

**ORDINANCE NO. 2018-7-19(1)**

**AN ORDINANCE OF PHELPS COUNTY, MISSOURI, TO PROHIBIT OWNERS FROM ALLOWING VICIOUS, THREATENING, OR DESTRUCTIVE ANIMALS TO RUN AT LARGE**

Be it resolved the by Commissioners of the County of Phelps as follows:

**SECTION 1:** It shall be unlawful for any person possessing, owning, or otherwise having under his/her custody or control a vicious, threatening, or destructive animal of any kind, to permit the animal to run at large. Running at large shall be defined to mean off the premises of the owner and not under the control of the keeper, owner, or responsible member of the household. This section shall not apply to law enforcement personnel working with any police K-9.

**SECTION 2:** Upon complaint, law enforcement may issue the person who owns or has custody of offending animal a warning unless the law enforcement officer determines the animal has caused property damage or physical injury to another.

**SECTION 3:** Any person who has been found guilty under this ordinance shall be subject to the punishment of a class C misdemeanor. Additionally, any vicious, threatening, or destructive animal in the possession of such person may be impounded with costs of impounding assessed against the owner. Any damages caused by the animal may be assessed against the owner of the animal and ordered to be paid as restitution.

**SECTION 4:** The terms vicious, threatening, and destructive shall be given their plain and common meanings.

**SECTION 5:** All fines for a first conviction may be waived by the Court, provided that the person found guilty shows that adequate and permanent remedies have been made. Reasonable costs incurred for the care and maintenance of impounded animals may not be waived.

**SECTION 6:** This ordinance shall be in full force and effect from and after the date of its approval by the County commission, as indicated below.

So moved and seconded, passed unanimously by the Phelps County Commission.

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Randy Verkamp, Presiding Commissioner

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Larry Stratman, Commissioner District 1

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Gary W. Hicks, Commissioner District 2

ATTEST:

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Pamela K. Grow, Phelps County Clerk

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Date