

## CHAPTER 205: ANIMAL REGULATIONS

### ARTICLE I. IN GENERAL

#### SECTION 205.010: DEFINITIONS

As used in this Chapter, the following terms mean:

*DOG*: A dog of either sex if over the age of four (4) months.

*EXPOSED TO RABIES*: When bitten by, or fought with, or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing.

*OWNER*: Any person, group of persons or corporation owning, keeping or harboring a dog or dogs.

*RESTRAINT*: A dog is under restraint if it is under the immediate and effective control of a responsible person provided, however, that if such a dog is not within an enclosed place on its owner's premises or other premises with the consent of the owner of such premises or securely tied on its owner's premises or other premises with the consent of the owner of such premises. "*Immediate and effective control*" shall be construed to mean that a responsible person must be in a position to see and control the dog.

*SPAYED FEMALE DOG*: A female dog certified by a licensed veterinarian to have been spayed. (Ord. No. 191 §I, 10-9-67)

#### SECTION 205.020: ENFORCEMENT

- A. The provisions of this Chapter shall be enforced by the Chief of Police of Kearney, Missouri, or such members of the Police Department of Kearney, Missouri, as shall be available.
- B. For the purpose of discharging the duties imposed by this Chapter and to enforce its provisions, the Chief of Police of Kearney, Missouri, or any Police Officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog of the license for such dog. It is further provided that any such Police Officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of same when

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in his/her opinion it requires humane treatment. (Ord. No. 191 §II, 10-9-67)

**SECTION 205.030: LICENSING**

- A. Every person or persons who shall keep or harbor one (1) or more dogs within the City of Kearney, Missouri, except kennel operators as hereinafter defined, shall pay an annual license tax in the amount of seven dollars fifty cents (\$7.50) for each dog, except that the license tax for each unspayed female shall be ten dollars (\$10.00) annual tax.
- B. The City Clerk shall not issue the license herein required unless there is presented to him/her a signed certificate of a qualified veterinarian admitted to practice in the State of Missouri showing that the dog for which the license is to be issued has been inoculated or vaccinated against hydrophobia or rabies within six (6) months prior to the date of such application.
- C. No fee shall be required for a dog (but not more than one (1)) owned by a blind person or persons sixty-five (65) years or older. Proof of blindness or age may be made in the form of an affidavit to be signed by the person applying for such license. Such affidavit if based on blindness shall recite that the applicant does not have vision greater than what is known as light perception as such term is used within the meaning of those persons qualified to obtain a blind pension as outlined in the State of Missouri Statutes. All other provisions of this Chapter shall remain in full force and effect as to such persons. In the event of a transfer in ownership to a person who is not blind or sixty-five (65) years or older, immediate application for a license is required.
- D. It shall be the duty of the City Clerk to purchase for the City as many dog license blanks as the Chief of Police may estimate to be necessary for that year and to deliver a blank to each person paying for one (1) or more licenses. Such blank to be signed by the City Clerk and the Seal of the City affixed thereto.
- E. *Kennels.*
  - 1. Kennel owners or breeders shall obtain a kennel license upon payment of fifteen dollars (\$15.00). An affidavit, together with the application for license, shall be presented setting forth and describing the kennel or breeding operation for which such license is sought. If such application is by a person who is a bona fide kennel owner or breeder of dogs and provide that all dogs kept in connection with such operation and not licensed as otherwise provided herein are kept upon the applicant's premises at all times, such payment shall be exclusive of any other fees mentioned.
  - 2. Such kennel license shall be issued for one (1) year beginning on the first (1st) day of June of each calendar year in the year of operation. The operator may apply for the license in June without penalty or delay when an application which should have been

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made by June thirtieth (30th) is not made until after said date, the appropriate license fee shall be increased by fifty percent (50%). If an operation shall commence after June thirtieth (30th), then the license fee for the year of commencement may be prorated to the nearest quarter and the fifty percent (50%) penalty for delinquency shall be added thirty (30) days after the date the license should have been procured.

- F. It shall be the duty of each person purchasing such license to cause a brass tag to be put upon the neck of the dog for which license is purchased, said tag to bear a number corresponding to the number of the license issued.
- G. The license herein required shall be purchased on or before the first (1st) day of June of each calendar year except for dogs acquired after such date on which tax must be paid in ten (10) days of the acquisition of the dog and the license tax prorated then to the nearest quarter. (Ord. No. 191 §III, 10-9-67; Ord. No. 413-84, 4-16-84)

**SECTION 205.040: RESTRAINT**

- A. It shall be the duty of the Chief of Police or any person authorized by him/her to capture all dogs running at large within the City limits upon which the license fee shall have not been paid. If the same are not claimed within five (5) days from date of said capture, the required license not paid, then the Chief of Police or other authorized officer is directed to destroy such unclaimed or unlicensed dog.
- B. Dogs not licensed pursuant to this Chapter or found not under restraint or abandoned may be seized and impounded by any Police Officer or authorized agent of the City and the owner of any dog captured and restrained by any Police Officer or authorized agent shall pay twenty-five dollars (\$25.00) for the cost of such capture and five dollars (\$5.00) a day for each day of restraint. (Ord. No. 191 §IV, 10-9-67; Ord. No. 350, 3-19-79; Ord. No. 587-92 §1, 10-19-92)

**SECTION 205.050: CONFINEMENT OF FEMALE DOGS IN HEAT**

- A. The owner, keeper or person harboring such female dogs shall confine the same in heat within a building in such manner that the dog will not be accessible to other dogs except for planned breeding and will not attract male dogs. If any such female dog is found running at large, the Chief of Police or other authorized Police personnel may capture, restrain and impound the same under the same penalties and the same charges heretofore designated for dogs without license.
- B. The owner of a dog shall provide it with humane shelter from heat, cold, wind and snow and shall give it food, water adequate to keep the animal in good health and comfort. Doghouses

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and kennels must be soundly constructed, dry and provided in cold weather with clean bedding. All dogs must be given opportunity for vigorous daily exercise and must be provided by the owners with veterinary care when needed to prevent suffering. No owner shall permit a dog to habitually bark, howl, or in other ways to be a public nuisance.

- C. No person shall kill a rabid animal, whether dog or otherwise, exposed to rabies nor remove such an animal from the City limits without permission from the Chief of Police or authorized Police personnel except when it is necessary to kill such animal to prevent it from escaping or from biting any other animal or person. The body of any animal dead of rabies or been exposed to rabies prior to death shall be surrendered by the owner upon demand of the Chief of Police or authorized Police personnel to the City of Kearney. (Ord. No. 191 §V, 10-9-67)

**SECTION 205.060: EXEMPTIONS**

Hospitals, clinics and other facilities operated by a licensed veterinarian for the care and treatment of animals within the City limits of the City of Kearney are exempt from all provisions of this Chapter except those Sections referring to the care of dog, female dogs in heat, and those in connection with the care and treatment of dogs suspected of rabies or having died from rabies. The licensing provisions of the Chapter shall not apply to non-residents of the City unless they keep a dog within the City for more than thirty (30) days. (Ord. No. 191 §VI, 10-9-67)

**SECTION 205.070: NUMBER OF ANIMALS ALLOWED**

Except for kennel owners or breeders, no owner or family shall own, keep or harbor more than three (3) dogs over the age of four (4) months. Not more than three (3) such dogs shall be allowed in any single household. (Ord. No. 191 §VII, 10-9-67)

**SECTION 205.080: PENALTIES**

Any person, group of persons or corporation violating any Section of this Chapter shall be deemed guilty of an ordinance violation and shall be punished by a fine of not less than one dollar (\$1.00) and not more than ninety dollars (\$90.00). If such violation be continuing, each day's violation shall be a separate ordinance violation. (Ord. No. 191 §VIII, 10-9-67)

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**ARTICLE II. DANGEROUS ANIMALS**

**SECTION 205.090: DEFINITIONS**

As used in this Article, the following terms shall have these prescribed meanings:

*ANIMAL CONTROL OFFICER:* An officer or agent designated by the City of Kearney to enforce this Article and may include a Police Officer.

*DANGEROUS ANIMAL:* Any animal having evidenced a disposition, propensity or tendency to attack or bite any person or other animal without provocation; or any animal which, without provocation, 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 any animal which is wild by nature and of a species which, due to size, vicious nature or other characteristics, constitutes a danger to human life, physical well-being or property; or any animal which has been found to be vicious, dangerous, or a danger or menace to persons or other animals by a court of law of another jurisdiction after a hearing or upon a plea agreement is hereby deemed to be a dangerous animal. For the purpose of this Article, where the official records of the Animal Control Officer or the Police Department of this City or any other jurisdiction establish that an animal has bitten any person or other animal on one (1) or more separate occasions without provocation, such evidence shall be prima facie evidence that said animal is a dangerous animal. In making a determination as to whether an animal is dangerous, elements that may be considered, but are not required to be, are provocation, location of the event, reason for the attack, whether the animal is acting protectively, whether the animal was tormented or abused, the seriousness of an attack, and previous attacks.

*OWNER:* The person having the right of property or custody of a dog or animal or who keeps or harbors a dog or animal or knowingly permits a dog or animal to remain on or about any premises occupied by that person. (Ord. No. 767-98 §1, 8-3-98)

**SECTION 205.100: ENFORCEMENT OF PROVISIONS**

The provisions of this Article shall be enforced by Police and/or Animal Control Officers. (Ord. No. 767-98 §2, 8-3-98)

**SECTION 205.110: ANIMALS THAT BITE HUMANS**

- A. Every animal that has bitten any person or persons shall be immediately confined by the owner who shall promptly notify a Police Officer or Animal Control Officer. The owners shall, upon demand by a Police Officer or Animal Control Officer, surrender any such animal for quarantine in the designated City pound or a licensed veterinary hospital and shall be held

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responsible for all costs incurred during the quarantine period. The animal must, in any event, be quarantined for ten (10) days. The owner shall pay all boarding fees and costs of having his/her animal vaccinated against rabies, if any, before release from the kennel.

- B. When bitten by a rabid animal, unvaccinated animals should be destroyed immediately. If the owner is unwilling to have this done, the unvaccinated animal shall be placed in strict isolation for six (6) months and shall be vaccinated one (1) month before being released. The owner shall pay the cost of the "strict isolation" and the vaccination. (Ord. No. 767-98 §3, 8-3-98)

**SECTION 205.120: AUTHORITY TO INSPECT PREMISES**

Any Police Officer or Animal Control Officer is authorized to enter any premises, other than the interior of any human residence located thereon, where a dog or other animal is kept or harbored to inspect conditions under which the dog or animal is kept and to require the owner to exhibit a veterinarian tag for a dog. No person shall hinder, molest or interfere with any Police Officer or Animal Control Officer in the performance of his/her duties. (Ord. No. 767-98 §4, 8-3-98)

**SECTION 205.130: HARBORING DANGEROUS ANIMAL**

It is illegal to harbor or keep within the City of Kearney an animal that is a "dangerous animal" or to own such an animal and allow it to be kept or harbored within the City of Kearney. (Ord. No. 767-98 §5, 8-3-98)

**SECTION 205.140: DANGEROUS ANIMALS PROHIBITED**

- A. Upon the written complaint of any person that a person owns, or is keeping or harboring, within the City a dangerous animal in violation of this Article, the Animal Control Officer or Police Officer shall forthwith cause the matter to be investigated; and if, after investigation, the facts indicate the animal is a dangerous animal, and such person named in the complaint is, in fact, the owner of, or is keeping or harboring, any such dangerous animal in the City, the Animal Control Officer or Police Officer shall forthwith issue a general ordinance summons for a violation of Section 205.130 to such person owning or keeping or harboring said animal and give written notice to such person requiring such person to safely remove said animal from the City within three (3) days of the date of said notice.
- B. Notice as herein provided shall not be required where such dangerous animal has caused serious physical harm or death to any person or other animal or has escaped and is at large. In such case, the Animal Control Officer shall immediately issue a general ordinance

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summons to the person who owns or is keeping or harboring the animal for a violation of Section 205.130 and cause said animal to be immediately seized and impounded or killed if seizure or impoundment is not possible without risk of serious physical harm or death to any person. Impoundment may be in any animal shelter so designated by the person in charge of animal control. It is unlawful to fail to remove the animal within the three (3) day period and said failure shall constitute a violation of this Section. (Ord. No. 767-98 §6, 8-3-98)

**SECTION 205.150: FAILURE TO COMPLY WITH NOTICE**

- A. The Animal Control Officer or Police Officer shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping or harboring such animal has failed to comply with the notice given pursuant to Section 205.140 and shall issue to said person a general ordinance summons for a violation of Section 205.140.
- B. Any time a dangerous animal is seized, impounded or killed, a general ordinance summons for the violation of either Section 205.130 or Section 205.140 shall be issued. (Ord. No. 767-98 §7, 8-3-98)

**SECTION 205.160: PENALTIES**

Any person found guilty of violating the provisions of this Article shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. The court shall have the power to order the impoundment, release, removal from the City, return to the City, or confinement by an individual of any animal seized, impounded, or the subject of a violation charge under Sections 205.130, 205.140 and 205.150 after a preliminary or final hearing on the merits. Nothing herein shall in any way restrict the initial seizure or impoundment pursuant to Sections 205.130, 205.140 and 205.150. Nothing herein confers a right to any preliminary hearing before the court on any issue. The court shall have the power to assess the costs of boarding any dangerous animal boarded by the City upon any conviction and cause said assessment to be paid. (Ord. No. 767-98 §8, 8-3-98)

**SECTION 205.170: AUTHORITY TO DESIGNATE ANIMAL SHELTERS**

Dogs which have not been vaccinated against rabies and have not been issued a tag by a licensed veterinarian pursuant to this Article; or dogs or animals who have allegedly been cruelly treated or been abused by those in whose care they reside; or dogs or animals that are sick or have been injured and require treatment and the owner cannot be located; or dogs or other animals found not under restraint may be seized and impounded by any Police or Animal Control Officer and said dog or animal that has been impounded may be treated if

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necessary. Impoundment may be in any animal shelter so designated by the person in charge of animal control. The owner of the dog or animal shall be responsible for the expenses of impoundment and/or treatment. (Ord. No. 767-98 §9, 8-3-98)

**SECTION 205.180: DISPOSITION OF UNREDEEMED ANIMALS**

If a dog or other animal is not redeemed by the owner within five (5) business days after impoundment, the dog or other animal may be disposed of in one (1) of the following ways: Euthanasia, using a method approved by the Humane Society of the United States; release for adoption by a new owner who shows evidence of ability and intention to provide the dog or other animal with an appropriate home and humane care and who has the dog or other animal vaccinated against rabies by a licensed veterinarian within forty-eight (48) hours. Proof of said vaccination shall be submitted to the Animal Control Officer within that time period. (Ord. No. 767-98 §10, 8-3-98)

**SECTION 205.190: REDEMPTION BY OWNERS**

- A. An owner of an animal impounded under Sections 205.130, 205.140 or 205.150 or the persons charged with a violation of any of said Sections may redeem the animal at any time after impoundment but shall not return said animal to the City of Kearney or allow said animal to remain within the City of Kearney unless and until said animal is found not to be dangerous by the Municipal Court of the City of Kearney or a higher court or until said court has authorized, by order, its return.
- B. Animals not redeemed shall be impounded until a decision is rendered by the court as to whether the animal is a dangerous animal. If the animal is adjudged a "dangerous animal" by the court and it is not redeemed with five (5) business days of the court's decision, the animal shall be disposed of in the manner set forth in Section 205.180.
- C. If the animal is not found by the court to be a "dangerous animal", it shall be released immediately to its owner or the person charged with the violation. If it is not claimed or redeemed within five (5) business days thereafter, it shall be disposed of pursuant to Section 205.180. (Ord. No. 767-98 §11, 8-3-98)

**SECTION 205.195: KEEPING OF PIT BULL DOGS PROHIBITED**

- A. *Prohibition--Definition.* It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Kearney, Missouri, any pit bull dog; provided, that pit bull dogs residing in the City on the date of passage of this Section may be kept within the City subject to the standards and requirements herein set forth. "Pit bull dog" is defined to



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mean:

1. The bull terrier breed of dog;
  2. Staffordshire bull terrier breed of dog;
  3. The American pit bull terrier breed of dog;
  4. The American Staffordshire terrier breed of dog;
  5. Dogs of mixed breed or other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
  6. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers or a combination of any of these breeds.
  7. A pit bull may be identified as any dog which exhibits those distinguishing characteristics that substantially conform to the standards established by the American Kennel Club or United Kennel Club as described in the identification checklist which is on file in the City offices. An identification using the above standards shall be prima facie proof and create a rebuttable presumption that a dog is a pit bull.
- B. *Standards For Keeping Already Resident Pit Bull Dogs.* Pit bull dogs residing in the City of Kearney at the time of passage of this Section may be kept by their owners within the City, subject to the following standards:
1. *Registration.* Pit bull dogs residing in the City at the time of passage of this Section must be registered with the City by the owners within ten (10) days of the passage of this Section.
  2. *Leash and muzzle.* No person shall permit a pit bull dog to go outside its kennel or pen unless such a dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
  3. *Confinement.* All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a

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secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

4. *Confinement indoors.* No pit bull 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.
5. *Signs.* All owners, keepers or harborers of pit bull dogs within the City shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog--Pit Bull". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
6. *Insurance.* All owners, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this Section provide proof to the City of Kearney of public liability insurance in a single incident amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the City of Kearney.
7. *Identification photographs.* All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this Section provide to the Deputy City Clerk two (2) color photographs (two (2) different poses) of the animal clearly showing the color and approximate size of the animal.
8. *Reporting requirements.* All owners, keepers or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the Deputy City Clerk as required hereinafter:
  - a. The removal from the City or death of a pit bull dog;
  - b. The birth of offspring of a pit bull dog;
  - c. The new address of a pit bull dog owner should the owner move within the corporate City limits.
9. *Sale or transfer of ownership prohibited.* No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as

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the registered owner of such dog; provided, that the registered owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.

10. *Animals born of pit bull dogs.* All offspring born of pit bull dogs registered with the City must be removed from the City within six (6) weeks of the birth of such animal.
11. *Irrebuttable presumptions.* There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by this Article is in fact a dog subject to the requirements of this Section.
12. *Failure to comply.* It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City of Kearney to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

- C. *Penalty For Violation Of This Section Shall Be Provided In Section 205.160: Penalties.* Any person found guilty of violating the provisions of this Section shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment not exceeding ninety (90) days or by both such fine and imprisonment. The court shall have the power to order the impoundment, release, removal from the City, return to the City or confinement by an individual of any animal seized, impounded or the subject of a violation charge under Sections 205.130, 205.140 and 205.150 after a preliminary or final hearing on the merits. Nothing herein shall in any way restrict the initial seizure or impoundment pursuant to Sections 205.130, 205.140 and 205.150. Nothing herein confers a right to any preliminary hearing before the court on any issue. The court shall have the power to assess the costs of boarding any dangerous animal boarded by the City upon any conviction and cause said assessment to be paid. (Ord. No. 1050-2006 §1, 8-9-06; Ord. No. 1078-2007 §1, 7-2-07)

### **ARTICLE III. ANIMAL ABUSE AND NEGLECT**

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#### **SECTION 205.200: ANIMAL NEGLECT AND ABUSE**

- A. For purposes of this Article, the following terms shall mean:

*ACTS AND FACILITIES TO WHICH THIS ARTICLE DOES NOT APPLY:* Those acts and facilities mentioned in Section 578.007, RSMo.

*ADEQUATE CARE:* Normal and prudent attention to the needs of an animal including

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wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

*ADEQUATE CONTROL:* To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

*ANIMAL:* Every living vertebrate except a human being.

*HARBOR:* To feed or to shelter an animal at the same location for three (3) or more consecutive days.

*OWNER:* In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping or harboring an animal.

*PERSON:* Any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

- B. 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.
- C. 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 by the terms of this Article.
  - 2. Purposely or intentionally or recklessly causes injury, suffering or pain to an animal.
  - 3. Abandons an animal in any place without making provision for its adequate care.
  - 4. Overworks or overloads an animal or drives or works an animal unfit to work.
  - 5. Having ownership or custody of an animal willfully fails to provide adequate care or adequate control.
- D. The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child.
- E. Any person found guilty of violating the terms of this Article shall be guilty of an ordinance violation punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for a term not in excess of thirty (30) days, or by both such fine and imprisonment. (Ord. No. 614 §§1--5, 8-16-93)

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**ARTICLE IV. MISCELLANEOUS PROVISIONS**

**SECTION 205.210: PROHIBIT THE FEEDING OF MIGRATORY WATERFOWL**

A. *Definition.* As used in this Section, the following term shall have the prescribed meaning:

*MIGRATORY WATERFOWL:* Any species of birds, not otherwise defined as a domesticated animal, commonly known as swans, geese, ducks, and any other waterfowl falling under the jurisdiction of the Missouri Conservation Commission or otherwise defined by the Commission as migratory waterfowl.

B. *Prohibit Feeding Of Migratory Waterfowl.* It shall be unlawful for any person to feed any migratory waterfowl. (Ord. No. 855-01 §§1--2, 4-16-01)

**SECTION 205.220: RESIDENT GOOSE MANAGEMENT PLAN**

A. A Resident Goose Management Plan is hereby established which shall include, but not be limited to, the following actions:

1. Develop a fact finding and communication plan, including authorization for the formation of a Citizens Action Committee.
2. Enforcement of the no feeding ordinance.
3. Conduct goose damage control activities, as suggested by the Missouri Department of Conservation and attached to this ordinance as Exhibit A and kept on file in the City offices. Some of the MoDNR recommended measures are not currently permitted by current City ordinances but shall be favorably considered by the Board of Aldermen.

B. For the purposes of preserving ecological integrity by controlling Canada goose populations within the City corporate boundaries and the overall health, safety and welfare of the general population, and as a part of a comprehensive Goose Management Plan established herein, the Kearney Police Department is hereby authorized to conduct hunts on City properties and on undeveloped private property with written consent of the owners of said land.

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- C. All persons participating in said hunt shall be approved and permitted by the Chief of Police who shall have sole discretion in selecting participants. All participants shall, at their own expense, secure a goose hunting permit from the Missouri Department of Conservation and sign a release and indemnification agreement holding the City safe and harmless from any liability for any damages to or caused by the participant.
- D. All rules and regulations imposed by Missouri Statutes and the Missouri Department of Conservation shall be followed.
- E. The Chief of Police shall monitor and document the effectiveness of said hunts for the purpose of aiding the City in developing a complete and comprehensive Resident Goose Management Plan.
- F. For the specific terms set herein, this Section shall supersede regulations prohibiting the discharge of firearms. (Ord. No. 971-2003 §§1--6, 11-3-03; Ord. No. 971-2003 §§1--6, 11-3-03)

**SECTION 205.230: HUNTING AND TARGET SHOOTING WITHIN THE CITY**

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

*BOW AND ARROW:* A conventional bow and arrow combination that requires completely manual operation without any means to cock the weapon and leave it stable until it is released or fired via a trigger mechanism.

*CROSSBOW:* A traditional crossbow utilizing a mechanism wherein the weapon can be cocked and left in a stable state until it is subsequently released or fired at a later time via a trigger mechanism.

*SHOTGUN:* A firearm that is a smoothbore shoulder weapon for firing shot or slugs at short ranges.

- B. *Certain Hunting Permitted.*

1. *Bow and arrow hunting permitted.* Bow and arrow hunting of deer within portions of the City consisting of at least five (5) acres shall be permitted only with the restrictions as detailed below.
2. *Shotgun hunting permitted.* Shotgun hunting of game animals and target shooting within portions of the City consisting of at least forty (40) acres or more is permitted.
3. *Compliance with all Missouri laws and rules.* Hunter must be in full conformance with

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State of Missouri Wildlife Code and Federal hunting regulations. The provisions of this Section shall be an exception to Sections 210.230 and 210.240 of the Municipal Code.

- C. Hunting of deer shall be done by licensed hunter only with a conventional bow and arrow, excluding any type of crossbows, unless the hunter is disabled and has received a hunting method exemption from the State allowing the use of such methods and only during the regular State hunting season.
- D. No hunting shall be permitted without the written permission of the landowner or lessee of the property in question, which must be in the possession of the hunter while hunting or by or in the actual presence of the landowner or lessee.
- E. *Certain Hunting Prohibited.*
  - 1. No bow hunting shall be permitted within two hundred fifty (250) feet of any road, residential structure, except if owned by the hunter, public building, school building, church or place where domestic animals are kept.
  - 2. No shotgun hunting or target shooting shall be permitted within four hundred fifty (450) feet (or one hundred fifty (150) yards) of any dwelling (whether occupied or unoccupied), place where domestic animals are kept (except when the hunter is also the owner of the dwelling unit or domestic animals), public building, school building or church.
- F. No weapon shall be discharged in the direction of any human, roadway, structure or domestic animal within reasonable range of the weapon at an angle which might allow the projectile to strike at, or dangerously near, these objects.
- G. *Penalty.* Any violation of the terms of the above Subsections adopted in this Section shall constitute a misdemeanor and be punishable by a fine of not more than five hundred dollars (\$500.00) or a sentence of not more than thirty (30) days in jail or both such fine and sentence. Each day that a violation continues shall constitute a separate violation and may be punished as such. (Ord. No. 1062-07 §1, 2-5-07)