHIP AND REASONABLE CONTROL OF DOGS WITHIN THE CITY OF OSBORN, MISSOURI.

Be it ordained by the Board of Alderman of the City of Osborn, Missouri that:

WHEREAS it shall be unlawful for the owner of any dog to let such dog run-at-large at any time, within the City of Osborn, Missouri.

- a) For the purpose of this section, the term “at large” is defined to be and mean, off the premises of the owner, and not under the reasonable control of owner, or member of his immediate family.
- b) “Reasonable Control” as used herein is deemed to be when such dog is on the premises of its owner, or when such dog is not on the owner’s premises with and under the control of its owner, his agent, or some member of the owner’s family.
- c) “Not Under Reasonable Control”—A dog shall be deemed to be not under reasonable control when such dog, not being upon the premises of its owner, if not with, or under the control of its owner, the owner’s agent, or some member of the owner’s family, or when such dog commits damage to the person or property of anyone other than its owner, except when the dog is in defense of its owner, his family or property.
- d) A “Vicious Dog” means -
 - 1. Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places: or
 - 2. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals: or
 - 3. Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property: or
 - 4. Any dog owned or harbored primarily or in part for the purpose of dog fighting: or
 - 5. Any dog which endangers or threatens to endanger the safety of residents of the neighborhood.

SECTION 1. Dogs Leashed - It shall be unlawful for any person or persons owning, controlling, harboring, possessing, or having management or care in whole or in part of any dog to permit such animal or animals to run at large. Any dog found on any street, alley, or any public place within the City of Osborn, which is not attached to a leash, the

other end of which securely held, or which is not so confined as to prevent it straying from the premises, shall be deemed running at large.

SECTION 2. Running at-large, owner - No person, owner, or keeper of a dog shall allow such dog to run at large within the city limits of the City of Osborn.

A) When a dog is found running at-large the first time, and the owner can be determined, the proper authority may return the dog to its owner. They shall be notified verbally or with a letter.

B) When a dog is found running at-large a second time in the next 6 months, the City of Osborn may authorize the issuance of a citation to appear in Municipal Court to answer the charges of the violation.

C) Any person, owner, or keeper, who is found in violation, shall be subject to a fine of not less than \$50.00 nor more than \$500.00. Any person, owner, or keeper, cited for a second violation, shall be subject to a fine of not less than \$75.00 nor more than \$500.00.

D) Each subsequent violation by any person, owner, or keeper, shall bring cause to have the animal collected in a safe and humane manner and transported to the facility designated as a shelter or holding place for the City of Osborn. That person shall be notified of the animal's whereabouts within 36 hours. The cost of such action shall be the burden of the person, owner, or keeper and said animal may not be retrieved until payment is made in full.

SECTION 3. Running at-large, no owner - When a dog is found running at-large and ownership cannot be determined or verified said animal shall be collected for impoundment in a safe and humane manner and transported to a facility designated by the City of Osborn. Written notice of such action shall be posted for a minimum of two (2) days at City Hall and at the holding facility with the description of the dog and the place and time of collection.

A) Dogs not claimed by a person, owner, keeper, shall become the property of the City of Osborn and shall be disposed of at the discretion of the city in a humane manner or be allowed to be adopted by a responsible owner.

SECTION 4. Vicious dog - The keeping and harboring of a vicious dog within the City of Osborn is hereby prohibited. The Code Enforcer, or Mayor shall have the authority to declare a dog vicious because of past behavior, violations, or the inherently dangerous nature of the animal as to persons. Such a declaration shall be grounds for the impoundment and destruction of the animal unless, without danger to the public, it can be removed from the city within forty-eight (48) hours and/or in conjunction with Missouri Department of Conservation disposal rules and regulations. If such dog is found again in the city limits, it will be immediately seized and promptly destroyed or disposed of in some manner as allowed in this ordinance.

SECTION 5. Cruelty to Animals Prohibited - No person in this city shall overdrive, overwork, torture, cruelly beat, needlessly wound, or kill, or cart or transport in any vehicle or other conveyance in an inhumane manner any animal, or cause any of these acts to be done.

SECTION 6. Custodian to Provide Food and 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 be kept clean and inoffensive as far as is reasonably possible, and filth, offal, etc. shall not be allowed to unduly accumulate therein.

SECTION 7. Abandonment of Animals Prohibited - No person in the city shall abandon any animal or cause any animal to be abandoned.

SECTION 8. Wanton Poisoning of Animals Prohibited - No person in the city shall poison any dog or cat, or 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 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.

SECTION 9. Any person or persons being in violation of any previous section of this ordinance shall, upon conviction of said violation, be fined not less than \$50.00 nor more than \$500.00 in addition to any fees associated with impoundment, or court costs.

SECTION 10. This ordinance shall be effective from and after the date of its passage.

Prior Ordinances Repealed: Ordinance number 2011-07 is hereby repealed in its entirety.

PASSED AND APPROVED this 20th day of October 2021.



Carlena Bradford, Mayor

ATTEST: _____
Jody Barlow, City Clerk