

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council

**FROM:** Mari E. Macomber, City Manager

**SESSION DATE:** August 17, 2015

**TIME:** 4:30 pm

**PLACE:** City Council Chambers

## **AGENDA:**

- **HEALTH INSURANCE REPORT**
- **MACC FIREFIGHTER I AND II REPORT**
- **TRAP-NEUTER-RETURN PROGRAM**
- **STATUS REPORTS**
- **REVIEW COUNCIL AGENDA**
- **REVIEW NEWSLETTER**

## **HEALTH INSURANCE REPORT**

In preparation for the 2016 budget, Phil Drescher, our insurance benefits consultant with Bukaty Company will be in attendance on Monday to visit with the City Council. Mr. Drescher will providing an overview of where our health insurance program stands in regard to claims experience. He has been asked to advise us on ways to continue to minimize our health insurance costs and is expected to discuss options with the Council which will include increases in the individual deductible for our plan.

Though the City's wellness program has shown success in keeping our costs down, what we continue to see is just a small number of claims that make up the majority of our costs.

The City Council will be asked to provide direction to staff on changes you wish to be made to our health coverage.

## **MACC FIREFIGHTER I AND II REPORT**

This past March Moberly Area Community College (MACC) began offering Firefighter I and II classes at its Kirksville campus. The program was set up through a collaborative effort between MACC and area fire departments (Kirksville, Macon, Moberly and Hannibal) By offering these classes, MACC has not only provided a local option for training, especially for the rural fire departments, but it has made it possible for individuals potentially interested in fire service the ability to learn basic firefighting skills, and prepare them for testing to obtain a Fire Fighter I and II certifications.

The Missouri Department of Public Safety, Fire Safety Division oversees the Fire Fighter I & II certification program. Certification is issued to those individuals who meet the required qualifications and successfully complete the written and practical skills

certification examinations. This training program offered through MACC is expected to expand the hiring pool of qualified firefighters.

MACC began the classes in mid-March at their Kirksville campus. The classes have been held in the evenings, and a few Saturdays and was expected to be completed by the end of July. Some of the coursework covered has included firefighter safety, personal protective equipment, ventilation, fire hose protocol and many other basic skills. Each year the class will rotate locations so that residents in these other areas will have an opportunity to train without having to travel too far.

Fire Chief Tom Collins was instrumental in getting this program off the ground after identifying the need for a more qualified group of applicants for the fire service. Since there were no outside training programs available in the Kirksville, the City of Kirksville's Fire Department has been tasked with conducting all of the training in-house to prepare new hires for the Firefighter I and II testing. Since the majority of applicants have no fire service, the City has taken a gamble on whether or not the individuals hired were going to be able to do the job.

Fire Chief Collins will be in attendance on Monday to give the Council an update on this program.

#### **TRAP-NEUTER-RETURN PROGRAM**

Over the course of the last 12 months, the City Council has met several times to discuss animal control issues. One of those discussions occurred in May of this year when the City Council was provided information on a program (Trap-Neuter-Return or TNR) aimed at controlling feral and stray cat populations as humanly as possible. The City Council after hearing from local advocates, Kirksville-Protect Our Pets (KV-POP) and Field of Dreams, directed staff to work with these groups to develop an ordinance for Council consideration.

The idea behind TNR is that it would give specific groups the responsibility and authority to trap feral cats, neuter them and then return them to the area from where they were caught.

As it stands, the City does take feral cats to the Humane Society, some of these cats are adopted out, and some are euthanized. At the time the Council had studied this program, it was shared that the City for a 12 month period from May – April had taken 187 cats to the Humane Society. During that same period the Humane Society had euthanized 116 cats brought to their facility by the City. Over the last few months an additional 35 were brought in and another 24 euthanized.

Included with this Study Session Report is a mark-up of the current ordinance showing the proposed changes needed to implement a Trap-Neuter-Return program. This item was also placed on the City Council Agenda should the Council wish to move forward with the Ordinance.

## **STATUS REPORTS**

In a recent conversation with a member of the City Council, I had the opportunity to discuss an ongoing project. The project was one that has been carried over from one year to the next. It had been approved by a previous Council but it is still not complete. In that conversation, it was obvious to me that the member did not remember many of the details of the project. This experience coupled with meetings with staff on some other delayed projects and learning that they too did not retain some of the details got me wondering what if anything else I could do to insure that the Council was aware of lingering projects and had not forgotten them.

As it stands today, the City Council receives information in the form of Study Session Packets, Newsletters, Quarterly Reports, emails. Are these sufficient ways in which to communicate all that is taking place with the City? I was considering whether or not it would be of any value to compile a list of all projects removing projects once completed and sharing that list with the Council.

There is so much going on with the City and community with seven departments and various community meetings. It is my goal and desire to make sure that the City Council is kept up to date.

## **REVIEW COUNCIL AGENDA**

## **REVIEW COUNCIL NEWSLETTER**

### Attachments

- Staff Report – Health Insurance
- Staff Report – Firefighter I and II
- Staff Report – Trap-Neuter-Return
- Current Animal Ordinance with Edits

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Self-Funded Insurance

**STUDY SESSION MEETING DATE:** August 3, 2015

**CITY DEPARTMENT:** Human Resources

**PREPARED BY:** Pat Meredith

The City of Kirksville partially self-funds the employee medical and dental insurance plan utilizing agreements with Third Party Administrators, Preferred Provider Networks, Pharmaceutical Benefit Managers, Reinsurance Providers and a broker to assist in the administration of the insurance fund and keep us abreast of affordable healthcare requirements and other pertinent changes in the law.

The first six months of 2015 claims expenditures are (\$598,492.61) 45% of maximum claims liability or 63% of expected claims liability for the year. July claims are available and are very high at \$218,277. This is the result of two claim that will exceed our \$75,000 Specific Stop Loss. One claim has a \$65,000 laser.

This year the City is expected to pay \$1,101,035 (78%) for medical and dental care and employees will pay the remaining \$307,712 (22%). City staff is working with Phil Drescher, Bukaty Companies to evaluate our current plan design to determine how much a high deductible/HSA plan would bring down premium costs in 2016 or if it would be more beneficial to keep our current plan design.

Phil Drescher, Bukaty Companies has been working with the City approximately 15 years and has recommended many cost saving enhancements to our plan design, wellness program initiatives, and assisted us with Affordable Care Act compliance and will be assisting us with new onerous reporting requirements.

Mr. Drescher meets with City Council annually to answer your questions on how we are doing.

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** MACC FF I and II coalition

**STUDY SESSION MEETING DATE:** 8/17/15

**CITY DEPARTMENT:** Fire

**PREPARED BY:** Tom Collins, Fire Chief

At the start of 2015, Kirksville Fire Department, Hannibal Fire Dept., Macon Fire Dept. and Moberly Fire Dept, worked together with Moberly Area Community College to bring a Firefighter I and II class to the region. One of the goals being to increase the pool of qualified applicants for future job openings as well as increase the overall level of training for some of the rural departments in the area.

Each department loaned some needed equipment that was needed to complete the class. Instructors for the class also came from surrounding departments.

There have been growing pains as we find issues that arise out of covering a large area.

The class is nearing completion. Our end date has been extended for several reasons including weather and injuries. While it has taken longer than anticipated, in the end the students will still be able to test for state certification as FF I and II.

Future classes will be rotated through the other sponsoring cities. A new class is to begin in January in Hannibal. As long as the need is there, Kirksville should be hosting another class in 4 years.

MACC and the coalition has received an award from the Missouri Community College Association for getting the Academy up and running. This award will be given in Nov. at the state conference for MCCA.

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Trap-Neuter-Release Program (TNR)

**STUDY SESSION MEETING DATE:** August 17, 2015

**CITY DEPARTMENT:** Police Department

**PREPARED BY:** Chief Jim Hughes

This Study Session report is a result/culmination of two previous Council conversations and months of work by Staff and citizens.

Earlier this year the City was approached by representatives of KV POP (Protect our Pets) and Field of Dreams Rescue. Both organizations asked the City to modify the Code of Ordinances, as it relates to feral cats, to allow the implementation of a Trap-Neuter-Return (TNR) program. This interest was submitted in a newsletter and discussed at a Study Session in early April.

Based on direction at that time the TNR concept was further discussed as a Study Session agenda item on April 20<sup>th</sup>.

Following the Study session on the 20<sup>th</sup>, Staff reviewed the applicable ordinances in the Municipal Code and, in mid-June, identified recommended changes in those ordinances to accommodate the TNR Program.

Staff met with citizen proponents of TNR in mid-July and worked out agreed upon language/ordinance changes. A copy of the recommended language is attached.

The ordinance changes are currently on the regular Council Meeting Agenda for August 17<sup>th</sup>.

Staff, and community TNR advocates, would ask that Council evaluate the proposed ordinance changes, discuss unresolved issues and, if appropriate, allow the scheduled agenda item to move forward.

- **Chapter 5 - ANIMALS AND FOWL**

- **ARTICLE I. - IN GENERAL**

- **Sec. 5-1. - Definitions.**

As used in this chapter, the following terms shall have the meanings indicated, unless the context requires otherwise:

*Animal.* Every nonhuman species of animal, both domestic and wild.

*Animal shelter.* Any facility **so licensed by the State** ~~operated by a humane society, or municipal agency, or its authorized agents,~~ for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption or euthanasia.

*At large.* Off the premises of the owner, and not under the restraint of the owner, his agent or member of his immediate family.

*Authorized/designated volunteer organization.* **A local animal rescue group(s) designated, by City Council, to manage and administer the TNR program. A list of groups (and their contacts/board members) so designated will be kept in the office of the City Clerk.**

*Continuing public safety hazard.* The prohibited behavior of any adjudicated vicious animal that is likely to continue.

*Eartip.* **A mark identifying a feral cat as being in the TNR program, specifically, the removal (by the designated volunteer organization or their veterinarian) of approximately 3/8 of an inch off the tip of the cat's left ear in a straight line.**

*Feral cat.* **A cat that is unsocialized to people and typically avoids contact with humans.**

*Feral cat caregiver.* **Any person, in association with the duly authorized /designated volunteer TNR organization, who in accordance with good faith effort to trap, neuter, vaccinate and return the feral cat, provides volunteer care to a feral cat.**

*Owner.* Any person, partnership or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. **Owner does not include a person caring for a feral cat, as a feral cat caregiver, as approved in this Chapter.**

*Public nuisance animal.* Any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of persons, other than its owner, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to, an animal that:

- (1) Is repeatedly found at large, **and is not a feral cat in the registered TNR Program;**
- (2) Damages the property of anyone other than its owners;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Chases vehicles;
- (5) Excessively makes disturbing noises, including but not limited to, continued barking, howling or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(6) Attacks other domestic animals.

*Restraint.* When any animal is secured by a leash or lead under the control of its owner, agent or immediate member of the owner's family, and obedient to that person's commands.

***Trap-Neuter-Return/TNR.* A nonlethal approach to the management of the feral cat population where feral cats are humanely trapped, sterilized, vaccinated, eartipped, and then returned to the location where they were originally trapped. TNR is managed/administered by a private rescue group(s), as authorized by City Council, and does not involve active involvement/participation by the City or its employees.**

*Vicious animal.* Any animal that attacks, bites, or injures human beings or other domestic animals without adequate provocation; or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or other domestic animals without adequate provocation; or which threatens to attack, bite or injure a human being or other domestic animal without adequate provocation.

(Ord. No. 10811, § 1(II), 3-21-88; Ord. No. 11831, § I, 4-1-2008)

- **Sec. 5-2. - Animal control officer.**

There is created in the police department of the city the position of animal control officer.

(Ord. No. 10811, § 1(I), 3-21-88)

- **Sec. 5-3. - Licensing.**

(a) Every resident person who owns, controls, manages, possesses or has part interest in any animal four (4) months of age or older, kept any time during the year, or every resident person who permits an animal four (4) 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 area affected by this chapter (**which does not include eartipped feral cats in the approved TNR program**), shall obtain from the police department, at no cost, a one-year license for such animal. An applicant for an animal license for any such animal shall present to the issuing officer a certification of inoculation against rabies signed by a licensed veterinarian, which certificate shall have been executed some time during the previous thirty-six-month period if a three-year type of vaccine is used or twelve-month period if a one-year type vaccine is used. In lieu thereof, if the holder of a kennel permit who owns such animal has personally administered a rabies inoculation to this animal, then prior to the issuance of a license, an affidavit shall be completed, signed and notarized at the police department attesting to the date of inoculation, the type of inoculation, and the length of inoculation. Such license shall be valid for the period of January first through December thirty-first each year.

(b) The provisions of this section do not apply to owners who are nonresidents temporarily within the city for a period not to exceed fifteen (15) consecutive days, or who bring animals into the city for the purpose of participating in an animal show. Nor do the provisions of this section apply to owners of an animal properly and currently licensed by another municipality, except that this provision shall become void after the owner of the animal has lived in the city for a period of thirty (30) calendar days. **Nor do the provisions of this section apply to authorized/designated participants in the TNR program.**

(c) Upon application, and presentation of the inoculation certificate, the city shall issue to the owner a license certificate and a metal tag, for each animal so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner shall provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are worn at any time such animal is not on the owner's property. Owners of cats shall not be required to provide such animal with a collar, but any such cat picked up not wearing a collar and tag shall be treated as a stray. In case an animal tag is lost or destroyed, a duplicate

shall be issued by the issuing officer upon presentation of the original certificate. Animal tags shall not be transferable from one (1) animal to another.

**(d) As authorized/designated by City Council, animal control, and the local animal rescue group(s) so designated, along with their volunteers, are allowed to carry out TNR.**

(Ord. No. 10811, § 1(III), 3-21-88)

• **Sec. 5-4. - Kennel permits.**

(a) No person shall operate a kennel without first obtaining a permit in compliance with this section. No permit shall be issued except for kennels which are to be operated in areas properly zoned for that purpose.

(b) The permit period shall run from ~~July~~ **January** first to **December thirty-first** ~~June thirtieth~~ of every year. Renewal applications for permits may be made within sixty (60) days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this chapter may be made at any time.

(c) Annual permits shall be issued upon payment of the applicable fee:

(1) For each kennel authorized to house less than five (5) dogs and/or cats, ten dollars (\$10.00);

(2) For each kennel authorized to house five (5), but not more than forty-nine (49) dogs and/or cats, fifteen dollars (\$15.00);

(3) For each kennel authorized to house fifty (50) or more dogs and/or cats, twenty dollars (\$20.00).

(d) Every facility regulated by this chapter shall be considered a separate enterprise, requiring all individual permits.

(e) After an application is filed, the licensing authority shall inspect the facility prior to issuing the permit.

(Ord. No. 10811, § 1(IV)(A)—(D), (F), 3-21-88)

• **Sec. 5-5. - Denial of license or permit; reapplication restricted.**

(a) If the applicant for a permit or license under this chapter has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license.

(b) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(c) Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a ten-dollar fee.

(Ord. No. 10811, § 1(IV)(I)—(K), 3-21-88)

• **Sec. 5-6. - Revocation of licenses or permits.**

(a) The licensing authority may revoke any permit or license issued under this chapter if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law governing the protection and keeping of animals.

(b) Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the permit or license fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.

(Ord. No. 10811, § 1(IV)(F)—(H), 3-21-88)

• **Sec. 5-7. - Animals in kennels to be kept under restraint and on premises.**

Any animal housed in a kennel as outlined in [section 5-4](#) shall be kept under restraint and on the owner's premises at all times.

(Ord. No. 10811, § 1(IV)(E), 3-21-88)

- **Sec. 5-8. - Animals running at large.**

It shall be unlawful for the owner, or person in control, of any animal to let such animal run at large, whether licensed or not, at any time within the city. **The provisions of this section do not apply to volunteers participating in the authorized/designated TNR program.**

(Ord. No. 10811, § 1(V), 3-21-88; Ord. No. 11831, § II, 4-1-2008)

- **Sec. 5-9. - Public nuisance animal.**

It shall be unlawful for the owner or person in control, of any animal to fail to exercise the proper care and control of his animal so as to prevent such animal from becoming a public nuisance animal.

(Ord. No. 10811, § 1(VI), 3-21-88; Ord. No. 11831, § III, 4-1-2008)

- **Sec. 5-10. - Vicious animals.**

(a) It shall be unlawful for any person to keep or harbor within the city any vicious animal, knowing the same to be vicious, unless the following requirements are met:

(1) Except as hereinafter provided, all vicious animals shall be confined indoors in such a manner that will not allow such animal to exit the building or structure on its own volition.

(2) No person shall permit a vicious animal to go outside the building or structure in which it is confined unless such animal is muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals, and either:

a. Confined to a securely enclosed and locked pen or kennel with sides and a secure top attached to the sides, or

b. Securely leashed with a leash or lead no more than four (4) feet in length, with the owner, his agent, or a member of the owner's immediate family in physical control of such leash or lead. Such animals may not be leashed, chained or tied to inanimate objects such as trees, posts, buildings, etc.

(3) All owners, keepers or harborers of vicious animals shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Vicious Animal." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(b) The owner of any animal which attacks, bites or injures any human being or other domestic animal without adequate provocation, shall in addition to complying with the foregoing provisions, comply as follows: The owner of such animal must within seven (7) days after the date of such incident provide proof to the city clerk of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) and an aggregate amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any such person or persons resulting from the ownership, keeping or harboring 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 clerk.

(Ord. No. 10811, § 1(VII), 3-21-88; Ord. No. 11958, § 1, 3-21-2011)

- **Sec. 5-11. - Disposition of attacking, biting, injuring animals.**

(a) Any animal which attacks, bites or injures a human being or other domestic animal without adequate provocation, shall be taken up and impounded by the animal control officer at the animal shelter

so designated by the city or licensed veterinarian of the owner's choice, for a period of ten (10) days, the expense thereof, to be borne by the owner of such animal.

(b) If the animal has proof of current rabies vaccination, and the victim of the attack, bite or injury requests, the animal control officer may allow the animal to be securely and safely housed with its owners for the duration of the ten-day observation period.

(c) If within such period of ten (10) days the animal develops symptoms of rabies, then it shall be killed in a humane manner.

(d) If the animal does not develop symptoms of rabies at the end of such ten-day period, then it may be returned to the owner upon payment of boarding fees. The animal may be returned earlier if certified by a licensed veterinarian to be free of rabies. **The provisions of this section do not apply to cats in the TNR program.**

**1) Feral cats, covered by the TNR program, which attack, bite or injure a human being or other domestic animal without adequate provocation will not be returned to the program. These animals may be adopted by someone who will care for them in a non-urban environment, or they will be killed humanely.**

(e) If the owner does not claim the animal within seven (7) days after the expiration of such ten-day period, it shall be disposed of as provided for in this chapter.

(f) If, based on a public safety concern, the police department can show cause that any animal should not be released pursuant to subsection (d), the municipal court will authorize that the animal be held until an action or disposition in court authorizes the release.

(g) If the owner, or person in control, of an animal is adjudicated as harboring a vicious animal, and the city can show cause that the release of the animal would create a continuing public safety hazard, the municipal court may authorize that the animal be permanently removed from the city limits, or killed humanely.

(Ord. No. 10811, § 1(VIII), 3-21-88; Ord. No. 11831, § IV, 4-1-2008)

- **Sec. 5-12. - Rabies control—Generally.**

(a) Every rabid animal or every animal exposed to rabies shall immediately be confined by the owner, who shall promptly notify the animal control officer. Thereafter, such animal shall be taken up and impounded by the animal control officer at the humane society animal shelter so designated by the city or licensed veterinarian of the owner's choice, for a period of ten (10) days, the expense thereof to be borne by the owner of such animal.

(b) If within such period of ten (10) days, such animal develops symptoms of rabies, then it shall be killed in a humane manner.

(c) If such animal does not develop symptoms of rabies at the end of such ten-day period, then it may be returned to the owner upon payment of boarding fees. Such animal may be returned earlier if certified by a licensed veterinarian to be free of rabies. **The provisions of this section do not apply to cats in the TNR program.**

**(1) Feral cats, covered by a TNR program, which attack, bite or injure a human being or other domestic animal without adequate provocation will not be returned to the program. These animals may be adopted by someone who will care for them in a non-urban environment, or they will be killed humanely.**

(d) If the owner does not claim such animal within seven (7) days after the expiration of such ten-day period, it shall be disposed of as provided for in this chapter.

(Ord. No. 10811, § 1(IX), 3-21-88)

- **Sec. 5-13. - Same—Mayor's proclamation.**

It shall be the duty of the mayor, whenever in his/her opinion the danger to the public safety from rabid dogs or cats is great and imminent, to publish his/her proclamation ordering and requiring all persons owning,

keeping or harboring any dog or cat to securely muzzle or confine the same, for the period prescribed in the proclamation, and all dogs or cats not muzzled or so confined during such periods shall be presumed to be an abandoned or unowned animal.

(Ord. No. 10811, § 1(XII), 3-21-88)

- **Sec. 5-14. - Impoundment.**

(a) Animals not licensed pursuant to this chapter or found not under restraint or abandoned, may be picked up and impounded by any police officer or animal control officer. Impoundment shall be in the ~~Adair County Humane Society~~ animal shelter, or in any animal shelter designated by the city; provided that, such shelter is built and equipped to care for the animals in a humane manner.

**(1) An eartipped feral cat received by animal control, police officer, or local shelter (if they so approve) will be returned to a representative of the TNR program, if immediate veterinary care is required unless they are in violation of some other provision of these ordinances. Otherwise an eartipped cat trapped, or caught by animal control or a police officer, shall be released on site**

(b) If the animal wears a license tag, or if the owner can by any other reasonable means be identified and located, the owner shall be notified by the animal control officer as soon as possible that the animal has been impounded.

(c) If the animal is not redeemed by the owner within seven (7) days after impoundment, the animal may be disposed of in one (1) of the following ways, but no other way:

(1) Euthanasia, using a method **acceptable approved by the Humane Society of the United States to the American Veterinary Medical Association;**

(2) Release for adoption by a new owner who shows evidence of ability and intention to provide the animal with an appropriate home and humane care; provided that, no unspayed female dog or cat shall be released for adoption unless the spaying fee has been paid and a certificate issued by a licensed veterinarian certifying that the fee has been paid and that the dog or cat will be brought in for spaying within five (5) days, or if too young that it will be brought in for spaying at the age of six (6) months.

(d) ~~The Adair County Humane Society~~ **City designated animal shelter** may establish an impoundment or adoption fee, and may also charge a boarding fee for any animal impounded, to be paid upon redeeming or adopting an animal. The city shall make available at the animal shelter, an information sheet outlining this chapter and any other information regarding the licensing of animals. A copy of such sheet shall be made available to every person redeeming or adopting such an animal.

(e) The intent of this chapter is to require animal owners to comply with the law, not merely to operate an impoundment program. Police officers and the animal control officers shall, therefore, place primary emphasis upon ~~the~~ **education/compliance, and** apprehending and initiating prosecution of violators.

(f) **Volunteer participants, in the designated TNR Program, are empowered to reclaim impounded feral cats without proof of ownership.**

(Ord. No. 10811, § 1(X), 3-21-88)

- **Sec. 5-15. - Limitations on number of animals.**

No person shall at any time, keep, harbor, or own, at one (1) location within the city, more than five (5) animals over the age of six (6) months. This provision shall not apply to a lawfully licensed commercial kennel, ~~or~~ a kennel maintained in conjunction with a small animal hospital, **or to cats in an approved TNR program.**

(Ord. No. 10811, § 1(XI), 3-21-88)

- **Sec. 5-16. - Animal care.**

(a) No owner, or person in control of any animal, shall fail to provide his or her animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. **Provision of this section does not apply to humane participation in the TNR program.**

(b) All structures, pens or yards wherein animals are kept or permitted to be shall be maintained in a clean and sanitary condition at all times, devoid of all rodents and vermin and free from offensive or noxious smell or odor to the injury or annoyance of any inhabitant of the neighborhood.

(c) No person shall beat cruelly, ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate, or permit any dog-fight, cockfight, bullfight, or other combat between animals or between animals and humans.

(d) No owner, or person in control of any animal, ~~of an animal~~ shall abandon such animal. **Provision of this section does not apply to humane participation in the TNR program.**

(e) No person shall crop a dog's ears or dock a dog's tail, except when such procedure is performed by a licensed veterinarian.

(f) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contest, game, or other competition, as an inducement to enter a place of amusement, or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(g) Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and render such assistance as may be possible, and shall immediately report such injury or death to the animal control officer, and to the animal's owner. If the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(h) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by any animal, provided it shall be lawful for a person to expose on his property common rat poison mixed only with vegetable substance.

(Ord. No. 10811, § 1(XIII), 3-21-88; Ord. No. 11831, § V, 4-1-2008)

- **Sec. 5-17. - Animal waste.**

The owner, or person in control, of every animal shall be responsible for the removal of any excreta deposited by his or her animal on public walks, recreation areas, the public right-of-way, or private property. **Provision of this section does not apply to humane participation in the TNR program.**

(Ord. No. 10811, § 1(XIV), 3-21-88; Ord. No. 11831, § VI, 4-1-2008)

- **Sec. 5-18. - Enforcement.**

(a) It shall be unlawful for any person to fail to comply with the terms of this chapter, or to interfere with an animal control officer **or police officer** in the performance of his/**her** duties.

(b) Any animal found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment.

(c) Any person violating or permitting the violation of any of the provisions of [section 5-10](#) pertaining to vicious animals shall, upon conviction, be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for each violation, or confined for a period of not more than ninety (90) days, or punished by both such fine and imprisonment. In addition the court shall order the license of the subject animal revoked, and the animal removed from the city. Should the defendant refuse to remove the animal, the court shall find the defendant in contempt, and order the immediate confiscation and impoundment of the animal.

(d) Any person violating or permitting the violation of any other provision of this chapter, shall upon conviction, be fined not less than fifty dollars (\$50.00) or not more than five hundred dollars (\$500.00) for

each violation, or confined for a period of not more than ninety (90) days, or punished by both such fine and imprisonment.

(e) In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

(f) Except with respect to knowingly keeping or harboring a vicious animal, violations of this chapter shall not require any particular state of mind on the part of the defendant, it being the intent to make all such violations of this chapter strict liability offenses.

(Ord. No. 10811, § 1(XV), 3-21-88)