

AN ORDINANCE TO ADD SECTION 210.120 EXOTIC/REGULATED ANIMALS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI AS FOLLOWS:

SECTION 210.120: EXOTIC/REGULATED ANIMALS

1. Purpose and intent. It is the intent of the City of Hollister to protect the public against the health and safety risks that exotic/regulated animals pose to the community and to protect the welfare of individual animals that are held in private possession. By their very nature, exotic/regulated animals are wild and potentially dangerous and, as such; do not adjust well to a captive environment.
2. Definitions
 - A. Domestic Animal: Means any animal that is livestock, a companion animal, or both.
 - B. Livestock: Means any animal commonly used by persons for use, draft or pleasure purposes. The definition of “livestock” includes but is not limited to: poultry, cattle, swine, sheep, goats, horses.
 - C. Companion Animal: Means any animal that is commonly kept by persons as a pet or for companionship. The definition of “companion animal” includes but is not limited to: domesticated dogs and domesticated cats.
 - D. Exotic Animal/Regulated Animal: Means any animal that is not normally domesticated in the United States or is wild by nature. Exotic/regulated animals include but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids, of less than three generations, with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

- a. Non - human primates and prosimians (lemurs, monkeys, chimpanzees, baboons)
- b. Felidae (lions, tigers, bobcats, lynx, cougars, leopards, jaguars, not domesticated cats)
- c. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs)
- d. Ursidae (all bears)
- e. Reptilia (all venomous snakes, all constricting snakes **that can attain a length of 8 feet or longer**, geckos, iguanas, not frogs or toads)
- f. Crocodylia (alligators, crocodiles, caimans)
- g. Elephantidae (all elephants)
- h. Hyaenidae (hyenas)
- i. Artiodactyla (hippopotamuses, giraffes, camels, deer, antelope, not cattle or swine or sheep or goats)
- j. Procyonidae (raccoons, coatis)
- k. Marsupialia (kangaroos, opossums)
- l. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules)
- m. Xenarthra (anteaters, sloths, armadillos)
- n. Viverridae (civets, and genets)
- o. Herpestidae (mongoose)
- p. Mustelidae (weasels, ermine, mink, wolverines, otters)

E. Non-regulated Animals:

Fish, snails, game birds as listed by the Missouri Conservation Commission, and all raptors included but not limited to hawks, eagles, falcons, and vultures are not considered exotic/regulated animals for the purpose of this ordinance. They may however fall under state or federal regulation.

F. Licensing Authorities:

Licensing authorities shall be city of Hollister, Taney County Animal Control, the USDA (United States Department of Agriculture), or the State of Missouri.

3. Keeping of Exotic/**Regulated** Animals Prohibited

It shall be unlawful for any person to own, possess, keep, harbor, bring, or have in one's possession an exotic/**regulated** animal within the City of Hollister. It shall

be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within the City of Hollister or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic/**regulated** animal or exotic/**regulated** animals upon the property, residence or premises.

4. Exceptions

The following shall be exempt from these regulations under the conditions noted:

- a. Licensed humane societies.
- b. **Licensing Authorities.**
- c. Licensed veterinary hospitals or clinics.
- d. **Pet stores not selling regulated animals.**

The following shall be permitted to possess regulated animals by these regulations under the conditions set forth in this ordinance:

- a. Any wildlife rehabilitator licensed by the State of Missouri or the United States Department of Agriculture who temporarily **(not to exceed 180 days)** keeps exotic animals within the City of Hollister when the purpose is to return the animals to the wild. Wildlife Sanctuaries are not **permitted.**
- b. Any exhibitor, permitted by the United States Department of Agriculture **with a Class B or Class C permit** who temporarily **(not to exceed 180 days)** keeps exotic animals within the City of Hollister for the purpose of display at a specific event, for a specific period of time.

5. Grandfather Clause

Any person who owned, possessed, kept or harbored exotic/**regulated** animal(s) on or before the effective date of this Ordinance shall be permitted to continue ownership or possession as long as they meet all the requirements set forth under State and Federal Law in addition to those set forth in this Ordinance.

6. Permits

Anyone whose exotic/**regulated** animal falls under this grandfather clause shall obtain a permit for the animal within sixty days of the effective date of this ordinance. Anyone whose exotic/**regulated** animal falls under any other clause of this Ordinance shall obtain a permit for the animal prior to the animal being permitted into this jurisdiction. A person may obtain a permit form from the Hollister City Clerk's Office. **Exotic/regulated animal permits shall be issued for the specific animal(s) held at a specific location to the owner of the animal(s). If location, animal(s), or ownership changes the permit becomes null and void. Permits are non-transferrable.**

- A. The applicant must pay a \$100.00 application fee per animal **annually**.
- B. The application must be accompanied by a currently in force, liability insurance policy in the amount of not less than one million dollars (\$1,000,000) that names the City of Hollister as additionally insured. This policy is obtained at the sole expense of the applicant and must be maintained current and in force as long as the regulated animal remains within this jurisdiction.
- C. A person with a United States Department of Agriculture license or the appropriate Missouri State Wildlife Hobby Permit for regulated animals shall provide a copy of that license at time of permitting.
- D. The applicant must place on file with the City emergency contact information to include a 24 hour telephone number and a physical address where a responsible person can be reached.

A permit shall be denied if the applicant fails to meet any of the permitting requirements. Any person who successfully obtains a permit shall be permitted to hold, keep, harbor or maintain the number of exotic animals that person was legally permitted but shall not be permitted to **change ownership, location or types/species or** increase the number of exotic/**regulated** animals without a new permit being issued. Any person who has not successfully completed the permitting process and obtained a permit for their animal within sixty days of the adoption of this Ordinance or upon denial of an application shall forfeit the right to keep the animal and be deemed to unlawfully possess the animal.

7. Requirements

- A. A person who possesses a regulated animal must maintain health and ownership records on each animal and must maintain the records for the life of the animal. If possession of the regulated animal is transferred to another person, a copy of the health and ownership records must accompany the animal. **The new owner would then have to obtain a permit.**
- B. A person who possesses a regulated animal must maintain an ongoing program of veterinary care which includes a veterinary visit to the premises at least annually.
- C. A person who possesses a regulated animal must notify the local Police Department, in writing, ten days prior to a change in address or location where the regulated animal is kept. The notification of change in address or location form must be obtained from the Hollister City Clerk and approved by the Chief of Police.
- D. A person with a United States Department of Agriculture license or the appropriate Missouri State Wildlife Hobby Permit for regulated animals shall forward a copy of the United States Department of Agriculture or Missouri State Wildlife Hobby Permit inspection report to the local Police Department within 30 days of receipt of the inspection report.
- E. A person who houses an exotic/**regulated** animal must care for the animal in a manner that minimizes, as much as reasonably possible, the risk of harm to animal itself and any person, including the owner. Any enclosures used for the purpose of housing or transporting regulated animals must provide at a minimum of double barrier protection. This is an ongoing requirement.

- F. A person who possesses a regulated animal shall prominently display a sign on the structure where the animal is housed indicating that a dangerous regulated animal is on the premises.
 - G. A person who possesses a regulated animal must notify, as soon as practical, local law enforcement officials of any escape of a regulated animal. The person who possesses the regulated animal is liable for any costs incurred by any person, city, county, or state agency resulting from the escape of a regulated animal.
 - H. A person who possesses a regulated animal must maintain on file with the Police Department a written recovery plan in the event of the escape of a regulated animal. The person must maintain live traps or other equipment necessary to assist in the recovery of the regulated animal.
 - I. A person may not move a regulated animal from its location unless the person notifies the local Police Department prior to moving the animal. The notification must include the date and the location where the animal is to be moved. This paragraph does not apply to a regulated animal transported to a licensed veterinarian.
 - J. If a person who possesses a regulated animal can no longer care for the animal, the person shall take steps to find long-term placement for the regulated animal.
8. Inspection
- At any and all times, the City and or its contracted agents shall have the right to inspect the animal and where it is housed upon reasonable notice. Any party who intentionally interferes with or obstructs the inspection violates this ordinance.
9. Seizure
- A. The local animal control authority, upon issuance of a notice of inspection, must be granted access at reasonable times to sites where the local animal control authority has reason to believe a violation of this Section is occurring or has occurred.

- B. If a person who possesses a regulated animal is not in compliance with the requirements of this section, the local animal control authority shall take possession of the animal for custody and care, provided that the procedures in this subdivision are followed.
- C. Upon request of a person possessing a regulated animal, the local animal control authority may allow the animal to remain in the physical custody of the owner for 30 days, during which time the owner shall take all necessary actions to come in compliance with this section. During the 30-day period, the local animal control authority may inspect, at any reasonable time, the premises where the animal is kept.
- D. If a person who possesses a regulated animal is not in compliance with this section following the 30-day period described in paragraph (c), the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species for up to ten days.
- E. The authority taking custody of an animal under this section shall provide a notice of the seizure by delivering or mailing it to the owner, by posting a copy of it at the place where the animal is taken into custody, or by delivering it to a person residing on the property.

The notice must include:

- a. A description of the animal seized; the authority for and purpose of the seizure; the time, place, and circumstances under which the animal was seized; and a contact person and telephone number;
- b. A statement that a person from whom a regulated animal was seized may post security to prevent disposition of the animal and may request a hearing concerning the seizure and that failure to do so within

five business days of the date of the notice will result in disposition of the animal.

- c. A statement that actual costs of the care, keeping, and disposal of the regulated animal are the responsibility of the person from whom the animal was seized, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and
- d. A form that can be used by a person from whom a regulated animal was seized for requesting a hearing under this subdivision.

F. If a person from whom the regulated animal was seized makes a request within five business days of the seizure, a hearing must be held within five business days of the request to determine the validity of the seizure and disposition of the animal. This matter will be heard by a board consisting of one elected official, the City Administrator, the Police Chief and one qualified animal control officer. This board is appointed by the Mayor. The hearing board may authorize the return of the animal to the person from whom the animal was seized if the Board finds:

- a. That the person can and will provide the care required by law for the regulated animal; and
- b. The regulated animal is physically fit.

G. If the Board orders a permanent disposition of the regulated animal, the local animal control authority may take steps to find long-term placement for the animal with a wildlife sanctuary, persons authorized by the Department of Natural Resources, or an appropriate United States Department of Agriculture licensed facility.

- H. A person from whom a regulated animal is seized is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the local animal control authority and the person claiming an interest in the animal before return of the animal to the person.
 - I. A person from whom a regulated animal has been seized under this subdivision may prevent disposition of the animal by posting security in the amount sufficient to provide for the actual costs of care and keeping of the animal. The security must be posted within five business days of the seizure, inclusive of the day of the seizure.
 - J. If circumstances exist threatening the life of a person or the life of any animal, local law enforcement or the local animal control authority may seize a regulated animal without an opportunity for hearing or court order, or destroy the animal.
10. **Violations and Penalties**
Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and shall be punishable according to City Code Section 100.200. Every day any violation of this ordinance or any such rule, regulation, notice or order shall constitute a separate offense.

READ THIS FIRST AND SECOND TIME AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI THIS _____ DAY OF _____, 2011.

David G. Tate, Mayor

ATTEST:

Bridget Epps, City Clerk