

**City of Tipton**  
**City Council Agenda**

*Mon., March 6, 2023\* 6 pm \* Price James Library*

**Roll Call**

**Unfinished Business**

1. Approve the Minutes of the Open & Closed Meetings held February 6, 2023
2. Department Review
  - A. Public Works
    1. Review CDBG Project Bids & Discuss Annual Street Paving
    2. Employee Certification & Help Wanted
    3. Authorize Bidding out Haw Mowing for a 3-year Term
  - B. Park – Storage Shed
  - C. Police – Code Enforcement Report
  - D. Administration
    1. ARPA Funds
    2. MRED Membership
3. Authorize a Contract Amendment with Republic Services

Any Other Unfinished Business

**New Business**

1. Bill 23-02, Regulating Farm Animals, Livestock & Other Animals
2. West Ward Alderman Position
3. Liquor License Request

Any Other New Business

Accounts Payable

Adjourn

Posted at City Hall on March 1, 2023 at 10:30 am.

**AN ORDINANCE REGULATING FARM ANIMALS, LIVESTOCK AND OTHER ANIMALS WITHIN THE CITY LIMITS AND TO ESTABLISH THE EFFECTIVE DATE HEREOF.**

**NOW THEREFORE BE IT ORDAINED**, by the Board of Aldermen of the City of Tipton, Missouri, as follows:

**Section 1. Definitions**

- A. CAFO – Concentrated Animal Feeding Operation is an animal production facility where animals are stabled or confined and fed or maintained for a total of forty-five (45) days or more in a twelve (12) month period, and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.
- B. Farm Animal – Shall include cattle, horses, ponies, mules, donkeys, swine, goats (including “fainting goats”), sheep, chickens, turkeys, geese, peacocks, and ducks by virtue of their identity and without regard to whether the animal may be considered by the owner to be a pet.
- C. Livestock – Any animal, which is being produced for commercial breeding and selling or trading, and any animal primarily for use as food or food products for consumption by humans or other animals. This definition includes bees.

**Section 2. Restrictions on Farm Animals, Livestock & Other Animals**

- A. It shall be unlawful to keep, harbor, own, or in any way possess the following animals:
  - 1. Non-human primates, raccoons, skunks, wolves, foxes, bears, coyotes, jaguarondi, hyena, tigers, lions, leopards, ocelots, jaguar, cheetah, margays, mountain lions, Canada lynx, and bobcats. Excluded from this definition are ferrets and small rodents of a variety used for laboratory purposes.
  - 2. Any animal with a poisonous bite, and any reptile over three feet long.
  - 3. Accepted from the above are animals properly maintained at a licensed zoological park, circus, scientific or educational institution, research laboratory, or veterinary hospital.
- B. Farm Animals and Livestock Regulations
  - 1. Owners of more than five (5) acres of contiguous land will be allowed to keep livestock or farm animals, other than chickens, within the city limits, subject to other restrictions.
  - 2. Chickens are allowed in the city limits. Chickens must be cooped and cannot exceed 10 per property.
  - 3. Commercial feed lots, or concentrated animal feeding operations (CAFOs), will not be allowed within the city limits.
  - 4. No farm animal, livestock, or other permitted animal of any kind will be allowed to run at large within the city limits; persons owning or having charge of such animals will be held accountable for said animals running at large in the same manner as set forth in Chapter 205 of the city code regarding dogs running at large.
  - 5. Farm animals and livestock will not be kept, harbored, penned, or stabled within four hundred (400’) feet of any residence. In addition, no person shall confine, or allow to be kept or confined, any swine within any pen or sty for a longer period than three (3) days, or within fifty (50’) feet of any street, sidewalk, or public road.
  - 6. Barns, stables, or shelters for harboring livestock or farm animals may only be constructed by first obtaining a building permit and following all zoning regulation setbacks for the district within which it is to be built, and no permit shall be allowed unless both the setback requirements and the 400-foot distance from a residence can be complied with.

**C. Permit Required for Keeping Other Animals not Specifically Named & Variance Request**

Any person desiring to keep in the city any animal not specifically named or regulated by this ordinance, and any person seeking a variance from these regulations may do so only upon approval by the Board of Aldermen after first filing with the city clerk a written application to the council for a permit stating the location and facilities to be provided, the size of the premises of the applicant, the number of each animal, and each type of animal to be kept and the purpose of keeping. If the council approves the application, the council may grant such a permit with such restrictions as the council shall deem fit, considering the health and safety of the public and the absence of annoyance to residents of the city. Each permit is good for a period of three (3) years from date thereof unless sooner revoked by the council after hearing.

**D. Animals & Enclosures**

1. All animals permitted to be kept within the City in accordance with this ordinance, while on the premises of their owner, shall be under the immediate control of their owner or custodian, or shall be securely restrained or enclosed in a suitable permitted outbuilding or enclosure.
2. All animals, when off the premises of the owner or custodian, shall be on a leash or harness not exceeding six (6) feet in length, or shall be confined in an enclosure.
3. Every building, enclosure, pen, run, cage, or yard wherein any animal is kept shall be maintained in a clean and sanitary condition so that no offensive, disagreeable or noxious smell, odor, or stench shall arise therefrom to the injury, annoyance, or inconvenience of any neighbor or neighbors. Animal manure shall not be permitted to accumulate or concentrate upon the keeper's property. All waste materials shall be removed from the animal's enclosure and disposed of so as to eliminate any offensive odors.

**E. Removal of Feces**

It shall be unlawful for any person owning or in control of any animal to allow or permit such animal to defecate upon any private property owned by another, or condominium common elements, or public property unless such person shall remove all feces so deposited by such animal and dispose of such feces in a sanitary, lawful manner.

**F. Certain Conduct Prohibited for all Animals**

It shall be unlawful for any person owning, keeping, or in possession of any animal to allow or fail to restrain the animal from:

1. Repeated emissions of animal sounds or sounds due to animal activity not necessarily emitted from the animal which become an annoyance to a person living near the property on which the animal is kept, or
2. Repeated fighting with other animals, even if the other animals are owned by the same owner and on the same property, or
3. On one or more occasions of chasing in a threatening manner any person while off the animal owner's property, or
4. Repeated acts of chasing vehicles, bicycles, or other means of locomotion while the vehicle, bicycle, or other means of locomotion is traveling on a public road, street, or alley, or
5. Digging up or destroying shrubbery, vegetation, or other property on property other than that of the owner, or
6. Tearing into solid waste trash bags on property other than that of the owner, or
7. Repeated acts of snarling and showing its teeth or claws, kicking, or lunging (even if otherwise restrained) in a threatening manner at persons who pass by on a public place (such as alleyways

or sidewalks) or private property other than property of the owner, even if the animal is on the owner's premises, or

- 8. Biting any human being except the owner without provocation, or
- 9. Killing another domestic animal, farm animal, or livestock without provocation while off the owner's property.

**G. Nuisance or Dangerous Animals Prohibited**

Any animal, which by its size, or behavior, or capability of inflicting severe or lethal injury to a person, or by being diseased, presents a risk to the health or safety of any person, or by being an annoyance to other residents, or any combination of the forgoing may be declared a nuisance animal or a dangerous animal and subject to the same penalties in the same manner as provided in Chapter 205 for declaring a dog a nuisance dog or for declaring a dog a dangerous dog; and the person keeping, maintaining, or harboring such animal shall be responsible for controlling or confining the animal in such a manner as to no longer be a nuisance or present a health or safety hazard to any person. For purposes of this section, the word "animal" shall mean any animal other than human beings.

**Section 3. Violations**

- A. Any person violating the provisions of this ordinance shall upon conviction thereof be subject to a fine of not more than five hundred dollars (\$500) or by up to ninety (90) days imprisonment in the county jail, or both fine and imprisonment.
- B. The raising or keeping of animals in violation of this article shall be deemed a nuisance and dangerous to the public health, safety, and welfare.

**Section 4.** Notwithstanding the changes made herein by this ordinance, all provisions of Section 205 shall remain unmodified except as expressly set forth herein.

**Section 5.** This ordinance shall be in full force and effect from and after its passage.

Read two (2) times and passed this \_\_\_ day of \_\_\_\_\_.

Yeas:

Nays:

\_\_\_\_\_  
Don Basinger, Mayor Pro Tem

Attest:

\_\_\_\_\_  
Jennifer Schmidt, City Clerk