

Village of Tuscumbia

Ordinances

VILLAGE OF TUSCUMBIA
Bill No. 01-2001
Ordinance 01-2001

An ordinance adopting and enacting a new Code of Ordinances for the Village of Tuscumbia, establishing the same; providing for the repeal of certain ordinances; providing for the manner of amendment of such Code of Ordinances; providing penalty for the violation thereof; and providing when this ordinance shall become effective.

Be it ordained by the Trustees of the Village of Tuscumbia as follows:

Section 1: That a code of ordinances, consisting of Chapters 231, 232, 234 and 235, each inclusive, is hereby adopted and enacted as the Code of Ordinances of the Village of Tuscumbia, which shall supersede all other ordinances of the Village of Tuscumbia dealing with the specific matters in each chapter.

Section 2: That all provisions of such code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section 3: That all portions of any ordinances touching upon the specific matters covered by said Code of Ordinances are hereby repealed but all other ordinances or portions thereof are not repealed and shall remain in full force and effect unless repealed by separate ordinance.

Section 4: That any and all additions or amendments to such Code when passed in such form as to indicate the intention of the Village Trustees to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances for the Village of Tuscumbia" shall be understood to include such additions and amendments.

Section 5:

a. Whenever in this code or any other ordinance of the Village, or in any rule, regulation, notice or order promulgated by any officer or agency of the Village under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or confinement in the city jail or other facility for not more than Ninety Days (90 days) or both such fine and confinement, provided, that any case wherein the penalty is fixed by state statute, the statutory penalty, and no other, shall be imposed for such offense.

b. Every day any violation of this code or any ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

c. Whenever any act is prohibited by this code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this code, an attempt to do the act is likewise prohibited.

Section 6. That in the case of the amendment by the Village Trustees of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section of the same Chapter, the penalty so provided in such other section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 7. That from time to time the Trustees of the Village of Tuscumbia may enact additional chapters to said Code of Ordinances which shall thereof be considered a part of said Code of Ordinances.

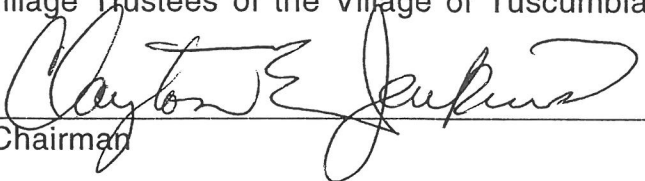
Section 8. That a copy of such Code shall be kept on file in the office of the Village Clerk, preserved in looseleaf form or in such other form as the Village Clerk may consider most expedient. It shall be the express duty of the Village Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicated the intention of the Village Trustee to make the same part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the Village Trustees. This copy of such Code shall be available for all persons desiring to examine the same.

Section 9. That it shall be unlawful for any person to change or alter by additions or deletions any part or portions of such Code, or to insert or delete pages or portions thereof, or alter or tamper with such Code in any manner whatsoever which will cause the ordinances of the Village of Tuscumbia to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 5 of this ordinance.


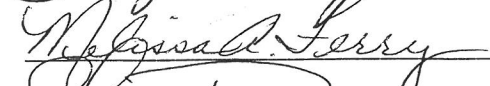



Section 10. It is hereby declared to be the intention of the Village Trustees that the sections, paragraphs, sentences, clauses and phrases of this Ordinance or the Code of Ordinances hereby adopted are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 11. This ordinance and Code adopted hereby shall become effective September 26, 2001.

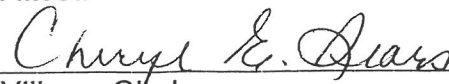
Read three times and passed by the Village Trustees of the Village of Tuscumbia, Missouri, on September 26, 2001.


Chairman

Trustees:

Attest:


Village Clerk

**VILLAGE OF TUSCUMBIA CODE
CHAPTER 232
WEED CONTROL**

232.010	Owners To Cut Weeds	3301
232.020	Hearing On Failure To Comply	3301
232.030	Tax Assessed For Failure To Comply	3301
232.040	Minimum Penalty	3301
232.050	Violation Penalties	3301

232.010 Owners To Cut Weeds.

It shall be the duty of all owners of lots and parcels of land, or portions thereof, in the Village of Tuscombua, to keep cut all weeds and brush or grass from said lots and parcels of land at all time during the year. The Village of Tuscombua is exempt from 232.010. The Village Board may exempt property by a majority vote of the Village Board.

232.020 Hearing On Failure To Comply.

If an owner of a lot or parcel or any portion thereof fails to comply with 232.010, the Village Board shall hold a hearing on the matter. Such hearing shall require at least ten (10) days notice to be delivered by U.S. Mail or in person, to the owner, or owners or his or their agent; or by posting such notice on the premises. Following the hearing the Village Board may declare the weeds, brush or grass to be a nuisance and order the same abated in five (5) days.

If the weeds, brush or grass are not cut down and removed within five (5) days, the Village Board shall have the weeds, brush or grass cut down and removed and shall certify the costs to the Village Clerk.

232.030 Failure To Comply.

The Village Clerk shall cause a special bill therefor, against the property to be prepared.

The special bill from the date of issuance shall be prima facie evidence of the recitals therein and of its validity and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance shall be a defense thereto.

232.040 Minimum Penalty

Any person who violates any provision of this article shall be assessed a fine of at least twenty-five dollars (\$25.00) and shall be assessed the applicable costs of weeds, brush or grass removed, which shall be in addition to the regular court costs.

232.050 Violation Penalties. Any person, firm or corporation violating any of the terms of this chapter for which no penalty is otherwise provided shall be deemed guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the Village Jail or other facility for a term of not more than Ninety (90) days or sentenced to both fine and such confinement and in addition shall pay all costs and expenses involved in the case. Each day such violation continues may be considered a separate offense.

**VILLAGE OF TUCUMBIA CODE
CHAPTER 234
NUISANCES**

CHAPTER 234

NUISANCES

234.010 Definitions	3401
234.020 Illustrative Enumeration	3401
234.030 Nuisances Prohibited	3401
234.040 Inspections	3402
234.050 Notice to Abate	3402
234.060 Contents Of Notice	3402
234.070 Service Of Notice	3402
234.080 Abatement By Village	3403
234.090 Village's Cost Declared Lien	3403
234.100 Municipal Judge May Direct Abatement and Assess Costs	3403
234.110 Provisions Supplemental	3403
234.120 Village's Right Of Entry To Abate, Interference With Enforcement	3403
234.130 Area Affected	3403
234.140 Weeds, Removal Requested	3403
234.200 Noise Declared Nuisance	3404
234.210 General Prohibition, Noise Defined	3404
234.220 Noises Prohibited - Unnecessary Noise Standard	3404
234.230 Penalty For Noise Nuisance	3406
234.240 Additional Remedy	3406
234.250 Severability	3406
234.260 Violation Penalties	3406

234.010 Definitions. For the purposes of this article, the word "nuisance" is hereby defined an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- a. Injures or endangers the comfort, repose, health or safety of others; or
- b. Offends decency; or
- c. Is offensive to the senses; or
- d. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- e. In any way renders other persons insecure in life or the use of property; or
- f. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

234.020 Illustrative Enumeration. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- a. Noxious weeds and other rank vegetation over twelve (12) inches in height.
- b. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- c. Any condition which provides harborage for rats, mice, snakes and other vermin.
- d. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- e. All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- f. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- g. The carcasses of animals or fowl not disposed of within a reasonable time after death.

- h. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- i. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- j. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- k. Dense smoke, noxious fumes, gas, soot, dust or cinders, in unreasonable quantities.
- l. Dead trees and dead limbs of trees so located that the falling thereof would endanger the safety of persons using any public sidewalks in the city, or endanger the safety of any pedestrian or occupant of any motor vehicle traveling upon any public street.
- m. Tree limbs and branches which overhang any public sidewalk or public street of such height above the sidewalk or street as shall impede and interfere with the use of said sidewalk by any person, or impede and interfere with the use of said street by a pedestrian or the operator or any motor vehicle, or shall endanger the safety of any person using any public sidewalk, or endanger the safety of any pedestrian or occupant of any motor vehicle traveling upon any public street.
- n. Depositing any material including, but not limited to, leaves, grass, tree limbs, building materials, and tires, in or upon any street, highway, alley, stream, ditch, storm sewer, sanitary sewer, or other public facility.

234.030 Nuisances Prohibited. It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

234.040 Inspections. Subject to constitutional limitations, authorized agents of the city are hereby authorized to enter into or upon any premises where there is a reason to suspect the existence of any nuisance.

234.050 Notice to Abate. Whenever a nuisance is found to exist within the city or within the city's extraterritorial jurisdiction, a duly designated officer or employee of the city shall give five (5) days written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

234.060 Contents of Notice. The notice to abate a nuisance issued under the provisions of this article shall contain:

- a. An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
- b. The location of the nuisance, if the same is stationary.
- c. A description of what constitutes the nuisance.
- d. A statement of acts necessary to abate the nuisance.
- e. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city will abate such nuisance and assess the cost thereof against such person.

234.070 Service Of Notice. The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

234.080 Abatement By Village. Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this article to abate the same, a duly designated agent or employee of the village shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

234.090 Village's Costs Declared Lien. Any and all costs incurred by the village in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied. (State law reference - Lien authorized, RSMo. 71.780)

234.100 Municipal Judge May Direct Abatement and Assess Costs. If, upon trial and conviction for causing or maintaining any nuisance defined and prohibited by this Code and other ordinances of this village, it shall appear that the nuisance complained of continues to exist, the municipal judge may, in addition to the penalty imposed for causing or maintaining such nuisance, make an order directing the law enforcement officer to abate the nuisance forthwith and report the expense thereof to the municipal judge, who may make

such cost a part of the judgment in addition to the fine imposed. Such costs shall be collected in the same manner as other fines and penalties.

234.110 Provisions Supplemental. The provisions of this article shall be supplemental to all other ordinances.

234.120 Village's Right Of Entry To Abate, Interference With Enforcement. Subject to constitutional limitations, any authorized agent of the village shall have the right of entry for that purpose into and upon any premises, in order to abate a nuisance pursuant to the provisions of this article, and it shall be unlawful to interfere with any such authorized agents.

234.130 Area Affected. This Chapter and all other ordinances of the Village of Tuscumbia pertaining to nuisances and the suppression thereof are hereby declared to extend and apply with full force and effect to all that area lying within a perimeter of one-half (1/2) mile of the city limits as now or hereafter existing.

234.140 Weeds, Removal Required.

a. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any lot or land or any part thereof in the village to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb, any growth of weeds, grass, poisonous or harmful vegetation to a greater height than twelve (12) inches on the average, or any accumulation of dead weeds, grass or brush, and it shall also be unlawful for any such person to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place, and the growth of such weeds, grass, poisonous or harmful vegetation of a height of more than twelve (12) inches be and hereby is declared to be a nuisance.

b. It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of subsection (a).

c. This section shall be enforced in the same manner as provided in this chapter for other nuisances.

234.200 Noise Declared Nuisance. It is found and declared that:

a. The making and creation of excessive, unnecessary or unusually loud noises within the limits of the Village of Tuscumbia is a condition which has existed for some time and the extent and volume of such noises is increasing;

b. The making, creation or maintenance of such excessive, unnecessary or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Village of Tuscumbia and its inhabitants.

c. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Village of Tuscumbia and its inhabitants.

234.210 General Prohibition, Noise Defined. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, raucous, or unusually loud noise which terms shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the village. The term includes the kinds of noise generated by the activities enumerated in section 234.220. The terms shall be limited to noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not less than fifty (50) feet from the source of the noise, measured in a straight line from the radio, loudspeaker, motor, horn or other noise source.

VILLAGE OF TUSCUMBIA CODE
CHAPTER 231
ABANDONED MOTOR VEHICLE

CHAPTER 231	1
ABANDONED MOTOR VEHICLE	1
231.010 Definitions	1
231.020 Abandonment of Vehicles	2
231.050 Duty To Notify Police	2
231.060 Removal and Disposition of Abandoned or Disabled Vehicles.	2
231.065 Responsibility Of Owner For Violation	3
231.070 Access To Property To Be Allowed	3
231.080 Removal In Emergency	3
231.085 No Parking During Street Construction Or Cleaning	3
231.086 Notice Of Cleaning Or Construction	4
231.087 Enforcement	4
231.088 Minimum Penalty And Towing Costs	4
231.090 Removal Of Motor Vehicles Generally	4
231.091 Leaving Wrecked, Junked, Vehicle On Private Property; Parking Without Consent	5
231.092 Responsibility Of Owner For Violations	6
231.100 Indoor And Authorized Storage	6
231.110 Removal and Disposition Of Abandoned Or Disabled Vehicles	6
231.120 Violation Penalties	6

231.010 Definitions. The following definitions shall apply in the interpretation and enforcement of sections of this Chapter:

Abandoned Vehicle. Any motor vehicle which has been left on open lands and,

- a. For which no arrangements have been made for its storage with the owner or occupant of the premise which it is located, or
- b. Whose owner has indicated by his words or actions an intent to leave the same and no longer claims ownership thereof.

Motor Vehicle. Includes all vehicles designed to be propelled otherwise than by human power, excepting such vehicle run only upon rails or tracks, and this Chapter shall also include any part or parts of a motor vehicle and such vehicle whether of not the same by reason of its present condition is still capable of self-propulsion.

Person. Any person, firm, partnership or corporation.

Property. Any real property within the Village which is not a street or highway.
Street or Highway. The entire width between the boundary lines of any way, any part of which is open to the use of the public for purposes of vehicular traffic.

231.020 Abandonment Of Vehicles. No person shall abandon or permit the abandonment on public or private property within the Village of Tuscumbia, Missouri any motor vehicle owned by him or under his control or in his possession at the time of abandonment or, except as provided herein, cause any abandoned vehicle or vehicle in a state of substantial disrepair to be stored in the open.

231.050 Duty To Notify Police. Any person in charge of or control of any property within the Village, whether as owner, tenant, occupant, lessee or otherwise, who finds a motor vehicle left on such property without his knowledge, acquiescence or consent, where the owner of the said vehicle has failed or refused to remove the same, or the owner of the vehicle is unknown, shall promptly notify the Chairman of the year, model and make of said vehicle and, if known or ascertainable, the registration, license, serial number and ownership there of with such further and additional information as the Chairman may request.

231.060 Removal and Disposition of Abandoned or Disabled Vehicles.

a. Any Village Marshall, city, county or state police may have any abandoned or disabled motor vehicle towed away and stored by any service station, towing service or garage. Provided, that the storage areas are within a reasonable distance of the Village and the vehicle is accessible for reclaim during normal business hours. A report showing the location of the stored vehicle shall be filed, by the Village Marshall, city, county or state police who authorized its removal, with the Chairman, who shall notify the owner or any holder of a security interest appearing on the title of such vehicle of the location of the vehicle, by certified mail.

b. The owner of any vehicle removed from any roadway in this Village under the provisions of Subsection (a) of this Section, or the holder of a security interest in the vehicle, which interest is in default, may reclaim such vehicle from the service station, towing service or garage upon proof of ownership or valid security interest which is in default and full payment of all charges for the towing and storage of the vehicle.

c. The owner of the service station, garage or towing service towing and storing of a vehicle under the provisions of Subsection (a) of this Section, when the reasonable value of the motor vehicle is less than One Hundred Dollars (\$100.00), may sell the vehicle for salvage if it remains unclaimed for twenty (20) days. When the reasonable market value of the motor vehicle exceeds One Hundred Dollars (\$100.00), the vehicle may be sold at public auction, if it remains unclaimed for (60) days. Notice of the sale of a motor vehicle at public auction shall be posted, for at least ten (10) days prior to the sale, at the service station, towing service, garage storage area where the vehicle is located, on the bulletin board in the Miller County Courthouse and one other public building in the Village. The notice shall include any identifying marks or numbers, date and place where the vehicle was found, time and place of the public auction and any accrued charges against the vehicle. When any vehicle is sold for salvage or is sold at a public auction, the service station, towing service or garage shall immediately notify the Chairman, in writing, of the sale of such vehicle.

d. The proceeds of the sale shall first be used to pay the cost of the sale, all towing and storage costs accrued against the vehicle, and the balance, if any, shall be paid into the General Revenue Fund of the Village.

e. Neither the Village, nor any officer, employee or Law Enforcement Officer, nor the owner of any service station, towing service or towing service towing and storing a motor vehicle under the provisions of Subsection (a) of this Section shall be responsible for the issuance of a certificate of title for any motor vehicle sold under the provisions of Subsection (c) of this Section.

231.065 Responsibility Of Owner For Violation.

a. In any prosecution for a violation of any of the provisions of this division, proof that the vehicle described in the complaint was parked in violation of any provisions of this division, together with proof that the defendant named in the complaint was at the time of such parking the owner of the vehicle, shall constitute in evidence a prima facie presumption that the owner of the vehicle was the person who parked the vehicle at the point where, and for the time during which, such violation occurred.

b. If any vehicle is found upon any alley, roadway, street or property in violation of any provision of this division, the owner or person in whose name such vehicle is registered in the records of any Village, City, County, or State shall be held prima facie responsible for such violation, if the driver thereof is not present.

231.070 Access To Property To Be Allowed. Any person in charge or control, whether as owner, tenant, occupant, lessee or otherwise, of property on which an abandoned motor vehicle shall be situated and fails to remove said motor vehicle in accordance with the request made by the Chairman or his duly authorized agent shall permit access to such property by any duly authorized agent of the Village for the purpose of examining or removing said vehicle.

231.080 Removal in Emergency. Where the existence of a motor vehicle on public property, private property or on a street or highway shall be an immediate hazard and thereby constituting a nuisance requiring prompt abatement, the Chairman may without notice, if notice is infeasible, cause the same to be removed and the Chairman shall thereupon notify the owner or owners of said motor vehicle if known, by certified mail, or

the location thereof and of the right of said owner to secure return or possession of the said motor vehicle upon payment of the cost of removal and storage.

Nothing herein shall be construed to provide the owner with a defense against any sections of this Chapter.

231.085 No Parking During Street Construction Or Cleaning.

a. It shall be unlawful for any person to park, stand or fail to remove a vehicle of any kind parked along any street, alley or highway when notification of intent to clean or construct is made. These streets shall be readily identifiable by sign designation.

b. No person shall impede or interfere in any way with a street sweeper or other street cleaning vehicle or equipment during operation.

c. No person shall stop, stand, park, or abandon a vehicle in a manner which obstructs or impedes traffic on a street during the time designated for construction or cleaning. Any vehicle obstructing or impeding traffic in violation of this section may be removed to a service station, garage, towing service, or other place of safety, and shall be considered an abandoned motor vehicle. The provisions and procedures pertaining to abandoned motor vehicles shall govern the further disposition of the vehicle.

d. Streets designated for cleaning or construction may be closed to all traffic as needed.

231.086 Notice Of Cleaning Or Construction. When a street is designated for cleaning or construction at least forty-eight hours shall elapse between the time of notification and the actual cleaning. Notification shall be by notice to the media and by the posting of appropriate signs along the street. At least 3 signs shall be placed on each side of any block effected. The signing shall be a regular or 12-inch square placard no parking sign with the addition of the words "Street Construction" or "Street Cleaning" and shall include the time at which cleaning or construction will begin. The signs shall also indicate that vehicles are subject to towing. Parking in such areas shall be restricted only for the duration of the cleaning or construction.

231.087 Enforcement. Any Law Enforcement Officer or other Village employee who has the authority to issue tickets for parking violations shall have authority to issue tickets, citations, and summons for violations of this article.

231.088 Minimum Penalty And Towing Costs. Any person who violates any provision of this article shall be assessed a fine of at least twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) and shall be assessed the applicable costs of towing and storage, which shall be in addition to the regular court costs. In addition, each day such violation continues may be considered a separate offense.

231.090 Removal Of Motor Vehicles Generally; Removed Vehicles Deemed Abandoned.

a. Law Enforcement officers are authorized to have a motor vehicle removed from a street, highway or Village owned parking area to a service station, towing service, garage or other place of safety:

1. When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic, and the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.

3. When any vehicle is left unattended upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic.

4. When any vehicle is parked in any metered space or rental space owned or operated by the village or on any monthly rental fees for any parking space owned or operated by the village have not been paid by the owner of the vehicle.

b. Any motor vehicle removed from a street or highway or metered or rental space operated by the village, under the provisions of this section shall be considered an abandoned or disabled motor vehicle and the provisions and procedures contained in this chapter shall apply and be observed.

231.091 Leaving Wrecked, Junked, Vehicle On Private Property; Parking Without Consent.

a. No person in charge or control of any property within the village, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperative, wrecked, junked or discarded vehicle to remain on such property for longer than seventy-two (72) hours. No person shall leave any such vehicle on any property in the village for a period exceeding seventy-two (72) consecutive hours, except:

1. When in an enclosed building; or
2. On the premises of a business operating in a lawful place and manner, when necessary to the operation of such business; or
3. In an appropriate storage place or depository maintained by the village.

b. No person shall park or leave standing any motor vehicle upon any privately owned land, parking lot or driveway, after notice has been posted as hereinafter provided by the owner, occupant, lessee or licensee, prohibiting, restricting or limiting such parking, without the express or implied consent of such owner, occupant, lessee or licensee of the land. A suitable sign, not less than eighteen (18) inches by twenty-four (24) inches in dimension, bearing the words "No Parking," together with any qualifications or restrictions or restrictions on such parking, if any, shall be conspicuously displayed on such land, parking lot or driveway by the owner, occupant, lessee or licensee, to make this subsection effective.

c. Upon written complaint by any owner, occupant, lessee or licensee, or any other person or entity adversely affected, that a motor vehicle has been parked or left standing in violation of any provision of this section, such vehicle shall be considered an abandoned or disabled motor vehicle, and the provisions and procedures in this chapter shall apply and be observed.

d. No person shall park or leave standing for a period in excess of ten (10) hours any motor vehicle on or in any front, rear, or side yards, or on or in any other privately or publicly owned property unless such parking spaces, driveways, or areas have been permanently established with an all weather surface and are used for the parking of motor vehicles, or the grass under and around such parked motor vehicle shall be kept below six (6) inches. For purposes of this subsection the term motor vehicle shall be deemed to include boats, trailers, recreational vehicles, and farm equipment.

e. Subsection (d) above shall only be enforced upon written complaint of a resident of this village.

231.092 Responsibility Of Owner For Violations.

a. In any prosecution for a violation of any of the provisions of this Chapter, proof that the vehicle described in the complaint was parked in violation of any provisions of this Chapter, together with proof that the defendant named in the complaint was at the time of such parking the owner of the vehicle, shall constitute in evidence a prima facie presumption that the owner of the vehicle was the person who parked the vehicle at the point where, and for the time during which, such violation occurred.

b. If any vehicle is found upon any alley, roadway, street or property in violation of any provision of this Chapter, the owner or person in whose name such vehicle is registered in the records of any village, city, county or state shall be held prima facie responsible for such violation, if the driver thereof is not present.

231.100 Indoor And Authorized Storage. Nothing herein shall be deemed to prohibit the storage of motor vehicles in disrepair in an enclosed building or to prohibit the storage of abandoned vehicles or vehicles in disrepair in designated tow-away areas approved by resolution of the Village Trustees.

231.110 Removal And Disposition Of Abandoned Or Disabled Vehicles.

a. Any law enforcement officer may have any abandoned or disabled motor vehicle towed away and stored by any service station, towing service or garage. The storage areas should be within a reasonable distance of the village and the vehicle is accessible for reclaim during normal business hours. A report showing the location of the stored vehicle shall be filed, by the law enforcement officer who authorized its removal, with the Chairman, who shall notify the owner or any holder of a security interest on the title of such vehicle of the location of the vehicle, by certified mail.

b. The owner of any vehicle removed from any roadway in this city under the provisions of subsection (a) of this section, or the holder of a security interest in the vehicle, which interest is in default, may reclaim such vehicle from the service station, towing service or garage upon proof of ownership or valid security interest which is in default and full payment of all charges for the towing and storage of the vehicle.

c. The owner of the service station, towing service or garage towing and storing of a vehicle under the provisions of subsection (a) of this section, when the reasonable value of the motor vehicle is less than one hundred dollars (\$100.00), may sell the vehicle for salvage if it remains unclaimed for twenty (20) days. When the reasonable market value of the motor vehicle remains unclaimed for sixty (60) days. Notice of the sale of a motor vehicle at public auction shall be posted, for at least ten (10) days prior to the sale, at the service station, towing service or garage where the vehicle is located, on the bulletin board at the Courthouse, and one commercial building in the village. The notice shall include any identifying marks or numbers, date and place where the vehicle was found, time and place of the public auction and any accrued charges against the vehicle. When any vehicle is sold for salvage or is sold at a public auction, the service station, towing service or garage shall immediately notify the Chairman, in writing, of the sale of such vehicle.

d. The proceeds of the sale shall first be used to pay the cost of the sale, all towing and storage costs accrued against the vehicle, and the balance, if any, shall be paid into the general revenue fund of the village.

e. Neither the village, nor any office, employee or law enforcement officer of the village, nor, the owner of any service station, towing service or garage towing and storing a motor vehicle under the provisions of subsection (a) of this section shall be responsible for the issuance of a certificate of title for any motor vehicle sold under the provisions of subsection (c) of this section.

231.120 Violation Penalties. Any person, firm or corporation violating any of the terms of this chapter for which no penalty is otherwise provided shall be deemed guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the Village Jail or other facility for a term of not more than Ninety (90) days or sentenced to both fine and such confinement and in addition shall pay all costs and expenses involved in the case. Each day such violation continues may be considered a separate offense.

234.220 Noises Prohibited - Unnecessary Noise Standard. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- a. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning, the creation by means of any such signaling device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust, and the use of any such signaling device when traffic is for any reason held up.
- b. Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. the operation of any such set, instrument, phonograph, machine or device between the hours of eleven (11) o'clock P.M. and seven (7) o'clock A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- c. Loud Speakers, Amplifiers for Advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is case upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- d. Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11 P.M. and 7 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- e. Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- f. Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- g. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- h. Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- i. Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, containers.
- j. Construction or Repairing of Buildings. The erection, excavation, demolition, alteration or repair of any building other than between the hours of seven (7) A.M. and six (6) P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Board of Trustees, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Board of Trustees should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of six (6) P.M. and seven (7) P.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant

permission for such work to be done within the hours of six (6) P.M. and seven (7) A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

k. Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.

l. Hawkers, Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet and of the neighborhood.

m. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to a performance, show or sale.

n. Metal Rails, Pillars and Columns, Transportation Thereof. The transportation of rails, pillars or columns or iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

o. Street Railway Cars, Operation Thereof. The causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a street railway car.

p. Pile Drivers, Hammers, etc. The operation between the hours of ten (10) P.M. and seven (7) A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

q. Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

234.230 Penalty for Noise Nuisance. Any person violating any of the provisions of 234.200 through 234.230 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not exceeding Five Hundred Dollars (\$500.00), or be imprisoned in the Village or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as an offense. Violations of this ordinance shall be prosecuted in the same manner as other violations of the Village's code.

234.240 Additional Remedy. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

234.250 Severability. It is the intention of the Board of Trustees that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Trustees that if any provision of this Chapter be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

234.260 Violation Penalties. Any person, firm or corporation violating any of the terms of this chapter for which no penalty is otherwise provided shall be deemed guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the Village Jail or other facility for a term of not more than Ninety (90) days or sentenced to both fine and such confinement and in addition shall pay all costs and expenses involved in the case. Each day such violation continues may be considered a separate offense.

VILLAGE OF TUSCUMBIA CODE
CHAPTER 235
DOGS AND OTHER ANIMALS

235.010	Definitions	502
235.020	No License Required	503
235.050	Affixing Tags	503
235.070	Tags Not Transferable	503
235.080	Offense Involving Tags	504
235.090	Vaccination Required	504
235.110	Animal Control Director Created	504
235.120	Dogs At Large Unlawful	504
235.130	Dog Pound	504
235.140	Impounding	504
235.150	Euthanizing Dogs	504
235.160	Redemption Of Impounded Dogs	504
235.170	Dog Bite Procedure	505
235.180	Suspected Rabid Dog	505
235.190	Exposed To Rabies	505
235.200	Quarantine	506
235.210	Barking Or Howling Dogs	506
235.220	Keeping Of All Structures, Pens, Coops Or Yards	506
235.230	Dead Dogs	506
235.240	Dogs Not To Be Exhibited In An Indecent Manner	506
235.250	Cruelty To Animals Prohibited	506
235.260	Dumping Dogs	507
235.270	Refusal To Deliver Animal To Animal Control Officer	507
235.280	Removing Animals From Custody Of Animal Control Officer	507
235.290	Interference With Animal Control Director	507
235.310	Fierce And Dangerous Dogs	507
235.320	Restrictions For Keeping Dangerous Dogs	508
235.330	Who May Declare Dog Dangerous	508
235.340	Notice To Owner, Impoundment, Euthanasia	508
235.350	No Relief From Compliance	509
235.360	Violations Penalties	509
235.400	Certain Animals To Be Restrained	509
235.410	Sale Of Impounded Animals, Duties Of Marshal	509
235.420	Redemption Of Impounded Animals	509
235.430	Record Of Sales, Disposition Of Proceeds	509
235.440	Moneys Refunded, How and When	510
235.450	Penalty For Breaking Pound Or Interfering With Marshal	510
235.460	Penalty For Owner Or Keeper To Permit Same To Run At Large	510
235.500	Observation Period - Disposition Of Cat Biting Or Attacking Person	510
235.510	Rabies Vaccination Of Cats - Required	510
235.520	Redemption, Payment Of Fees, And Disposition Of Unredeemed	511
235.530	Collar Or Harness Required On Cats	511
235.540	Dumping Cats	511
235.550	Violation Penalties	511

235.010 Definitions.

As used in Sections 235.020 through 235.540 of this chapter, the following terms shall mean:

Animal Control Director: That person appointed or acting as animal control director, and/or his subordinates as appointed and approved by the Chairman, or by the Village Board of Trustees in case of the Chairman's absence.

Animal Control Officer: Individual employed or appointed by the Village Board of Trustees to enforce animal control regulations.

At Large: Any dog or cat shall be at large when off the premises of the owner when not attached to a leash, the other end of which is securely held, or when not confined by a fence or enclosure.

Current Vaccination: A vaccination which will maintain its efficacy and potency throughout the dog's or cat's lifetime.

Dog: A member of canine (genus canis) family.

Euthanize: To put to death in a humane way.

Expose to Rabies: Any animal, whether vaccinated for rabies or not, which has had any physical contact with a rabid animal.

Impound: To take into custody any animal, by any means, for the purpose of confinement.

Owner: Any person or persons owning, controlling, harboring, possessing, or having the management or care at whole or in part, of any dog or cat.

Rabies Compendium: The most current edition of a document by that name published by the National Association of Public Health Veterinarians, which serves as the standard rabies vaccine, treatment and policy.

Shall: Shall is mandatory.

Vaccination Tag: Designated object issued by the a certified vet proving the dog or cat has the current vaccination for rabies.

235.020 No Village License Required By The Village Of Tuscumbia.

235.050 Affixing Rabies Vaccination Tag.

The Owner shall cause said rabies vaccination tag to be affixed by a permanent fastening to the collar of the dog so licensed in such manner that the rabies vaccination tag may be easily seen by the police or officers of the Village of Tuscumbia. The Owner shall see that the tag is constantly worn by such dog.

235.070 Rabies Vaccination Tags Not Transferable.

Dog tags are not transferable and no refunds shall be made on a dog license fee because of leaving the Village of Tuscumbia or death of dog before expiration of the license period.

235.080 Offense Involving Tags.

It is unlawful to counterfeit or attempt to counterfeit the rabies vaccination tags provided for in Section 235.050 of this Chapter or take from any dog a rabies vaccination tag legally placed upon it by its Owner, or to place such rabies vaccination tag upon another dog.

235.090 Vaccination Required.

Every Owner of a dog shall have a certificate from a qualified veterinarian showing the dog to have a current vaccination.

235.110 Animal Control Director Created.

There is hereby created the position of Animal Control Director for the Village of Tuscumbia, to be appointed by the Chairman with the approval of the Board of Trustees of the Village of Tuscumbia, to serve at the pleasure of the Board of Trustees of the Village of Tuscumbia, said person to serve at a rate of compensation set by the Board of Trustees from time to time.

235.120 Dogs At Large Unlawful.

It shall be unlawful for the owner of any dog to fail to restrain said dog from running at large at any time in the Village of Tuscumbia.

235.130 Dog Pound.

There shall be established with the Village of Tuscumbia a Village Dog Pound, for the reception of impounded dogs; and the Animal Control Director or other persons designated by the Board of Trustees of the Village of Tuscumbia shall establish rules and regulations for the operation thereof.

235.140 Impounding.

It shall be the duty of the Animal Control Director to take up and impound in the dog pound, all dogs within the corporate limits of the Village of Tuscumbia found without the vaccination tag as herein required, or found running at large whether licensed or not.

235.150 Euthanizing Dogs.

When in the opinion of a licensed practicing veterinarian, police officer, law enforcement officer or Animal Control Director, any dog exhibits sickness, illness or injury of such severity that recovery is impossible the Animal Control Director may cause the dog to be euthanized.

235.160 Redemption Of Impounded Dogs.

The Owner of any impounded dog, or any other person with the written authority of the Owner, may redeem the animal within a period of seven (7) days after impoundment, by paying to the Animal Control Director, or other designated Village Official, the sum necessary to cover the costs thereof, for impoundment for the expenses associated with confining said dog during the term of impoundment. Said fees to be received prior to the time of the release of the dog.

a. Any impounded dog which does not exhibit a vaccination tag from a veterinarian shall be released to the owner after the owner has complied with the portions of this Chapter relating to the vaccinations or if a non-resident owner shall exhibit proof of vaccination as required by Section 235.090 hereof.

b. Any dog that is not redeemed within (7) days after impoundment may be euthanized by the Animal Control Director or other designated person, or released to any person other than the owner including a humane society in which the fee may be waived by the Animal Control Director, upon payment of a seven (\$7.00) dollar fee and compliance with all provisions of this Chapter.

235.170 Dog Bite Procedure.

The Owner of any dog which bites any person, puncturing the skin thereof, whether the dog is vaccinated or not, shall be required to place the dog in a hospital or other place designated by a practicing licensed veterinarian for a period of ten (10) days following the evening of the day of the bite, for clinical observation.

a. All expense shall be borne by the Owner of the animal.

b. If such animal develops symptoms of rabies, it shall be allowed to die, if death shall occur while confined, for any reason, the head of such animal shall be removed by the veterinarian and submitted to any qualified official laboratory.

c. If at the end of said ten (10) day period the animal is alive and healthy, it may be released to its Owner, provided all other conditions of this Chapter are fulfilled.

235.180 Suspected Rabid Dog.

The Owner of any dog which exhibits clinical symptoms or rabies, shall be required to have the dog confined under the supervision of a practicing licensed veterinarian for a period of ten (10) days for clinical observation. All expenses under this procedure shall be borne by the Owner of the dog.

235.190 Exposed To Rabies.

The Owner of any dog which has been exposed to rabies shall have such dog destroyed or follow one of the following alternatives:

a. If the dog has a current vaccination the dog shall be revaccinated or restrained by a leash or confined for a thirty (30) day period. If rabies symptoms appear the dog shall be placed under the care and direction of a licensed veterinarian.

b. If the dog does not have a current vaccination the dog shall be placed under the care and direction of a licensed veterinarian. Any costs incurred in complying with this section shall be an obligation of the Owner.

235.200 Quarantine.

Whenever the Chairman shall deem it necessary, because of the prevalence of rabies among the animal population of the Village, County or State, strict quarantine may be placed on all dogs in the Village. Upon such proclamation by the Chairman, all animals shall be confined on the Owner's premises in a manner making such animal inaccessible to rabid animals. Any animal otherwise shall be impounded by the Animal Control Director of the Village of Tuscumbia, Missouri.

235.210 Barking Or Howling Dogs.

It shall be unlawful for any person to own, keep or harbor any dog which by loud, continual or frequent barking, or howling disturbs the neighborhood or any person, or which habitually barks, threatens or chases pedestrians or vehicles, provided, however, that this Section shall not apply to the Village Dog Pound.

235.220 Keeping Of All Structures, Pens, Coops Or Yards.

It shall be unlawful to keep any dog in any structure, pen, coop or yard that is not maintained in a clean and sanitary condition at all times; devoid of all rodents and vermin, and free from offensive, disagreeable or obnoxious smell or odor to the injury, annoyance, or inconvenience of any inhabitant of the neighborhood.

235.230 Dead Dogs

It shall be unlawful for the Owner of a dead dog to permit any dog to create a nuisance or health hazard by remaining undisposed of in excess of twenty-four (24) hours.

235.240 Dogs Not To Be Exhibited In An Indecent Manner.

It shall be unlawful for any person to permit the breeding of dogs within the Village of Tuscumbia, unless the same be done out of public view.

235.250 Cruelty To Animals Prohibited.

a. Cruelty to animals prohibited. It shall be unlawful for the Owner or person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals.

b. Food and Shelter. It shall be unlawful for any person in charge of any animal to fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose and such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

(a) As used in this paragraph:

1. "Shade" shall mean protection from the direct rays of the sun during the months of June through September.
2. "Shelter" as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

235.260 Dumping Dogs.

It shall be unlawful for any person to dump or abandon a dog or dogs within the corporate limits of the Village of Tuscumbia.

235.270 Refusal To Deliver Animal To Animal Control Officer.

It shall be unlawful for any person to refuse to deliver up to the Animal Control Officer any animal, when requested to do so under the provisions of this Chapter.

235.280 Removing Animals From Custody Of Animal Control Officer.

It shall be unlawful for any person to remove from the custody of the Animal Control Officer by force, deceit, or otherwise, any animal which has been legally impounded by such officer. The permission of the Animal Control Officer to remove such animal is required prior to removal.

235.290 Interference With Animal Control Director.

It shall be unlawful for persons to interfere with, resist, hinder or obstruct the Animal Control Director or any member of the police force or other designated individuals in the discharge of any duty imposed upon them by this Chapter.

235.310 Fierce And Dangerous Dogs.

If any fierce or dangerous dog shall be found running at large within the village, or on the premises of other persons, or shall be allowed to run at large in any tenement building occupied by two or more families, and shall thereby annoy or endanger any person, or their property, the Village Marshal or any member of village, city, county, state police force may use any force necessary, including killing, to subdue said dog, in order to protect the inhabitants of the Village of Tuscumbia and their property. The term "fierce and dangerous dog" shall mean and include:

- a. Any dog with a known propensity, tendency or disposition to attack, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or
- b. Any dog which bites, inflicts injury, assaults or otherwise attacks a domestic animal or human being; or
- c. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

235.315 Interference Or Resistance With Marshall or Law Enforcement Officer.

Any person or persons who shall hinder, interfere with, or resist the Marshal, Police or Law Enforcement Officer or any person under his direction, in the discharge of the duties imposed upon him by any section in this chapter, shall be deemed guilty of a misdemeanor.

235.320 Restrictions For Keeping Dangerous Dogs.

It shall be unlawful for any person to keep or harbor within the Village any fierce or dangerous dog without properly controlled as follows:

- a. By confinement inside a residential structure in such a manner that access to the outside, and persons outside the structure and it's immediate area is restricted by means of stout and securely latched doors and windows.
- b. By confinement outdoors in an enclosed and locked pen or structure upon the premises of the person keeping or harboring such dangerous animal; provided the existence of such pen or structure is permitted by zoning regulations. Such pen or structure shall be at least two lengths of the dog wide, four lengths of the dog long, and two lengths of dog high and must be constructed with chain link fencing on all four sides and must possess a top of the same material. The pen or structure shall have a concrete pad for the bottom or shall have the sides embedded in the ground to a depth of not less than one foot. The pen or structure shall have setback requirements the same as those required by the zoning ordinances or at least ten feet (10') whichever is greater.
- c. By confinement on a leash at all times when beyond the premises of the person keeping or harboring such dangerous or vicious dog, said leash being not greater than four feet (4') in length, made of chain, and having a minimum tinsel strength of not less than 300 pounds; further such dog shall at all times when beyond the premises of such person be securely muzzled.

235.330 Who May Declare Dog Dangerous.

The animal Control Director, any member of the Village Trustees, police or law enforcement officer of this village, city, county, or state may deem a dog dangerous or vicious pursuant to the terms of this chapter and in reaching such determination the Animal Control Director or police officer shall use his own observation and the statements of any witnesses.

235.340 Notice To Owner, Impoundment, Euthanasia.

When a dog shall be deemed dangerous and vicious the Animal Control Director shall specify same in writing to the owner or keeper of said animal and the conditions by which said animal shall be controlled including the specifications for containment so that said animal cannot come in contact with any humans, and any such dog so deemed and thereafter found not to be properly controlled may be impounded and/or euthanized by the Animal Control Director.

235.350 No Relief From Compliance.

Nothing contained in Sections 235.310 through 235.340 shall be deemed to relieve the owner and/or keeper of such animal from complying with this Chapter in all other respects.

235.360 Violations Penalties.

Any person, firm or corporation violating any of the terms of Sections 235.010 through 235.340 shall be deemed guilty of a misdemeanor and shall be fined not more than Five Hundred (\$500.00) Dollars, or imprisoned for not more than ninety (90) days, or both such fine and imprisonment, provided that the minimum fine for the first offense, within any twelve month period shall be Ten Dollars (\$10.00); for the second offense Twenty Dollars (\$20.00); for the third offense Thirty Dollars (\$30.00).

235.400 Certain Animals To Be Restrained.

Horses, mules, asses, cattle, hogs, sheep and goats are hereby prohibited from running at large within the corporate limits of the Village of Tuscomb, and all such animals found running at large within such corporate limits, outside of the enclosure of the owner or keeper, shall be taken up and impounded by the village marshal, city, state police or law enforcement officer, animal control officer or village trustee in some suitable enclosure to be selected by him for that purpose.

235.410 Sale Of Impounded Animals, Duties Of Village

Whenever any horse, mule, ass, cattle, hog, sheep or goat shall be taken up and impounded as provided for in section 235.400, and no owner shall appear or claim the same, it shall be the duty of the Trustees, after the expiration of three days from the day of such impounding, to advertise such animal for sale at public auction, to the highest bidder for cash, giving two days notice of the time and place of sale by written or printed handbills posted in at least six public places within the village which handbills shall contain a brief description of the animals to be sold.

235.420 Redemption Of Impounded Animals

The owner of any animal taken up or impounded as provided for in Section 235.400, may redeem the same at any time on or before the day of sale by paying to the Trustees his fee and such necessary expenses as may have been incurred by reason of detention of such animal and thereupon the Trustees shall forthwith deliver the animal so redeemed to the owner thereof, or to his or her legal representatives.

235.430 Record Of Sales, Disposition Of Proceeds

The Trustees shall file in the office of the village clerk an accurate record of every sale made under the provisions of Section 235.410, which record shall contain a minute description of the animal sold, price paid and to whom sold, and the proceeds of such sale, after deducting all proper fees and expenses, shall be paid by the trustees into the village treasury, to the credit of the revenue fund on or before the last week day of each month.

235.440 Moneys Refunded, How And When

The Chairman and Board of Trustees, at any time before the expiration of six months, may refund the moneys paid into the treasury under Section 235.430 upon due proof by affidavit or other evidence, that the person claiming such money was the legal owner of the animal from the sale of which such moneys were paid into the village treasury.

235.450 Penalty For Breaking Pound Or Interfering With Law Enforcement Officers

If any person shall willfully break or otherwise open any pen or pound and let out any animal impounded by virtue of and in accordance with the provisions of Section 235.400, or shall interfere with the marshal, assistants or policemen in the discharge of their duties under Sections 235.400 through 235.440, such person shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one nor more than twenty-five dollars.

235.460 Penalty For Owner Or Keeper To Permit Same To Run At Large.

Hereafter it shall be unlawful for the owner or keeper of any animal mentioned in Section 235.400 knowingly to suffer or permit any such animal to be or run at large within the corporate limits of this city. And such owner or keeper so violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than twenty-five dollars each and every offense.

235.500 Observation Period - Disposition Of Cats Biting Or Attacking Persons.

Any cat which bites, injures or attacks any person shall be placed under observation for the ten (10) day period immediately following the bite. The vaccinated cat shall be taken and impounded at a veterinarian of the owner's choice or securely confined by the owner for a period of ten (10) days. The non-vaccinated cat shall be taken up and impounded by the Animal Control Officer, in the Village pound, a contracted licensed kennel, or with a veterinarian of the owner's choice, for a period of ten (10) days from date of bite. If, within such period of ten (10) days, such cat does not develop or manifest signs of rabies, it may be redeemed by the owner upon the payment of a daily boarding fee, or the payment of usual and customary fees to the contractual animal shelter or pound or to a veterinarian of the owner's choice. If such cat is not redeemed at the end of such ten (10) day period, it shall be humanely euthanized. If such cat develops signs of rabies, it shall be the duty of the Animal Control Officer to cause such cat to be examined by a licensed veterinarian. If the suspicion or rabies is confirmed by a veterinarian, the brain of the cat will be submitted for a laboratory diagnosis. Any other warm-blooded animal in which rabies is suspected, which bites, injures or attacks any person, may be impounded and humanely euthanized; and the brain and/or other structures for rabies diagnosis.

235.510 Rabies Vaccination Of Cats - Required.

No person shall own, keep, harbor or permit to be on or about this premises any cat which, if over three (3) months of age, has not been vaccinated against rabies by a licensed veterinarian with a vaccine approved and listed in the current year's Rabies Compendium. Rabies tags supplied will be consistent with Compendium recommendations and shall be worn by the vaccinated cat. Any cat wearing a current rabies tag shall be considered, for enforcement purposes, to have been properly vaccinated. Any cat not wearing said rabies tag is subject to being impounded as an unvaccinated animal and may be redeemed as outlined in Section 235.520.

235.520 Redemption, Payment Of Fees, And Disposition Of Unredeemed.

a. At any time prior to the disposal of any cat, by the Animal Control Officer, the owner thereof may redeem such animal upon proof satisfactory to the Animal Control Officer of ownership thereof and upon paying a boarding fee for each day or part of day such animal has been impounded.

b. In addition to paying the fees prescribed in Subsection a hereof, the owner thereof may redeem such cat only upon further proof, satisfactory to the Animal Control Officer that the same has been vaccinated for rabies by a licensed veterinarian with a vaccine which is approved in the current Rabies Compendium. If an owner seeks to redeem an animal required to be vaccinated for rabies and cannot present satisfactory proof of such vaccination, then the Animal Control Officer shall, prior to releasing such animal, cause the same to be vaccinated for rabies by a licensed veterinarian with the type of vaccine approved by the health official, and the cost of such vaccination shall be paid by the owner.

c. At the end of ten (10) days, except as otherwise herein provided, if an impounded cat has not been redeemed, the Animal Control Officer is at liberty to dispose of such cat in any of the following ways:

1. Release of the cat to any humane society at no charge.
2. Release of the cat to any responsible person expressing a desire for any given cat after payment of the boarding impoundment fees and completion of the vaccination procedure before release.
3. Humane euthanization of the cat.

d. All fees collected by the Animal Control Officer shall be paid over to the Village Clerk.

235.530 Collar Or Harness Required On Cats.

a. Any cats over the age of three (3) months are required to have a collar or harness having attached thereto the rabies tag required by Section 235.510. Animals participating in exhibiting events, field trials, or acts of hunting need not display tags if the wearing of such tag interferes with the training for or participation in a specific event, provided that the owner of such cat has the cat directly under their control.

b. No person shall remove or cause to be removed, the collar, harness or tag mentioned in paragraph a above, from any cat without the consent of the owner or keeper thereof.

235.540 It shall be unlawful for any person to dump or abandon a cat or cats within the corporate limits of the Village of Tuscumbia.

235.550 Violation Penalties. Any person, firm or corporation violating any of the terms of this chapter for which no penalty is otherwise provided shall be deemed guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the Village Jail or other facility for a term of not more than Ninety (90) days or sentenced to both fine and such confinement and in addition shall pay all costs and expenses involved in the case. Each day such violation continues may be considered a separate offense.

VILLAGE OF TUSCUMBIA

NOTICE OF VIOLATION

To: _____

Date: _____

You are hereby notified that pursuant to the terms of Chapter 231 of the Village of Tuscumbia Code any abandoned or disabled vehicle may be removed by authorized officials and placed in an appropriate facility. In addition to charges for towing and storage of said vehicles the owner or person responsible for said vehicles may be fined in an amount up to \$500.00 or incarcerated in the county jail for up to 90 days or both such fine and confinement. In addition the vehicles may, under some circumstances, be sold to satisfy towing and storage costs. The following vehicles owned or possessed by you are presently being maintained in violation of said chapter:

Vehicle

Location

If said vehicles are not removed, or continue to be maintained in violation of said chapter, then on or after _____, 200__, appropriate action will be taken to impound and remove said vehicles and institute prosecution for violation of this chapter.

Chairman of the Board of Trustees
Village of Tuscumbia

A copy of this notice was served upon the above named by
____ serving same on said person personally

____ placing same in an envelope, postage paid, addressed to them and sent by
(ordinary mail) (certified mail) (ordinary mail and certified mail)

on _____, 200__.
