

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
AGENDA**

****Amended****

**Raytown City Hall
Board of Aldermen Meeting Chambers
10000 East 59th Street
Raytown, Missouri 64133
August 4th, 2022
7:00 pm**

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

Wilson: Thurman: Emerson: Meyers:
Hunt: Frazier: Stock: Bruenger:
Jean-Paul:

3. Approval of Minutes

A. May 5, 2022, Regular Meeting Minutes

- a) Revisions
- b) Motion
- c) Second
- d) Additional Board Discussion
- e) Vote

B. July 7, 2022, Miniature Goats Special Work Session Minutes

- a) Revisions
- b) Motion
- c) Second
- d) Additional Board Discussion
- e) Vote

4. Old Business:

- A. Case No.: PZ 2022-04 ****ADMINISTRATIVE ACTION, NOT A PUBLIC HEARING****
Applicant: SBD Capital Development
Reason: Approval of Final Plat of Utopia Gardens Subdivision, A New 6-Lot Subdivision
Located in the Southeast Quadrant of Lane Avenue and 85th Place in an R-3, High Density
Residential District.**

1. Introduction of Application by Chair
2. Explanation of any ex parte communication from Commission members regarding the application
3. Enter Additional Relevant City Exhibits into the Record:
 - a. Staff report
 - b. Application Supporting Documents
4. Presentation of Application by Staff and Recommendation
5. Applicant Comments (Optional, if Applicant Wishes to Speak)
6. Commission Discussion
7. Commission Decision to Approve, Conditionally Approve, Continue, or Deny the Application
 - a. Motion
 - b. Second
 - c. Additional Board Discussion
 - d. Vote

5. New Business:

B. Case No.: PZ 2022-07

Applicant: City of Raytown

Reason: Amendments to the Text of Chapter 50, Article I, Section 50-4, Definitions, and Article IV, Division 2, Section 50-127 of the Raytown Municipal Code to add Regulations to the Low Density Residential Zoning District to Provide for the Keeping of Miniature Goats Within the City of Raytown.

1. Introduction of Application by Chair
2. Explanation of any ex parte communication from Commission members regarding the application
3. Swearing in of all speakers by City Attorney that plan to give testimony during hearing
4. Enter Additional Relevant City Exhibits into the Record:
 - c. Staff report
 - d. Application Supporting Documents
5. Introduction of Application by Applicant
6. Presentation of Application by Staff
7. Request for Public Comment by Chairman
8. Additional Staff Comments and Recommendation
9. Commission Discussion
10. Commission Decision to Approve, Conditionally Approve or Deny the Application
 - a. Motion
 - b. Second
 - c. Additional Board Discussion
 - d. Vote

6. Other Business: None.

7. Set Future Meeting Date – Next Regular Meeting, Thursday, September 1, 2022, at 7:00 PM.

9. Adjourn

+CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
REGULAR MEETING
MINUTES

May 5, 2022
7:00 pm
Council Meeting Chambers

1. Welcome by Chairman Wilson. Chairman Wilson called the meeting to order at 7:00 PM.

2. Call meeting to order and Roll Call.

Wilson:	Present	Thurman:	Present	Emerson:	Present
Stock:	Absent	Frazier:	Present	Hunt:	Present
Meyers:	Present	Bruenger:	Present		

3. Approval of Minutes: Minutes of April 7, 2022, were approved 5-0-2 upon motion by Ms. Emerson and second by Mr. Hunt.

4. Old Business: None.

5. New Business:

Case No.: PZ 2022-06:

Applicant: Nancy Ferguson

Request: Application for Vacation of a Platted Utility Easement at 5909 Elm Ave. on East side of Lot 63, Alder's High View Addition Subdivision

1. Introduction of Application by Chairman.

Chairman Wilson introduced the application.

2. Explanation of any Ex Parte Communications Regarding the Application.

No ex-parte communications were reported.

3. Enter Relevant Exhibits into the Record.

Chairman Wilson entered the staff report and supporting documents into the record.

4. Staff Presentation of Application.

Chris Gilbert, Planning & Zoning Coordinator provided the staff report, reviewing the location of the application, surrounding uses of property, and utility clearance letters..

5. Applicant Presentation of Application.

Mike Huffman, project Surveyor and applicant on behalf of Nancy Ferguson, briefly explained the project and agreed to the conditions of approval.

6. Commission Discussion.

The commissioners asked limited questions of the applicant.

7. Commission Decision to Approve, Conditionally Approve, or Deny Application.

Mr. Frazier moved, and Mr. Bruenger seconded, to continue the application indefinitely.

VOTE: Motion passed 7-0.

6. Other Business-

A. Special Presentation: 3,2, One Raytown, GO (Bonds)!

City Administrator Damon Hodges and Alderman Ward 3 Ryan Myers gave a presentation to the Planning Commission on the upcoming Bond and Levy issues that will appear on the ballot for the residents to vote on in August. Several questions were asked by the Planning Commissioners and responses were given.

7. Set Future Meeting Date – Next scheduled meeting date is June 2, 2022.

8. Meeting was Adjourned at 8:07 upon motion by Mr. Frazier and second by Ms.Thurman.

Planning Commission Meeting

May 5, 2022

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

Name	Mailing Address (Include City, State & Zip Code)	Daytime Phone #	Evening Phone #	E-Mail Address
Nancy Ferguson	5909 Elm Raytown MO 64483	816-353-6301		n1ferguson@yahoo.com
Elizabeth Wash	9717 BROCKHART RAYTOWN MO 64483	816 645-8820		mermaid12_576@yahoo.com
Michael J. Huffman	P.O. Box 661 Raymore MO 64483	816 287-5360		huffsupveyea@gmail.com

CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
SPECIAL MINI GOATS WORK SESSION MEETING

MINUTES

July 7, 2022

7:00 pm

Council Meeting Chambers

- 1. Welcome by Chairman Wilson.** Chairman Wilson called the meeting to order at 7:00 PM.

Wilson:	Present	Thurman:	Present	Emerson:	Present
Stock:	Absent	Frazier:	Present	Hunt:	Present
Meyers:	Present	Bruenger:	Present	Jean-Paul:	Present

- 2. Discussion Session:** The Planning Commission held an informal meeting with the public to gather input on proposed regulations to permit miniature goats into the City but also to restrict them to protect neighbors from the impacts. The meeting was heavily advertised on social media in Raytown to generate as much attendance as possible prior to the meeting. A list of those present at this work session is attached to these minutes as well as sheets upon which the attendees stated they were either in favor of, or against, permitting goats into the City.

Additional documents were distributed during the work session, copies of which are attached to these minutes.

Chris Gilbert provided background information on the proposed changes to the Planning Commission, followed by Chairman Wilson opening the floor up to public comments. Comments were received from approximately 5 total speakers and the commissioners asked several questions, some of which required the speakers to return to the microphone.

The principal issues discussed during the meeting were as follows:

- Dehorning of the animals for their safety.
- Prohibiting male goats due to issues caused by rut season.
- Discussion of appropriate fencing materials other than wood/vinyl.
- Requiring letters of support from neighbors.
- Status of structures located in open roaming area.
- Microchipping the animals in case they get loose for identification.
- Requiring provision of a shelter for inclement weather.
- Discussion of appropriate minimum lot size.

- 3. Meeting Adjournment**

LIST OF SPEAKERS FOR TONIGHTS DISCUSSION ON GOATS

July 7, 2022

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

Name	Mailing Address (Include City, State & Zip Code)	Phone #	E-Mail Address	Raytown Resident?
John Busby	7812 Woodman Rd			Yes

ATTENDEES IN FAVOR OF GOATS IN RAYTOWN

July 7, 2022
SIGN-IN SHEET

PLEASE PRINT LEGIBLY

Name	Mailing Address (Include City, State & Zip Code)	Phone #	E-Mail Address
Nathan Bergen	8604 Grant Drive, Raytown, MO	816-405-4875	nathan.bergen12@gmail.com
GREG WALTERS	8958 EAST 80	816-512-8852	GREGWALTERS@ATTN.TK.COM
Bernard Davis	7909 E 87th St. ERROE	(Undecided)	
Loretta Super	IF Resubated 700 Lakeshore Dr Raytown MO	816 510 5243	

ATTENDEES NOT IN FAVOR OF GOATS IN RAYTOWN

July 7, 2022
SIGN-IN SHEET

PLEASE PRINT LEGIBLY

Name	Mailing Address (Include City, State & Zip Code)	Phone #	E-Mail Address
Kat Hoffman	8408 Dittman Ave Raytown	816-800-9967	
Corey Hoffman	8408 Dittman Ave Raytown	816-800-0501	
DANE THURMAN	10520 E. 80TH ST RAYTOWN		
Myles Bushuk	7812 Woodson Raytown	816-737-2799	
Perry Gorrell	11109 E 59th St Raytown	913 216 7057	
Dannay Harris		816-301-2132	want to go away (Kris)

May 2022

To the Board of Aldermen,

As you know, I have requested the keeping miniature goats to be allowed in some places in Raytown such as where horses are already allowed.

As I interacted with many of you about this matter, I noticed on the bottom of emails a slogan, a motto of Raytown: "A crossroads community, embracing diversity and working together."

There are a lot of people in Raytown with diverse interests. I am one of those people who has an interest that not all may share; my family wants to keep miniature goats for enjoyment and for making milk and cheese. Although all may not have that interest, if it can be allowed while protecting the interests of neighbors, that will further the goal of creating a crossroads community where diverse people live and work together.

My neighborhood may be one of the places where someone may keep miniature goats well with a balance of freedom and protections for neighbors. If that is the case, then making an allowance for that would be a win for diversity and working together.

I am asking the aldermen to vote to approve City Staff to look into a fair ordinance that allows for the keeping of miniature goats and protects the interests of all involved, both owners and neighbors. Making such an ordinance is another way we can work together to promote freedoms and enforce protections to help diverse communities live together well.

Thank you, aldermen, for your work already. Thank you, Alderman Derek Ward, who represents my neighborhood, for talking with me from the beginning about this matter and being supportive. Thank you, Alderman Bonnaye Mims, for also representing my neighborhood and taking the time to have an in-depth conversation about your past experience on a board that dealt with goats. Thank you, Alderman Jim Aziere, for your quick response in support. Thank you, Alderman Bill Van Buskirk, for following up on my call to talk about how various concerns of people in Raytown may be affected. Thank you, Alderman Mary Jane Van Buskirk, for taking the time to ask questions to learn more about my family, what brought us to Raytown, and our interests. Thank you, Alderman Loretha Hayden, for your open mind to do research and bring up factors to look out for the neighbors of those who may have miniature goats. Thank you, Alderman Ryan Myers, for your openness to consider my case. And thank you, Alderman Greg Walters, for proactively raising awareness of the merits of this request and doing a lot of work to make the process happen quickly.

Thank you for working together to achieve a balance of freedom and protection for the diverse interests of Raytown residents.

Sincerely,

Nathan Bergen

Joan Powers

Jason Schank

Danny Trusler

Lee Hineman
Larry Hineman

Larry Hineman
Sarah Hineman

Michelle
Kris Fink

Kelly Magee
Erangelyn Powers

Cristal Smith
Robert
Jane Cunningham

Request to Raytown Aldermen to Allow Miniature Goats on Properties with Space

May 2022

To the Board of Aldermen,

As you know, I have requested the keeping of miniature goats to be allowed in some places in Raytown such as where horses are already allowed.

As I interacted with many of you about this matter, I noticed on the bottom of emails a slogan, a motto of Raytown: "A crossroads community, embracing diversity and working together."

There are many people in Raytown, each with diverse interests. I am one of those people who has an interest that not all may share; my family wants to keep miniature goats for enjoyment and for making milk and cheese. Although all may not have that interest, if it can be allowed while protecting the interests of neighbors, that will further the goal of creating a crossroads community where diverse people live and work together.

I am asking the aldermen to vote to approve City Staff to look into a **fair ordinance** that allows for the keeping of miniature goats and protects the interests of all involved, both owners and neighbors. Making such an ordinance is another way we can work together to promote freedoms and enforce protections to help diverse communities live together well.

Thank you for working together to achieve a balance of freedom and protection for the diverse interests of Raytown residents.

Sincerely,

Nathan Bergen



1. Paul Oliver

2. Melanie Evans 5-14-22



3. Cilifia Brown
Cilifia L. Brown May 14
4. Bay Runk
Barry Limeback 5-14-22
5. Anthony J. Taylor
ANTHONY J. TAYLOR 5-14-22
6. Doug Hobgood
Doug Hobgood 5/14/22
7. Dante Williams
Dante Williams 5/14/22
8. Sarah E. Bond
Sarah E. Bond 5-14-22
9. Ty Kays
TY KAYS 5/14/22
10. Cole Robinson
Cole Robinson 5/14/22
11. Marcia Pons
Marcia Pons 5-14-22
12. Gary B. Wyatt
Gary B. Wyatt 5/14/22
13. Kyle McCarthy
Kyle McCarthy 5-14-22
14. Evelyn Bailey
Evelyn Bailey 5/14/22
15. McKayla Pons
McKayla Pons 5/14/22
16. Jacob Godwin
Jacob Godwin 5/14/22
17. Brooke McClacken
Brooke McClacken 5/14/22
18. Donald Harker
Donald Harker 5/14/22
19. Hannah Loeffelholz
Hannah Loeffelholz 5/14/22
20. Debbie Rice
Debbie Rice 5/14/22

- 21. John C Kupka Jr ~~John Kupka~~ 05-14-2022
- 22. Olivia Hill ~~Olivia Hill~~ 05-14-2022
- 23. Kelly Fultz ~~Kelly Fultz~~ 05/14/2022
- 24. Jeremy Geary ~~Jeremy Geary~~ 5-14-22
- 25. Christina Jacks ~~Christina Jacks~~ 5-14-2022
- 26. Simon Townshend ~~Simon Townshend~~ 5-14-22
- 27. Rob Ross ~~Rob Ross~~ 5-14-22
- 28. Thomas Thissen Jr 5-14-22
- 29. Sigrid Kuop ~~Sigrid Kuop~~ 3-14-22
- 30. ~~Richard Koop~~ Richard Koop ✓
- 31. ~~Brenda Yeates~~ Brenda Yeates 5/17/22 May 17, 2022
- 32. Ron Kesselman 5-17-22
- 33. Taylor Weaver ~~Taylor Weaver~~ 5/17/22
- 34. ~~Steven E King~~ Steven E King 5/17/22
- 35. Micah Hagg 5/14/22
- 36. Rachel Pland
- 37. ~~Jack Grisham~~ Jack Grisham 5/17/22
- 38. 5/17/22 Theresa Hagg
- 39. Charles Lee 5/17/22 Charles Lee
- 40. ~~David Bensfield~~ David Bensfield 5-17-22
- 41. ~~Sethenre Jackson~~ Sethenre Jackson 5/17/22
- 42. ~~Cody Sapp~~ Cody Sapp 5/17/22

5/17/22

43. Alexis Garrison

Alexis Garrison

44. Ted Deeks

45. ~~Bob~~

Pete Blum
Wilbur Knoles

5-17-22

46. Wilbur Knoles

Veron Thic
Cenedra Eaton

5-17-22

47. Veronica Di Non

5-17-22

48. Cenedra Eaton

49. Jacob Dozier Jacob Dozier

5-17-22

50. Jackie Civita Jaclyn Civita

51. Alexandria moeres

Ally moeres

5-17-22

52. Bob

Robert Cantor

5-17-22

53. Ed Albers

Ed Albers

5-17-22

54. Loretta C. Meitz

LORETTA C. MEITZ

05-17-22

55. Jeffery C. Hunfeld

Jeffery C. Hunfeld

05-17-22

56. Carl Landrum

Carl Landrum

05-17-22

57. Michael Smith

MICHAEL SMITH

05-17-22

58. Joe Vega

Joe Vega

05-17-22

Raytown residents asked for input on miniature goats

BY ROBERT A. CRONKLETON
bcronkleton@kcstar.com

Horses, chickens and potbellied pigs are among the animals that homeowners are permitted to keep within Raytown city limits — and one more animal might soon be added to that list.

Residents are being asked for their opinion on whether miniature goats should be allowed too.

Currently, the city's ordinance doesn't allow the goats. Last month, however, the city's Board of Alderman in a 6-3 vote approved a motion directing city staff to prepare changes to the city's municipal code allowing homeowners raise miniature goats.

The city is now seeking comments on a draft outline of amendments which will be presented to the city's Planning & Zoning Commission meeting at 7 p.m. July 7 at Raytown City Hall, 10000 E. 59th St.

Public comments can be submitted the following ways:

- By sending an email to Chris Gilbert,



Photo courtesy of Hudson Creek Farm, Monett, Missouri

Raytown is taking input from residents on whether miniature goats should be allowed in the city.

chrisg@raytown.mo.us and including "miniature goats" in the subject line;

- By mailing the Raytown Planning & Zoning Commission, Attn: Chris Gilbert, 10000 E. 59th St., Raytown, MO 64133, or
- Submitting written comments in person to the administration office at Raytown's City Hall during regular hours, 8 a.m. to 5 p.m. Monday through Friday.

People can also comment during the planning commission's public meeting.

Greg Walters, who represents Ward 1 on Raytown's Board of Aldermen, said he proposed the change last month after Nathan and Rachel Bergen addressed city leaders in April.

For Walters, who grew up in Raytown, he felt this was something the city should embrace. After all, the city has a lot of older homes that were built on

large tracts of land. Raytown attracts people who want more of a rural lifestyle in the city.

"I really don't understand why we aren't already doing this," said Walters, who added that other cities in the metro area allow people to keep the animals and it would be a way to attract people to the city.

For the past two years, the Bergens have been looking into how to raise

miniature goats. Their talks became increasingly more serious over the past year as they researched what it may take and how to do it.

"My wife and I love the idea of homesteading and we have some chickens and have planted some fruit trees in the garden and we enjoy the animals a lot," Nathan Bergen said in a phone interview Friday.

"We just want to have goats for the enjoyment as pets and also, hopefully, for milk to make cheese." The couple was somewhat surprised that the goats weren't already allowed, though they knew that laws varied from city to city.

"When we first moved into the neighborhood, we were attracted to it because of the large property space," Bergen said. "It's right on the edge of town where there is more kind of agricultural land."

They had been looking for an area that backed up to woods and had a lot of space for a garden and trees as well as animals like chickens. Having goats at some point was something they had on their minds.

"It was part of the big picture idea of growing our own food and having a place with more space to have some animals," he said. They have since become more interested in raising goats, which spurred them to try to make it possible.

He said the changes to the ordinance are comprehensive. While there are a few revisions he would recommend, overall he's thankful that the city would work to carefully craft the amendments.

Under the proposed amendments, homeowners would have to have enough space for the goats to roam. The proposed ordinance allows two goats per acre, up to a maximum of four goats. The goats cannot exceed 29 inches in height measured at the shoulder of the animal and all goats over seven months old must be neutered. There are other requirements, including those that address fencing and permitted breeds.

"There's been a lot of people taking time to listen to us and worth with us on this," Bergen said. "I've been really thankful for that. It has not hit a dead end or just the wall of nobody willing to listen or talk about it. So that's been great."

Based on the comments it receives, the planning commission will make a recommendation to the board of aldermen on whether to allow miniature goats. The measure could go before the board for a vote as early as mid-July or early August, Walters said.

Robert A. Cronkleton:
 816-234-4261, @cronk

Reprinted from

THE KANSAS CITY STAR.

GUEST COMMENTARY

Lots of Kansas City municipalities let you raise mini goats as pets. Why not Raytown?



Photos courtesy of Hudson Creek Farm, Monett, Missouri / Nathan Bergen / Greg Walters.



BY GREG WALTERS

SPECIAL TO THE STAR MAY 5, 2022

Their personalities are similar to dogs'. The Board of Aldermen should OK them for homeowners who have the space.

Nathan and Rachel Bergen addressed the Raytown Board of Aldermen at the April 19 meeting during public comments. The couple wants to raise miniature goats on their property.

The Bergens moved to Raytown with their three children nearly two years ago. Nathan, acting as family spokesman, suggested the same laws the city has on the books for the stabling of horses should also apply to miniature goats. Current city ordinances do not allow the harboring of miniature goats in Raytown.

The Bergens moved their family here because their house is located on nearly 2 acres of land. They wasted no time. They raised chickens, grew a large garden, planted fruit trees and now hope to raise Nigerian dwarf goats as pets and for the goats' highly valued milk and cheese. Rachel has 15 years experience as a licensed veterinarian tech, trained in the care and medical treatment of animals.

Their plan is a good one and should be approved by the Board of Aldermen.

One of the best kept secrets about Raytown is that many of the older homes in the city were built on large tracts of land — so large that city ordinances already allow for the stabling of horses, raising chickens and potbellied pigs.

I was fortunate to grow up in one of those neighborhoods. Next door to us were 8 acres of undeveloped land owned by a local veterinarian. He had horses, mules and donkeys. The land passed on to another owner who continued the small farm with



time. They raised chickens, grew a large garden, planted fruit trees and now hope to raise Nigerian dwarf goats as pets and for the goats' highly valued milk and cheese. Rachel has 15 years experience as a licensed veterinarian tech, trained in the care and medical treatment of animals.

Their plan is a good one and should be approved by the Board of Aldermen.

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I was fortunate to grow up in one of those neighborhoods. Next door to us were 8 acres of undeveloped land owned by a local veterinarian. He had horses, mules and donkeys. The land passed on to another owner who continued the small farm with one addition: miniature pygmy goats.



Feeding 3 friendly mules some apples

The homes in our neighborhood were built on the remains of an apple orchard. Because of this, all of our hooted friends would hang out near our property because they knew if they were patient, they would end up enjoying some of the apples from our trees.

The miniature goats were not a problem. In fact, they were quite entertaining. They do have some peculiar habits. They can jump straight up to about 4 feet, so they must be fenced in well to keep them from wandering.



As with any domesticated animal, the city can set minimum land requirements and fencing for pet owners. City ordinances already limit the number of warm blooded animals allowed to be kept as pets in Raytown.

Miniature goats are extremely clean animals and thrive in our Midwestern climate. Their lifespan is 15 to 20 years. They have a temperament similar to a well trained dog's.

That makes them friendly, easy to handle and social. They love to play. They can even be trained, just like any other pet. Moreover, they are excellent companions for kids and the elderly alike. Unlike dogs, they do not bark. They do not bite. They are inquisitive, loving creatures that seem to crave human companionship. They are good pets.

The raising of miniature goats is not an earth changing event. Fortunately, zoning permitted, you can keep goats almost anywhere you live.

Raytown wouldn't be alone in the Kansas City metropolitan area to let homeowners raise these goats on sufficient amounts of property: Lee's Summit, Independence, Belton, Olathe, Shawnee, Kansas City and Kansas City, Kansas, all allow it. Other major cities that permit urban goat-keeping include San Francisco, Seattle, Portland, Charlottesville, Denver, Cleveland, Pittsburgh and Berkeley, California.

Why not Raytown?

We are a small city of 10 square miles with some homes built on very large yards that make the raising of horses, potbellied pigs and chickens possible. Why not add miniature goats to the mix? If it works in neighboring communities, it will work here.



Staff Report

Community Development
Planning and Development Services

PZ 2022-04

ONLY ADMINISTRATIVE ACTION REQUIRED. NOT A PUBLIC HEARING

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: August 4, 2022, continued from April 7, 2022

Re: Application for Final Plat Approval

PLAT APPLICATION SUMMARY

Applicant: Thomas Clemons, RLS

Owner: SBD Capital Development

Project: Utopia Gardens Final Plat

Property Location: South Side of 85th Place east of Lane Ave.

Request: Approval of Final Plat

SITE DATA

Legal Description is attached with Application Supporting Documentation. Entire site being platted is 1.74 acres.

Land Use Data	
Surrounding Zoning	South: High Density Residential
	North: High Density Residential
	West: High Density Residential
	East: High Density Residential
Ward(s)	Ward 5
Approximate Land Area	1.74 Acres
Future Land Use Map	Medium Density Residential

ZONING AND CURRENT USES OF NEARBY PROPERTY

The following provides an overview of the zoning and existing land uses on properties surrounding the subject area:

	<u>ZONING</u>	<u>EXISTING LAND USES</u>
South:	R-3	Single Family, Apartments
North:	R-3	Townhomes
East:	R-3	Duplexes
West:	R-3, some R-2	Single Family, Vacant Land



Fig. 1: Proposed Location of Utopia Gardens

BACKGROUND

UPDATE: *This administrative action was continued by the Planning Commission at the request of staff on April 7, 2022, to provide more time for the applicant to get the engineered drawings approved by the City Engineer. This has now happened, with a copy of the approval email from City Engineer Jason Hanson attached to this report.*

The proposed project contains 6 new lots for 4-plex structures on a nearly 2-acre parcel of land that has always been vacant. Land in all directions contains a few older single-family residences and more recent multi-family development including townhomes and duplexes, so the proposed project would be consistent with development in the area. In addition, there is an apartment complex to the south and a large one to the southwest, as well as large amounts of undeveloped acreage.

The preliminary plat was approved by the Planning Commission on September 2, 2021, and the Final Plat application was submitted on February 10, 2022. The Developer chose Option 1 for the required public improvements related to the plat per Section 38-7(g) of the Raytown Municipal Code. This option requires the improvements to be installed prior to final approval by the Board of Aldermen and recordation of the plat. The Final Plat document itself is in final format to present for signatures and recordation.

SITE DESCRIPTION AND PRESENT USE

The property to be platted is approximately 1.74 acres in size, has a public street already constructed and some utility access. Additional easements are being provided to accommodate a sewer main extension and stormwater detention area. The entire property contained in the plat area is presently vacant undeveloped land.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The neighborhood around the proposed plat is occupied primarily by medium and high-density residential uses and are consistent with the proposed 4-plex development intended for this project.



Fig. 2 Photos of Location of Plat. Left Picture looking West. Right Picture looking East.

FINDINGS OF FACT

1. Conformance to the City of Raytown Ordinances

Staff has reviewed the submitted final plat with respect to the City of Raytown Subdivision Regulations (Chapter 36) and Zoning Regulations (Chapter 50). Staff has determined that the final plat document (not including issues on engineered drawings) does meet City of Raytown regulations as pertains to the 1.74 acres of land located within the plat boundaries.

2. Suitability of the land for subdivision development

The 1.74 acres within the plat area is vacant and already has a public street with utilities and sewer available at the property lines, so there does not appear to be any issues preventing the installation of improvements and construction of new residential structures.



Staff Report

Community Development
Planning and Development Services

3. Consistency with adjoining uses and platted property

Adjoining uses are mostly high density residential with some medium density and the entire area is presently zoned for high density residential development, which is consistent with the application. There are some low density residential (single family) homes in the vicinity and they are also consistent with R-3, High density Residential, zoning.

4. Adequacy of public facilities and utilities to serve the proposed development

The plat area is undeveloped but currently served by all public facilities and utilities but will require street cuts and utility line extensions on the property.

5. Consideration of planning principles on site including lot layout and topography

The topography of the site does not present any issues and the proposed development meets all R-3, High Density Residential District bulk regulations. The site does drop off along the south boundary but the buildable area on each lot is not significantly affected. This is an infill development on existing infrastructure, although some extensions of utilities and street improvements such as curbs, gutters, and sidewalks will be required.

RECOMMENDATION

Staff recommends Case No. PZ 2022-04, Utopia Gardens Final Plat, be approved by the Planning Commission as it conforms to all City requirements regarding plats and public improvement construction.

Following installation of the public improvements and acceptance of these improvements by the City of Raytown, the Final Plat, including the City Engineer's approval, will be forwarded to the Board of Aldermen. The Final Plat will not be signed until the Board of Aldermen has acted to approve it.



Public Works Department

10000 East 59th Street
Raytown, Missouri 64133
(816) 737-6012
www.raytown.mo.us



To: Community Development Dept.
From: Public Works Department
Date: July 15, 2022
Re: Utopia Gardens Lots 1 thru 6

The Public Works Department has reviewed the Utopia Gardens Civil Plans at 85th Place & Lane Avenue, dated on July 6, 2022, with the following comments:

- All Public Works comments have been addressed, and the plans are approved.

Sincerely,


Jason M. Hanson, City Engineer



Community Development Department

10000 E 59th Street
Raytown, MO 64133-3993
Phone: 816-737-6014 Fax: 816-737-6164

September 8, 2021

SBD Capital Development
1501 NW Mock Ave.
Blue Springs, MO 64015

Tom Clemons
Area Surveyors
P.O. Box 324
Grandview, MO 64030

Mr. Clemons,

As the representative and surveyor for the Utopia Gardens Subdivision Preliminary Plat project that was presented to the City of Raytown Planning and Zoning Commission on September 2, 2021, I am pleased to provide this letter confirming that the Raytown Planning Commission approved the Preliminary Plat by a unanimous vote. This approval does not constitute approval of the plat in its entirety, but does authorize the applicant to move forward with the detailed engineering and design required for submission of the Final Plat of Utopia Gardens. Included with the submittal of the Final Plat shall be a decision on which method of guarantee for installation of any new public improvements was chosen from the options listed in the Subdivision Ordinance (Section 38-7 of the Raytown Municipal Code).

If you have any questions regarding this letter, please feel free to contact me directly.

Sincerely,

Chris Gilbert
Planning and Zoning Coordinator
10000 E 59th St.
Raytown, MO 64133-3993
816-737-6059
chrisg@raytown.mo.us

FINAL PLAT OF UTOPIA GARDENS

A SUBDIVISION IN THE NORTHWEST QUARTER,
SECTION 20, TOWNSHIP 48 NORTH, RANGE 32 WEST,
CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

ALL RIGHTS RESERVED BY THE DEVELOPER, JACKSON COUNTY, MISSOURI.
NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE DEVELOPER.

THE SUBDIVISION OF THE ABOVE DESCRIBED LAND HAS BEEN MADE IN ACCORDANCE WITH THE MISSOURI SUBDIVISION ACT, CHAPTER 201, MISSOURI STATUTES, AND THE MISSOURI PLAT ACT, CHAPTER 202, MISSOURI STATUTES.

THE DEVELOPER HAS CAUSED THE SURVEY TO BE MADE AND THE PLAT TO BE PREPARED AND SUBMITTED TO THE MISSOURI DEPARTMENT OF REVENUE FOR RECORDATION AND TO THE JACKSON COUNTY CLERK FOR RECORDATION AND TO THE JACKSON COUNTY ASSESSOR FOR RECORDATION.

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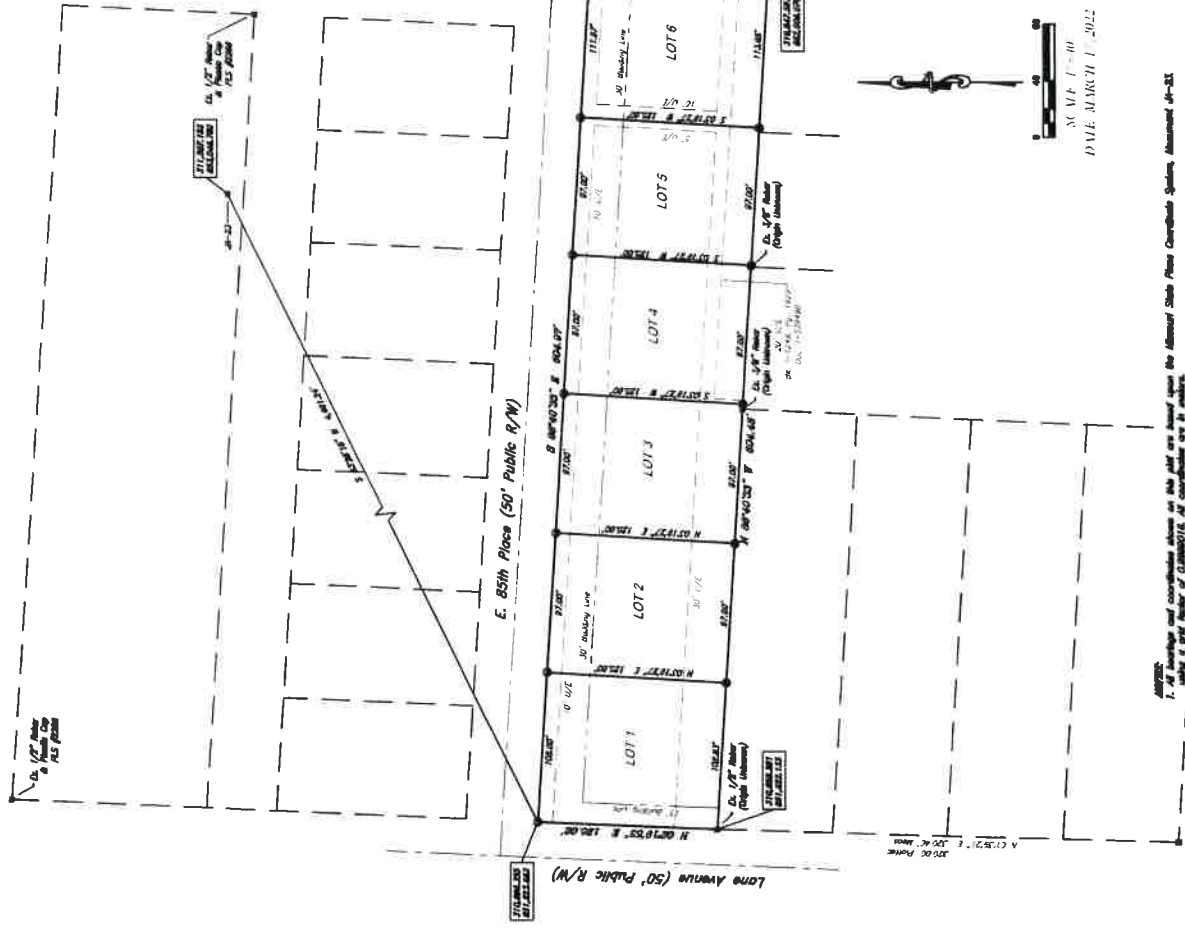
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LEGEND

- EXISTING CURB
- 1/2" REBAR & PLASTIC CAP
- NO PLS FINISH TO BE SET OUT

COMPANIES OF PUBLIC UTILITIES

NOTES

- All bearings and coordinates shown on this plat are based upon the Missouri State Plane Coordinate System, Missouri 48-33 using a grid factor of 0.9999918. All coordinates are in meters.
- This property is not to be subdivided into a subdivision of Zone 1 (Type of subdivision) according to the Flood Emergency Management, Agency Hazard Flood Insurance Program Act and Floodway Act, Missouri, Jackson County, Missouri, Community Flood Number 2003000025 dated January 20, 2011.
- There are no oil or gas wells within the property boundaries according to Missouri Department of Natural Resources map of Oil and Gas Wells in Missouri.

PREPARED FOR DEVELOPER:
SBO CAPITAL DEVELOPMENT, LLC
1001 N.E. 8th Ave.
Raytown, MO 64133
913-264-7017

DESIGNED BY:
THOMAS R. CLEMENS
1001 N.E. 8th Ave.
Raytown, MO 64133
913-264-7017

DATE: MARCH 1, 2012

ASSURANCE: The undersigned certifies that the above described land is the property of SBO Capital Development, LLC, a Missouri limited liability company, whose principal office is located at 1001 N.E. 8th Ave., Raytown, Missouri 64133. The undersigned further certifies that the above described land is not subject to any other liens, mortgages, or other encumbrances, and that the same is being offered for sale to the public by the undersigned.

STATE OF MISSOURI: I have approved my hand and official seal of my office in said County and State, this day and year first above written.

My Commission expires _____

Notary Public
Patti Hines

Planning and Zoning Commission approval: _____ Date _____

Chairman: Patti Hines Secretary: Don Ann Stutz

COMMISSIONER OF COMMUNITY DEVELOPMENT

Notary Director of Community Development - Amy Ellis

BOARD OF ALDERMAN

This is to certify that the within plat was duly submitted to and approved by the Board of Aldermen, Raytown, Missouri, on this _____ day of _____, 2012, at Raytown, Missouri.

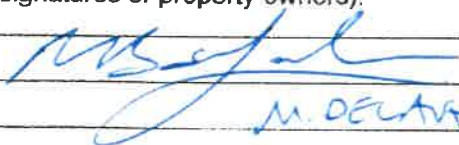
Mayor: Michael McDonough City Clerk: Teresa Henry

JACKSON COUNTY ASSESSOR DEPT. DATE

THOMAS R. CLEMENS, P.E. 1001 N.E. 8th Ave. Raytown, MO 64133 913-264-7017

City of Raytown Application for Final Plat

1. Name, address and phone number of property owner(s):
SBD Capital Development
1501 N.W. Mock Ave
Blue Springs Mo.
64015
816-804-1110
816-739-0533
3. Name, address and phone number of developer(s):
Same

marck@sbdhousing.com
2. Name, address, phone and fax numbers of engineer(s) or surveyor(s) preparing the plat:
Tom Clemons
Area Surveyors
P.O. Box 324
Grandview Mo
816-941-7557
4. Legal description of the land to be subdivided (please attach a deed showing the legal description and the ownership of the tract(s) on a separate sheet).
Sout 125', Lot 5, Utopia
5. Approximate street address or location:
Lane Ave East of 85th Place
6. Name of proposed subdivision: Utopia Gardens
7. We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all the information contained therein is true and correct (signatures of property owners).

M. DELAURIER, OWNER

8. Site Characteristics

A. Total acreage of subdivision:

1.74 acres

E. Total number of lots:

6

B. Acreage this phase (if applicable):

1.74 acres

F. Lots this phase (if applicable):

6

C. Current zoning classification:

R-3

G. Lot Area

Maximum: 14,062 sq. ft.

D. Proposed zoning classification (if applicable):

N.A.

Minimum: 12,125 sq. ft.

Average: 13,094 sq. ft.

9. Public Improvements

Public improvements are required for subdivisions of land in Raytown, such as public roadways, sidewalks, water, sanitary sewer, storm sewer, etc. All improvements must be constructed to City standards.

A. Streets:

Classification (local, collector or arterial): N.A. No streets required

Proposed surface material: _____

Length of roadway: _____

Maximum grade: _____



How will the configuration of streets in this development fit with the transportation network of Raytown? How will the traffic generated from this development affect the traffic circulation in the area? Explain in detail on separate sheets.

B. Will this development be served by public water? YES

C. Will this development be served by public sanitary sewer? YES

- D. Will this development be served by public storm sewer? Yes
- E. Describe the drainage plan for this development, including any easements. Please attach a separate sheet.
- F. Will parkland or green space be dedicated? No

10. Construction Guarantee

The City of Raytown Subdivision Regulations offer 4 options for construction of public improvements within the City. Developers must indicate the options elected.

- Option 1: Complete all required public improvements prior to Board of Aldermen final approval and recording of the plat.
- Option 2: Post a performance bond to the benefit of the City in the amount of the remaining construction costs. Bonds are presented to the Board of Aldermen with the final plat.
- Option 3: Enter into an escrow agreement for the remaining construction costs. Escrow agreements are presented to the Board of Aldermen with the final plat.
- Option 4: Delay construction or bonding until final approval, upon which an escrow agreement or performance bond for 110% of the construction costs must be submitted.

All public improvements must be inspected. No Certificates of Occupancy will be issued before final approval of the public improvements. Developers must file a maintenance bond for 25% of the cost of construction to run for 2 years before acceptance of the improvements by the Raytown Board of Aldermen.

Option selected for street construction: NA

Option selected for sanitary sewer construction: Option 1

Option selected for storm sewer construction: option 1

Option selected for other construction: NA

Option selected for other construction: NA

Have construction plans for the improvements been submitted to the Community Development Department? Yes With This Plat

11. Required Submittals

Eight (8) copies of the plat are required for initial review by staff and the utilities serving the proposed development. Upon review, a letter detailing any required revisions will be released. Ten (10) days prior to the Planning Commission meeting copies of the revised plat must be submitted in the following formats: **Twenty Five (25)** full size folded paper copies and an electronic copy.

Unless Option 4 is selected, construction plans for the City maintained public improvements must be submitted and approved before the final plat can be placed on the agenda of the Planning Commission. Streets, streetlights, sidewalks, sanitary sewer, and storm sewer must be designed in accordance with the most current APWA regulations. In addition, Missouri Department of Natural Resources must approve water and sanitary sewer lines. Copies of letters of authorization from the Department of Natural Resources should be provided to the Raytown Public Works Department. Developers must also submit **two (2) sets of construction plans** to the Raytown Public Works Department and an electronic copy of the plans.

The Raytown Planning Commission may approve, conditionally approve or deny the plat. If the plat is approved or conditionally approved, the plat may be presented to the Board of Aldermen. Additional copies will be required at that time, along with any required plat revisions or submittals associated with the construction of the public improvements. Following approval of the final plat by the Board of Aldermen **three (3) mylar copies, five (5) paper copies** of the approved final plat need to be provided to the Community Development Department all of which need to have been signed by the applicable property owners. The City will then apply the applicable signatures from city officials to each copy of the approved final plat. When all copies of the final plat have been signed the signed final plats shall be provide to the applicant for recording. **Following recording, one mylar copy and two paper copies of the recorded final plat will need to be returned to the Community Development Department.**

Further information is available at the Raytown Community Development Department at 816-737-6011.



PZ 2022-07

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: August 4, 2022

Re: Zoning Text Amendments, Section 50-4, Entitled "Definitions", and Section 50-127, Entitled "Use Regulations" for the R-1, Low Density Residential District

TEXT AMENDMENT SUMMARY

The Board of Aldermen voted on May 17, 2022, to direct staff to perfect language to allow homeowners in Raytown to raise miniature goats within the city limits of Raytown for consideration by the Raytown Board of Aldermen. A timeframe update was presented to the Board of Aldermen at their June 21, 2022, meeting that laid out a specific process for achieving this directive with certain goalposts along the way. All these steps have been met to date, including the Planning Commission Special Work Session meeting held on July 7, 2022. Staff made numerous revisions to the proposed language following this work session that are reflected in the attached draft regulations.

The next step in this process is for the Planning Commission to hold this properly noticed public hearing on the proposed new regulations. Please note that while the proposed changes to Chapter 6 of the Raytown Municipal Code, entitled "Animals", are included as well for cross reference, the Planning Commission's purview is only on recommendations pertaining to the changes contained in Chapter 50. The Board of Aldermen will review the Chapter 6 text amendments along with the Planning Commission's recommendations regarding the Chapter 50 text amendments.

Efforts to get Information to the Public and Generate Citizen Participation:

City staff, primarily Public Information Officer Toni Alexander, went to great lengths to encourage public comment on the goat regulations and at the Planning Commission work session on July 7, 2022. The specific steps that were taken are as follows:

June 22 – Posted on website (raytown.mo.us)

June 22 – Social media post (garnered 43 comments and 14 shares on FB)

June 22 - Media Advisory sent to KCUR, Fox 4, KMBC 9, KCTV 5, Kansas City Star , KSHB, the Pitch, Lee's Summit Tribune

June 22 – Posting information at entrance to City Hall directing viewers to City website

June 23 – Coverage on TV stations 4, 5, 9

June 30 – Coverage on KCTV 5

July 1 – Posting of full Planning Commission packet for the July 7 Work Session to City website

July 2 – Work Session Invitation flyers distributed by citizens to some neighborhoods

July 7 – 10 p.m. news KMBC coverage



Staff Report

Community Development
Planning and Development Services

July 7 – KCTV 5 evening news/ digital

July 19 – Public Hearing Notice Publication for August 4, 2022, Planning Commission Meeting

Following all of these efforts, the July 7, 2022, Planning Commission Work Session did attract a small audience, including a local TV station. Only one person, Nathan Bergen, spoke at the work session that was not a member of the Raytown Board of Aldermen (attendance lists are attached to the minutes from that work session contained in the August 4 Planning Commission packet).

All of these issues were further discussed by staff following the meeting and appropriate adjustments were made to the draft regulations, which are incorporated into the attached versions. Several portions relating to care and enforcement were moved to Chapter 6 as a more appropriate location and the land use specific requirements in Chapter 50 were updated following the Work Session. A local large animal expert was also consulted for assistance with several of these issues.

The major issues that were discussed at the Work Session and how they were addressed are as follows:

- Dehorning of the animals for their safety. *Placed in Chapter 6, Animals, amendments.*
- Prohibiting male goats due to issues caused by rut season. *Placed in Chapter 6, Animals, amendments.*
- Discussion of appropriate fencing materials other than wood/vinyl. *Current Chapter 50 fencing requirements for privacy fences permit wood, vinyl or other approved surface facing public right of ways and street side yards. Staff recommends not changing the requirements presented at the work session in the draft regulations for 6-foot wood, double sided to hide the frame and provide a more difficult escape barrier that farm fencing or chain link would provide. Some of the material submitted by the primary supporter of the goat amendments, Mr. Nathan Bergen, suggested 5-6 feet high fence while others suggested lower in the 4-5 feet range. Additionally, staff consulted other resources and determined that miniature goats are notorious for using any available framework or springboard during their jumps to facilitate even higher jumps and thus the escape potential is much greater than for regular goat breeds.*
- Requiring letters of support from neighbors. *Placed in Chapter 50, Zoning, amendments.*
- Status of structures located in open roaming area. *Since inspections will be required as the draft regulations are presently proposed, further modifications were made to the Chapter 50, Zoning, amendments to permit obstructions like pools, decks, accessory buildings, play sets, etc. to be included in the open roaming space calculation. Only detached garages/carports and associated paved drives and parking areas behind the front face of the house will not be included in the calculation and will be required to be separated from the open roaming area by fencing.*



Staff Report

Community Development
Planning and Development Services

- Microchipping the animals in case they get loose for identification. *Placed in Chapter 6, Animals, amendments.*
- Requiring provision of a shelter for inclement weather. *Placed in Chapter 50, Zoning, amendments.*
- Discussion of appropriate minimum lot size. *There was not a lot of opposition to requiring an acre of space as a minimum area, so the acre of open roaming space minimum standard to keep goats has been retained from the original draft regulations to Chapter 50, Zoning, without changes.*

Comparison of proposed Regulations to several nearby communities in the Kansas City metropolitan area, including all of Raytown's close neighbors:

Mr. Nathan Bergen, in his presentation materials for both the Board of Aldermen and the Planning Commission, referenced numerous cities both local and in the United States that permit goats. While this may be true on a basic level, what the materials did not point out is that while these communities allowed for goats, the required zoning classification for keeping them was not shown. Many of the listed communities in the Kansas City metro that appear to permit goats limit them to just Agricultural zoning or large lot rural estate residential type zones, neither of which Raytown has available, being 98% developed already (including undevelopable land classified as Conservation zoning). There is not a direct comparison as the only neighbor that permits goats on traditional residential parcels in Kansas City, Missouri, but that comes with a steep distance setback to nearby habitable structures of 200 feet in all directions, essentially requiring a large lot to qualify.

Grandview: Only permitted in Agriculturally zoned areas. 3 Acre minimum lot size and no setback to habitable structures. No limit on number of animals.

Blue Springs: Farm animals prohibited in City Limits without an approved Conditional Use Permit following a public hearing process.

Lee's Summit: Only permitted in Agriculturally zoned areas and Rural Density Residential areas with additional conditions. Minimum lot size is 10 Acres and setback to other habitable structures is 400 feet in all directions. 5000 Square Feet (approximately 1/8-Acre) required per animal kept.

Kansas City, Missouri: Permitted city-wide in residential areas with minimum 200 feet setbacks in all directions to other habitable structures. Essentially this is an approximately 3-acre clear zone between all surrounding habitable structures. There is a limit of 2 animals maximum. Also able to be kept in the RA zone with a Special Permit and no limit on number of animals. There is also a special Urban Agriculture Zone with zone specific criteria, similar to the PD, Planned District, zone in Raytown but not generally available to standard residential neighborhoods..



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Independence: Only permitted in Residential Agricultural zoned areas and the Drumm Farm District. Minimum lot size is 3 acres and setback to other habitable structures is 75 feet. Number of animals permitted is one per half acre, max of 2 in Residential Agricultural zones and 5 goats per acre of open space in the Drumm Farm District.

Prairie Village, Kansas: Similar built out inner suburb of Kansas City like Raytown. Prohibits residential keeping of farm animals.

RECOMMENDATION OF STAFF

Staff was directed by vote of the Board of Aldermen to prepare and return to it appropriate regulations to govern the keeping of miniature goats on residential properties in Raytown. Staff believes that extensive efforts were made to generate public input and to research the issues involved and put together the attached draft regulations. Staff requests the Planning Commission consider the attached draft regulations amending Chapter 50, Zoning, of the Raytown Municipal Code, and forward a recommendation to the Board of Aldermen following completion of a properly noticed public hearing.

NOTE: The attachments to this report contain only new emails received since the July 7, 2022, Planning Commission Work Session. The emails provided previously for the work session are still available for view on the city website in the uploaded July Planning Commission packet.

Attachments:

- Proposed Zoning Ordinance Text Amendments to Chapter 50, Zoning
- Proposed Municipal Code Text Amendments to Chapter 6, Animals
- Public Noticing Materials
- Realtor Magazine Article on Backyard Farms
- Public Emails received since the July 7 Work Session Regarding Goats.

EXHIBIT A

CHAPTER 50, ARTICLE I. – IN GENERAL

Sec. 50-4. – Definitions.

<<THE FOLLOWING DEFINITION TO BE ADDED INTO SECTION 50-4 IN ALPHABETICAL ORDER WITH ALL EXISTING DEFINITIONS>>

Agricultural Domestic Animals means domestic animals commonly referred to as livestock such as horses, donkeys, sheep, goats, cattle, miniature goats, llamas, alpacas, cows, outdoor fowl, and swine, except for pot-bellied pigs which shall specifically be deemed to be a household domestic animal for purposes of regulation in this chapter. These animals are raised for personal enjoyment, for meat, fiber, milk, or other products.

Miniature Goat means a member of one of the following four breeds of miniature goats that can be kept within the City Limits of the City of Raytown in accordance with Section 50-127 of this Chapter and do not exceed 29 inches in height as measured at the shoulder of the animal: Pygmy, Nigerian Dwarf, Kinder, and Pygora. All other breeds of miniature goats and all full-size goats, are prohibited from being kept, including any goat that cannot be definitively identified or proved to be a member of, or a mix of, the four listed breeds, or exceeds the height limit of 29 inches measured at the shoulder of the animal.

Open Roaming Space means that area of open space on a parcel or lot that is available for animals identified under the Agricultural Domestic Animal definition and is located behind the front face of the principal structure on the property. Detached garages and carports and their associated paved driveways (including all legally used paved parking areas) that are located behind the front face of the principal structure are also excluded from inclusion as Open Roaming Space and would have to be securely separated from such Roaming Space with appropriate fencing.

(Code 1969, § 16-1; Ord. No. 139, § 1, 7-19-1966; Comp. Ord. of 4-20-2010, §§ 2-1, 11-7; Ord. No. 5571-17, §§ 1, 2, 3-7-2017; Ord. No. 5580-17, §§ 1, 2(Exh. A), 9-5-2017; [Ord. No. 5640-20](#), §§ 1, 2(Exh. A), 2-18-2020)

CHAPTER 50, ARTICLE IV. – DISTRICTS AND DISTRICT MAP

DIVISION 2. LOW-DENSITY RESIDENTIAL DISTRICT (R-1)

Sec. 50-127. – Use Regulations.

The uses listed below shall be permitted in the Low-Density Residential District. No other building, land or premises shall be used, and no building or structure shall be hereafter erected or altered unless otherwise provided for in these zoning regulations.

- o. Home occupations based upon production and off-site sale of goods derived from permitted Agricultural Domestic Animals as regulated in subsection 10 below shall be required to follow the same standards as all other home occupations with the exception that the animals that provide the raw materials are permitted to be kept outdoors. This includes the requirement to apply for a home occupation permit and submit to an on-site inspection.**
- (10) Agricultural Domestic Animals (reference detailed definition contained in Municipal Code Chapter 50, Article I, Section 4) are permitted as an Accessory Use in the R-1, Low Density Residential District only and if the following conditions can be met:**

 - a. These regulations do not apply to legally existing riding stables, commercial stockyards, or any land located within an established agriculturally zoned District.**
 - b. A one-time use permit application with fee is required for all new Agricultural Domestic Animals intended to be brought into the City and includes an on-site inspection to determine property compliance with these regulations. Follow up inspections may be necessary to verify completion of required improvements. An additional fee will be charged with the third and all subsequent inspections.**

 - 1. The applicant is required to be the resident of the principal home on the property and, if not the owner, a signed and notarized statement from the property owner is required authorizing the application to be filed.**
 - 2. Signed letters of support from all adjacent property owners shall be provided at time of application. Each letter shall specifically state that the person is the owner of the specific neighboring property and that they are aware of, and support, the applicant keeping the specific animal types intended to be kept on the property.**
 - 3. The number of animals permitted shall be calculated per individual applicant and associated land ownership together. Any subdividing of land into multiple parcels to facilitate additional animal permits on the newly subdivided tracts of land for the same owner and applicant shall not be permitted.**
 - c. Minimum lot size is one acre of open roaming space (See definition).**

- d. Animals permitted to be kept (animal types not listed are prohibited):**
- 1. Horses. One per acre of open roaming space, maximum of 2. May not share acreage with goats for purposes of calculating number permitted.**
 - 2. Miniature Goats.**
 - (a) Two goats per acre of open roaming space on a single parcel of land owned by the applicant and is not spread among separate parcels under the same ownership.**
 - (b) Maximum number permitted is four goats, requiring a minimum of two acres open roaming space that is not spread among multiple separate parcels of land.**
 - (c) Limited to Pygmy, Nigerian Dwarf, Kinder, and Pygora breeds only that do not exceed 29 inches in height as measured at the shoulder of the animal.**
 - (d) May not share acreage with horses for purposes of calculating number permitted.**
 - 3. Outdoor Fowl. Outdoor Fowl are not subject to the open roaming space requirements of this section but the keeping of such shall be in accordance with the specific requirements of Municipal Code Chapter 6, which shall be followed in its entirety. Where permitted by Municipal Code Chapter 6, outdoor Fowl may be kept in addition to the animals listed here and will not require dedicated acreage per this section.**
 - 4. Harboring of any animals defined under Agricultural Domestic Animals that do not meet all regulations contained within this section are prohibited and shall be deemed a nuisance.**
- e. Any animal shelters placed on a parcel of land for the keeping of Agricultural Domestic Animals shall be at least 100 feet from any neighboring dwelling not including the dwelling occupied by the owner of the animals and at least 25 feet from all property lines. If there is more than one dwelling unit legally existing on a parcel of land, this same distance separation shall apply to the additional dwelling units. Animal shelters are accessory structures, not accessory buildings, and specific requirements are as follows:**
- 1. Maximum size is 216 square feet. No more than one accessory structure may be placed per animal type permitted on a parcel of land. Examples include goat shelters, horse stalls, and chicken coops. Some manner of shelter from the elements is required to be identified and provided for each animal type.**

2. **Permits may be required for construction of an accessory structure for use as an animal shelter. Consult with Raytown Community Development Department staff to confirm permit requirements prior to performing any work.**
 3. **Construction of any accessory structure in Raytown, regardless of purpose, without proper permits is not permitted and the owner can be issued a citation to appear in Raytown Municipal Court.**
- f. **Minimum standards of operation for Agricultural Domestic Animal keeping:**
1. **Any property hosting any of the permitted types of animals shall ensure the entire area within which the animals are to be kept shall be fenced in a manner to prevent their escape. Failure to regularly maintain fencing and promptly repair any damage caused to fencing shall be considered a nuisance.**
 2. **If miniature goats are being kept, a 6-foot solid and smooth surface fence that meets City material standards, with no protrusions on the inside to provide toeholds, nor easily consumed by chewing, shall be constructed around the entirety of the open roaming space being used to qualify as the minimum space to keep these animals. Any new such fence installed is required to also present a smooth surface out to the neighbors per existing fencing regulations in residential districts.**

~~(Comp. Ord. of 4-20-2010, § 4-2)~~

Chapter 6 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal or fowl, including that care which is normally necessary to maintain good health in the specific species of animal or fowl.

Adequate food means wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal or fowl considering its age and condition.

Adequate health care means the provision to each healthy animal or fowl of all immunizations and preventative care required to maintain good health; space adequate to allow the animal or fowl rest and exercise sufficient to maintain good health; grooming as required so that they are free from dangerous matting which affects their health; and the provision to each sick, diseased, or injured animal or fowl of necessary veterinary care or humane death.

Adequate restraint means restraint by a hand held leash, a tether, or a structure such as a fence, kennel or cage, that is sufficient to prevent an animal being loose; from causing damage to any property or injury to any person or other animal; or from causing fear of bodily harm to any person. See also section 6-103 regarding adequate restraint.

Adequate shelter means a structurally sound, properly ventilated, safe, sanitary and weatherproof shelter suitable for the species, condition and age of the animal or fowl which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The area where animals or fowl are kept must be kept free from unsanitary conditions, vermin-harboring debris, rodents, refuse, or any dangerous protuberances that can provide an opportunity for injury or a danger to the health of the animal or fowl.

Adequate water means a continual access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal or fowl in sufficient amounts to maintain good health in the animal or fowl. Such water will be provided in a secure manner so that the container cannot be overturned.

¹State law reference(s)—Agriculture and animals, RSMo 261.010 et seq.; disposal of dead animals, RSMo 269.010 et seq.; animals restrained from running at large, RSMo 270.010 et seq.; strays, RSMo 271.010 et seq.; fences and enclosures generally, RSMo 272.010 et seq.; local option regarding fences and enclosures, RSMo 272.210; dogs and cats, RSMo 273.010 et seq.; local option dog tax, RSMo 273.040 et seq.; animal care and facilities licensing and regulation, RSMo 273.325 et seq.; adoption and purchase of animals from shelters and human societies, RSMo 273.400 et seq.; pet spay and neuter fund, RSMo 301.387; authority for municipal inspection of animals intended as food, RSMo 71.730; offenses against police animals, RSMo 575.350, 575.353; animal neglect and abandonment, RSMo 578.009; animal abuse, RSMo 578.012; impoundment of animal running at large, RSMo 578.016; keeping dangerous wild animals, RSMo 578.023.

Animal means any live, vertebrate creature, domestic or wild, except fowl or human beings, including dogs and cats of either sex.

Animal control officer means any person employed by the city to enforce this chapter, including, but not limited to, general code enforcement officers, commissioned city police officers, or any person designated by the director.

Animal or fowl at large means any animal or fowl not adequately restrained.

Animal shelter means any facility or facilities designated by the director as an approved facility for the confinement of any animal or fowl.

Auction means any place or facility where animals or fowl are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of single animals or fowl by owners.

~~*Caged household fowl* means any bird kept in a cage as a pet by its owner, harborer or keeper exclusively inside a dwelling, including, but not limited to, finches, canaries, minas, budgerigars, cockatiels, parakeets and parrots.~~

Citation means a general ordinance summons.

Commercial animal establishment means any pet shop, grooming shop, riding school, stable, kennel for hire, guard dog service, dog trainer, performing animal exhibition, or other business keeping animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of the aforementioned establishments.

Department means the department of development and public affairs or such other department as may be designated by the city clerk.

Director means the director of public works, or any designated representative of the director of public works, or such other person as the city clerk may designate.

Domestic animal means any animal domesticated by a person so as to live and breed in a tame condition. Domestic animals shall further be classified as follows:

Agricultural domestic animals means domestic animals commonly referred to as livestock such as horses, donkeys, sheep, goats, cattle, **miniature goats, llamas, alpacas, cows, outdoor fowl**, and swine, except for pot-bellied pigs which shall specifically be deemed to be a household domestic animal for purposes of regulation in this chapter. **These animals are raised for personal enjoyment, for meat, fiber, milk, or other products.**

Household domestic animals means domestic animals, including dogs, cats and pot-bellied pigs, small warm-blooded animals commonly kept as house pets such as rats, mice, gerbils, rabbits, ferrets, guinea pigs, hamsters, birds, and small cold-blooded animals commonly kept as house pets such as fish and nonpoisonous lizards and snakes.

Exotic animal means any non-indigenous animal, not occurring naturally in the city, either presently or historically, excluding dogs, cats and domestic animals defined herein. Exotic animals include, but shall not be limited to, the following: animals of the ape species, leopards, lions, tigers, bobcats, panthers, venomous or poisonous animals, alligators and crocodiles.

Fowl means chickens, ducks, geese, turkeys, doves, pigeons, Cornish game hens or other fowl raised for profit, hobby or kept as pets.

***Caged household fowl* means any bird kept in a cage as a pet by its owner, harborer or keeper exclusively inside a dwelling, including, but not limited to, finches, canaries, minas, budgerigars, cockatiels, parakeets and parrots.**

Outdoor fowl means any bird kept outdoors as defined in *Agricultural Domestic Animal*.

Hand held leash means any strap, rope, or chain used as a restraint for animals constructed to provide secure attachment to an animal's harness or collar.

Harboring or *harborer* means any person who offers asylum, refuge, or sanctuary to any animal.

Keeper means any person who offers asylum, refuge, or sanctuary to any animal. Also see *Harboring* or *harborer*.

Microchip means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for the purposes of identification and/or recovery of the animal and properly registered as specified by the department.

Miniature Goat means a member of one of the following four breeds of miniature goats that can be kept within the City Limits of the City of Raytown in accordance with Section 50-127 of Chapter 50 and do not exceed 29 inches in height as measured at the shoulder of the animal: Pygmy, Nigerian Dwarf, Kinder, and Pygora. All other breeds of miniature goats and all full-size goats, are prohibited from being kept, including any goat that cannot be definitively identified or proved to be a member of, or a mix of, the four listed breeds, or exceeds the height limit of 29 inches measured at the shoulder of the animal.

Open Roaming Space means that area of open space on a parcel or lot that is available for animals identified under the *Agricultural Domestic Animal* definition and is located behind the front face of the principal structure on the property not including accessory buildings, decks, paved driveways and parking areas intended for the use of motor vehicles, or swimming pools.

Own means having the right of property or custody of an animal; or the keeping or harboring an animal; or having the care or possession of an animal; or knowingly permitting an animal to remain in, on or about any premises occupied by or under the control of the owner of the animal.

Owner means any person owning, keeping or harboring an animal or who shall allow any animal to habitually remain or to be lodged or fed within any house, store, yard, enclosure or property occupied by or under the control of such person.

Person means any person, firm, partnership, corporation or association.

Pot-bellied pig means a domestic miniature Vietnamese, Chinese, or Oriental pot-bellied pig. A pot-bellied pig is distinguished from other swine by the following traits: erect ears, sway back, curved belly, straight tail, shorter snout and coloring, which may be black, white or a combination of black and white.

Secure temporary enclosure means a secure enclosure used for purposes of transporting an exotic or dangerous animal, including a top and bottom permanently attached to the sides except for a door for entry and exit of the animal. The enclosure must be of such material, and the door closed and secured in such a manner, that the animal cannot exit the enclosure on its own or have the capacity to bite any person in close proximity to the enclosure.

Service dog means a dog that has been specially trained to do work or perform tasks which benefit a particular person with a disability. Service dog includes:

Guide dog means a dog that has been specially trained to assist a particular blind or visually impaired person;

Hearing dog means a dog that has been specially trained to assist a particular deaf or hearing-impaired person;

Medical alert or respond dog means a dog that has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;

Mobility dog means a dog that has been specially trained to assist a person with a disability caused by physical impairments.

Therapeutic aviary means any large enclosure used to confine birds that is maintained inside a long-term care facility licensed by the state.

Veterinary medical care facility means a facility that has the primary function of providing medical care for animals and is operated by a currently licensed veterinarian.

Wild animal means an animal not specifically bred over many generations to adapt to human confinement, company and control such as raccoons, wildfowl, skunks, and opossums.

(Code 1969, § 4-1; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 1, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4260-97, § 1, 5-6-1997; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, §§ 1, 2, 7-3-2007; Ord. No. 5244-07, § 1, 7-17-2007; Ord. No. 5288-08, § 1, 5-20-2008)

State law reference(s)—Dog defined, RSMo 273.010, 273.040; boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, hobby or show breeder, and pet shop defined, RSMo 273.325; dangerous animals, RSMo 578.023.

Sec. 6-2. Penalties generally.

- (a) Except as otherwise specifically provided in this chapter, any person who shall violate, fail, neglect or refuse to comply with any provisions of this chapter shall be subject, upon conviction to the penalty or penalties provided in section 1-22, except as otherwise expressly provided herein.
- (b) In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this article.
- (c) A judge may order removal from the city of any animal with a history of causing violations of this chapter or the humane destruction of a dog with a known history of behavioral problems or traits that may pose a danger or nuisance to the public health, safety or welfare.

(Code 1969, § 4-45; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-3—6-22. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 6-23. Duty of director.

Except where otherwise provided, it shall be the duty of the director to administer and enforce the provisions of this chapter, including promulgating policies and procedures for administration and enforcement of the provisions of this chapter.

(Code 1969, § 4-2; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-24. Animal control officers; position and duties.

There is hereby created the position of animal control officer subject to the jurisdiction of the director. It shall be the duty of an animal control officer to enforce all the provisions of this chapter and be subject to emergency call in the performance of the duties of said position on a 24 hours per day, seven days per week basis as per city and department call out policies.

(Code 1969, § 4-3; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-25. Duty of the police department.

It shall be the duty of the police department to enforce the provisions of this chapter and to assist the director and any animal control officer in enforcing the provisions of this chapter.

(Code 1969, § 4-4; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-26. Department to keep records.

The department shall keep a record in which shall be entered all official transactions relating to animal control.

(Code 1969, § 4-5; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 2, 12-7-1982; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-27. Interfering with officers prohibited.

It shall be unlawful for a person to hinder, molest or interfere with any police officer or animal control officer in the performance of their duties pursuant to the provisions of this chapter.

(Code 1969, § 4-25.1; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-28—6-57. Reserved.

ARTICLE III. CARE AND CONTROL REGULATIONS

DIVISION 1. GENERALLY

Sec. 6-58. Household domestic animals permitted.

Household domestic animals may be owned, kept or harbored within the city, in accordance with the terms of this chapter.

(Code 1969, § 4-6; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-59. Certain agricultural domestic animals ~~livestock~~ prohibited in city.

- (a) No agricultural domestic animals (~~except horses~~), **except horses, miniature goats, and outdoor fowl**, shall be kept, harbored or maintained within the city. **The keeping, harboring or maintaining of permitted agricultural domestic animals shall be in accordance with Chapter 50, Article IV, Section 50-127 for all zoning.**
- ~~(b) No horses shall be kept or maintained within 100 feet of the nearest portion of any building in any way used by human beings, other than those occupied by the owner or keeper of any such horses. Beyond this limitation of 100 feet, not more than two of the aforesaid horses shall be kept, provided that the limitations of two horses shall not apply to a riding stable, nor shall the limitation of two such animals apply to a commercial stockyard or land zoned for agricultural use. Stables for the housing of any of the horses shall comply with all zoning restrictions.~~
- ~~(b)(c)~~ All manure accumulations in the area where animals are kept shall be removed, stored or disposed of in such a manner as to prevent noxious odors, the breeding of flies, and the spread of disease.
- ~~(c)(d)~~ Wild animals not prohibited from being kept as pets shall also be so kept in compliance with the statutes, regulations and treaties of the state and the federal government.
- ~~(d)(e)~~ Animals currently authorized under existing ordinances of the city and approved by the director shall be allowed to continue in existence so long as said animals shall continue to meet all requirements of said existing ordinances. The housing of such animals shall be in accordance with ~~subsection (b) of this section~~ **Chapter 50, Article IV, Section 50-127-**
- (e) Home occupations based upon production and off-site sale of goods derived from a permitted agricultural domestic animal operation shall be required to follow the same standards as all other home occupations with the exception that the animals that provide the raw materials are permitted to be kept outdoors and shall be in accordance with Chapter 50, Article IV, Section 50-127. This includes the requirement to apply for a home occupation permit and submit to an on-site inspection.**

(Code 1969, § 4-17; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4276-97, §§ 1—5, 6-3-1997; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

State law reference(s)—Authority to prohibit livestock, poultry at large, RSMo 79.400.

Sec. 6-60. Limitation on number of dogs, cats, pot-bellied pigs and caged household fowl.

- (a) *Limitation on number of dogs, cats, and pot-bellied pigs.* It shall be unlawful and a public nuisance for any person to keep or allow to be kept at a single residence more than four dogs, four cats or one pot-bellied pig, or any combination of such animals exceeding four in number, over the age of 90 days.
- (b) *Limitation on number of caged household fowl.* It shall be unlawful and a public nuisance for any person to keep or allow to be kept at a single residence more than six caged household fowl, over the age of 90 days.
- (c) *Removal authorized.* When animals or fowl in excess of the limit established in the preceding subsections are found at a residence, all of the animals or fowl found at the residence may be removed to an animal shelter to be handled as if stray animals or fowl, except that the person in charge of the residence, if present, may designate and retain up to four licensed animals or six caged household fowl.

(Code 1969, § 4-26; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5244-07, § 3, 7-17-2007; Ord. No. 5288-08, § 2, 5-20-2008)

Sec. 6-61. Additional requirements for keeping pot-bellied pigs.

In addition to compliance with the all other sections of this chapter, including, but not limited to, the sections on licensing and restraint of animals, the following additional requirements shall apply to the keeping of pot-bellied pigs:

- (1) *Harboring outdoors prohibited.* It shall be unlawful for any person to keep or maintain pot-bellied pigs outdoors. A person may permit pot-bellied pigs outdoors for brief periods, as necessary for exercise or for the elimination of waste. The outdoor area used for exercise and waste elimination must be a secure area from which the pot-bellied pig may not escape.
- (2) *Spay or neuter required.* All pot-bellied pigs kept within the city must be either spayed or neutered. Under no circumstances may a person engage in the propagation or breeding of pot-bellied pigs within the city limits.
- (3) *Vaccinations required.* All pot-bellied pigs kept within the city must be vaccinated against erysipelas, rhinitis and bordetella.
- (4) *Daily cleaning of exercise area required.* All locations where pot-bellied pigs are kept shall be kept in a clean and sanitary condition. Exercise areas shall be cleaned of swine excrement on a daily basis.

(Code 1969, § 4-43.1; Ord. No. 5288-08, § 5, 5-20-2008)

Sec. 6-62. Animals prohibited in designated establishments.

All animals shall be prohibited from those premises known as grocery stores, restaurants, and other food service establishments, except service dogs.

(Code 1969, § 4-14; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4275-97, § 1, 6-3-1997; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-63. Abandonment.

It shall be unlawful for any owner or keeper to abandon any animal. For the purpose of this section, to abandon means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or to resume custody; to leave an animal for more than 12 hours without providing for adequate care, adequate food, adequate health care, adequate shelter, or adequate water for the duration of the absence; or, to turn out or release an animal for the purpose of causing it to be impounded.

(Code 1969, § 4-13; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 5191-07, § 1, 3-6-2007)

State law reference(s)—Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009; baiting or fighting of animals unlawful, RSMo 578.173.

Sec. 6-64. Cruelty to animals and fowl.

- (a) No owner or keeper of an animal shall fail to provide the animal with adequate care, adequate food, adequate health care, adequate shelter, and adequate water. Any owner, keeper or harbinger of an animal in this city by the act of owning, keeping or harboring such animal does thereby authorize the director, any animal control officer, and any police officer to enter the yard where such animal is kept, if the director reasonably believes that the animal is kept in an unlawful, cruel, or inhumane manner, and to examine such

animal and to seize and impound such animal at the municipal animal shelter when, in said examiner's opinion, it is being kept in an unlawful, cruel, or inhumane manner.

- (b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal.
- (c) No person shall:
 - (1) Own, possess, keep, or train any dog, with the intent that such dog shall be engaged in an exhibition of fighting with another dog;
 - (2) For amusement or gain, cause any dog to fight with another dog, or cause any dogs to injure each other;
 - (3) Permit any act as described in subsection (c)(1) or (2) of this section to be done on any premises under the person's charge or control, or aid or abet any such act; or
 - (4) Knowingly be present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or knowingly be present at such exhibition or at any other fighting or injuring as described in subsection (c)(2) of this section, with the intent to be present at such exhibition, fighting, or injuring;
- (d) No person shall cause, instigate or permit any dogfight, cockfight or other combat between animals or between animals and humans. Any animal so used shall be seized and impounded. Nor shall any person attend such unlawful exhibition or be umpire or judge at such.
- (e) No person shall willfully administer any poison to any domesticated animal or shall willfully expose any poisonous substance where the same may be likely to be eaten by any domesticated animal.
- (f) The operator of a motor vehicle which strikes any animal shall as soon as possible, report the accident to the animal control officer.
- (g) Vendors of such fowl younger than eight weeks of age shall provide and operate brooders or other heating devices as may be necessary to maintain the fowl in good health, and shall keep adequate food and water available to the fowl.
- (h) No person shall offer to give, or give away any live animal or fowl as a prize or business inducement.
- (i) Whenever any animal is found confined in a motor vehicle under weather conditions that endanger its life as determined by the director, the director or the director's designee is hereby authorized, with assistance from the police department, to enter such vehicle and rescue such animal and thereafter impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded.
- (j) No person shall tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or to render said animal incapable of accessing adequate care, adequate food, adequate health care, adequate shelter, and adequate water.
- (k) Any duly authorized animal control officer or law enforcement official may seek a warrant from the appropriate court, which shall include the municipal court, to enable him to enter private property, excluding structures, in order to inspect, care for, or impound neglected or abused animals.
 - (1) All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe an animal is being neglected or abused. A person acting under the authority of a warrant shall:
 - a. Be given a disposition hearing before the court through which the warrant was issued, within 30 days of the filing of the request for the purpose of granting immediate disposition of the animals impounded;

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- b. Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available; the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;
 - c. Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;
 - d. Not be liable for any necessary damage to property while acting under such warrant.
- (2) The owner or custodian or any person claiming an interest in any animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care and keeping for at least 30 days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact that bond may be posted pursuant to this subsection, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses are covered by the bond or security, unless there is a court order prohibiting such disposition. Such order shall provide for a bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping or disposal of the animal. The authority taking custody of an animal shall give notice of the provisions of this section by posting a copy of this section at the place where the animal was taken into custody or by delivering it to a person residing on the property.
 - (3) The owner or custodian of any animal humanely killed pursuant to this section shall not be entitled to recover any damages related to nor the actual value of the animal if the animal was found by a licensed veterinarian to be diseased or disabled, or if the owner or custodian failed to post bond or security for the care, keeping and disposition of the animal after being notified of impoundment.
- (l) Nothing in this section shall be construed to prohibit:
 - (1) The use of dogs in the management of livestock by the owner of such livestock or the owner's employees or agents or other persons in lawful custody of such livestock;
 - (2) The use of dogs in hunting; or
 - (3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

(Code 1969, § 4-19; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4277-97, § 1, 6-3-1997; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 6, 7-3-2007; Ord. No. 5246-07, § 2, 7-17-2007)

State law reference(s)—Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009; baiting or fighting of animals unlawful, RSMo 578.173.

Sec. 6-65. Injuring and capturing animals unlawful; exceptions.

It shall be an offence to willfully injure, kill, capture, trap, or poison any animal, or attempt same, except as necessary for:

- (1) Human safety;
- (2) Destruction of rats, mice and other pests;
- (3) Veterinary medical practice;
- (4) Termination of suffering; or
- (5) The performance of official duties by public employees.

(Code 1969, § 4-20; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-66. Certain feeding of animals, birds or fowl prohibited.

It shall be unlawful for any person to feed, scatter food or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards in streets of this city for any birds, fowl or animals. It shall be unlawful to feed, scatter or leave food of any type upon private property if such action in any way causes said birds, fowl or animals to defecate, soil, defile or damage public or private property other than that of the owner, or if it creates an offensive, disagreeable, noxious smell or odor or, in any way serves to injure, annoy or inconvenience any neighbor.

Code 1969, § 4-25; Ord. No. 4278-97, § 1, 6-3-1997; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-67. Dogs or other animals putting persons in fear.

No person shall own, keep or harbor any animal, which by jumping upon or threatening persons upon public or private property shall cause person(s) to be put in fear of injury. This section shall apply to animals while being walked on a leash and the unprovoked attack by an animal on a leash upon any person shall constitute an assault by the person holding the leash and failing to prevent the unprovoked attack by such animal.

(Code 1969, § 4-28; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 3095-87, § 1, 7-7-1987; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-68. Animals in heat; breeding of animals prohibited.

- (a) The owner, keeper or harbinger of any female animal in heat shall confine any female animal in heat within a building in such a manner that the animal shall not be accessible to other animals except when out upon such person's premises briefly for toilet purposes while on a hand-held leash and under direct control of said person.
- (b) No person shall commercially breed any animal within the city. "Breeding" shall be deemed to have occurred upon the production of a litter, whether such litter results from sexual activity or artificial insemination, and whether such sexual activity was intentional or the result of improper confinement. "Commercial breeding" is deemed to occur if any offspring produced as a result of breeding is sold or exchanged for anything of value.
- (c) An animal may be privately bred to produce not more than one litter in a calendar year. Any offspring produced as a result of private breeding may not be sold or exchanged for anything of value.
- (d) No person shall sell any animal or fowl within the city except at a commercial animal establishment. The sale of animals from property zoned or used residentially is prohibited.

(Code 1969, § 4-29; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5245-07, § 1, 7-17-2007)

Sec. 6-69. Animals at large prohibited.

- (a) It shall be unlawful for any person, owning, keeping or harboring any animal or fowl to permit said animal or fowl to be at large within the city. When any animal or fowl is on the property of the owner, keeper or harbinger and adequately restrained, such animal or fowl will not be deemed to be at large.

(b) A person using a service dog shall be deemed to be in compliance with this section.

(c) Official use of dogs by any governmental unit shall be deemed in compliance with this section.

(Code 1969, § 4-30; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2550-83, § 1, 7-5-1983; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4031-94, § 1, 10-4-1994; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-70. Banned animal not to be returned to city.

It shall be unlawful for a person to own, harbor or keep within the city an animal that has been ordered removed under the terms of this chapter, except a person may temporarily transport such animal continuously through the city, only if such animal is being transported either from a point outside the city directly to a destination outside the city, or from a point outside the city to an airport, trans station or bus station within the city. During such transportation, the owner may only stop in the city where such stoppage is necessary and solely related to the continuing ability of the owner to continue said transportation, including, but not limited to, the refueling or repair of a motor vehicle. The animal must be maintained at all times inside a secure temporary enclosure, which may include inside of the passenger compartment of a private motor vehicle, with all accessible windows closed, adequate shelter must be maintained for such animal confined in a motor vehicle.

(Code 1969, § 4-44; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-71. Dead animals.

(a) *Responsibility.* The department shall be responsible for the removal of all dead wild animals found within the city and all dead animals found on public property or thoroughfares within the city.

(b) *Removal of domestic dead animals on private property.* All domestic dead animals shall be removed or otherwise disposed of in a sanitary manner by the owner or proprietor of the premises within 12 hours after the death of such animal. If not so removed or disposed of, the director shall remove such animal. The costs associated for the removal of such animal will be charged directly to the property owner or proprietor.

(c) *Access.* On occupied property, the owner or the tenant thereof shall provide easy access to the subject animal for purposes of its removal.

(d) *Notice.* No person owning or having in his possession the carcass of any animal not to be used for food shall permit the same to remain in or upon any street, sidewalk, park, public ground, private lot, or other place without at once giving notice to the department.

(Code 1969, § 4-33; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-72. Animal auctions.

No animal auction shall be conducted or maintained in any block of ground in the city where a majority of the frontage of any side of such block is occupied and used for residential purposes. It shall further be unlawful to offer any animal for sale at auction, unless the same is done in a barn, stable or other covered enclosure. Where any animal is offered for sale at auction, the auctioneer so offering the same for sale shall first make a minute description of such animal in a well-bound book, which book shall be at all times open for inspection by any city official.

(Code 1969, § 4-34; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-73 Additional requirements for keeping miniature goats.

- (a) Two per acre of open roaming space, maximum of 4. Limited to Pygmy, Nigerian Dwarf, Kinder, and Pygora breeds only that do not exceed 29 inches in height as measured at the shoulder of the animal. ~~All goats over 7 months of age are to be neutered.~~
- (b) No adult male miniature goats are permitted to be kept. All kids that may result from the keeping of goats on the property are not permitted to remain beyond 7 months of age.
- (c) All miniature goats being kept shall have their horns humanely removed in a manner consistent with industry standard practice.
- (d) May not share acreage with horses for purposes of calculating number permitted.
- (e) All miniature goats over the age of 90 days shall be microchipped.
- (f) Any miniature goat over the age of 90 days shall be licensed annually
- (g) The keeping, harboring or maintaining of miniature goats shall be in accordance with Chapter 50, Article IV, Section 50-127 for all zoning.

Secs. 6-74—6-102. Reserved.

DIVISION 2. RESTRAINT AND CONFINEMENT

Sec. 6-103. Animals to be adequately restrained; tethering.

- (a) It shall be unlawful for an owner, keeper or harbinger of an animal or fowl to keep said animal without it being adequately restrained.
- (b) It shall be unlawful for an owner, keeper or harbinger of an animal or fowl to allow such animal to run at large.
- (c) It shall be unlawful for an owner, keeper or harbinger of animal to tether the animal outside except when the owner, keeper or harbinger of the animal is visibly supervising the animal, whether outside or from inside a residence.
- (d) Nonpoisonous snakes shall be kept in locked, escape-proof cages and shall not be permitted to escape while being handled by owner, keeper or handler.
- (e) Cats regardless of age or sex which cause injury to persons or damage to property or that create a nuisance shall be deemed not adequately restrained.

(Code 1969, § 4-15; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5246-07, § 1, 7-17-2007)

State law reference(s)—Animals restrained from running at large, RSMo 270.010 et seq.; strays, RSMo 271.010 et seq.; fences and enclosures generally, RSMo 272.010 et seq.; local option regarding fences and enclosures, RSMo 272.210; dogs prohibited from running at large, RSMo 322.020.

Sec. 6-104. Dogs and cats in enclosures.

- (a) *Location.* It shall be unlawful for any person to keep or maintain any pen or other enclosure (except a fence) for the housing of dogs or cats within ten feet of any property line or within 15 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the dogs or cats.
- (b) *Condition of enclosure.* Any pen or other enclosure wherein dogs or cats are kept, or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors.
- (c) *Existing establishments.* Any pen or other enclosure authorized under existing ordinances of the city and approved by the director shall be allowed to continue in existence so long as said pen or enclosure shall continue to meet all requirements of said existing ordinances.

(Code 1969, § 4-16; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-105. Small animals and fowl in pens.

- (a) *Location.* It shall be unlawful for any person to keep or maintain any chicken coop, dove cote, rabbit hutch or other yard establishment for the housing of fowl or small animals, except dogs and cats, closer than 100 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than 25 feet to the property line of the lot on which such fowl or animals are kept for sale within a bona fide produce market, commission house or store for purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory.
- (b) *Odors.* Every coop, dove cote, rabbit hutch or other yard establishment shall be kept so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitants of the neighborhood.
- (c) *Disposal of manure.* Every coop, dove cote, rabbit hutch or other yard establishment shall be provided with a watertight and flytight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be securely covered at all times, except when open during the deposit or removal of manure or refuse therefrom. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle shall be buried with covering of not less than six inches of earth, or if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property.
- (d) *Fowl; maintenance of enclosures.* All earthen yards or runways wherein fowl are kept or permitted to be shall be spaded and then limed once every three months from the month of April through the month of December. For the purpose of killing flies and other insects, all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects.
- (e) *Condition of enclosure.* Any structure, pen, coop, or yard wherein animals or fowl are kept, or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside.
- (f) *Number of animals, fowl.* Except where fowl, rabbits or other small animals are kept for sale within a bona fide produce market, commission house or store for the purpose of trade and while so kept are confined in small coops, boxes, cages, or where such animals or fowl are kept for purposes of research in a laboratory it

shall be unlawful for any person to keep or maintain, within 100 feet of the nearest portion of any dwelling or other building occupied by or in anyway used by human beings except for a dwelling occupied by the owner or keeper of such animals, more than four fowl, rabbits, or other small animals over 90 days of age. The provisions of this subsection shall not apply to caged household fowl or therapeutic aviary.

- (g) *Keeping of fowl.* As to the keeping and harboring of chickens or other domestic fowl for whatever purpose maintained, the director shall have authority to promulgate regulations subject to the approval of the board of aldermen providing that such shall be kept in such a manner as to prevent a nuisance or health hazard. (Refer to subsections (a) through (f) of this section.)
- (h) *Existing establishments.* Any coop, hutch, loft or other yard establishment currently authorized under existing ordinances of the city and approved by the director shall be allowed to continue in existence so long as said coop, hutch, loft, or other yard establishments shall continue to meet all requirements of said existing ordinances.

(Code 1969, § 4-18; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 5, 7-3-2007; Ord. No. 5244-07, § 2, 7-17-2007)

Sec. 6-106. Pens, runs, cages; odors.

Every pen, run, cage or other yard establishment wherein any animal is kept shall be maintained so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any neighbor.

(Code 1969, § 4-21; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-107. Disposal of manure.

No manure shall be allowed to accumulate in any pen, run, cage, yard or other establishment wherein an animal or fowl is kept.

(Code 1969, § 4-22; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-108. Penalties; animal at large or failure to adequately restrain.

- (a) *Impoundment, microchipping, issuance of citation.* For any animal at large or not adequately restrained, an animal control officer may impound the animal but not issue a citation, if it is the belief of the officer that this is a first offense, the animal is properly licensed and the animal is not otherwise in violation of this chapter. Upon impoundment, the animal shall also be microchipped and the owner shall be responsible for impoundment fees and the cost of microchipping.
- (b) *Penalty for first offense.* Upon conviction of a first offense for an animal running at large or failure to adequately restrain, the penalty shall be a fine of \$125.50 and the animal shall be microchipped.
- (c) *Penalty for second offense.* Upon conviction of a second offense for an animal running at large or failure to adequately restrain, the penalty shall be a fine of not less than \$250.50, up to 90 days in jail, and the animal shall be microchipped.
- (d) *Penalty for third offense.* Upon conviction of a third or subsequent offense for an animal running at large or failure to adequately restrain, the penalty shall be a fine of not less than \$500.00, up to 90 days in jail and the animal shall be microchipped and removed from the city limits.
- (e) *Authority, limitations.* For purposes of this section:

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- (1) Proof of conviction of a previous offense shall not require proof that the same animal was involved; and
 - (2) A conviction occurring more than five years ago shall not be considered a prior offense.
- (f) *Guilty plea, payment out of court for first offense.* Any person charged with a first offense for failure to adequately restrain an animal or allowing an animal to run at large, shall have the option of paying the specified fine upon entering a plea of guilty and upon waiving appearance in court and upon a plea of not guilty shall be entitled to a trial as authorized by law.
- (g) *Court authorized to reduce fine on second offense if animal spayed or neutered.* The fees specified in this section may be reduced or waived by the municipal court for any person pleading or found guilty of a second offense for failure to adequately restrain an animal or allowing an animal to run at large if the person presents credible evidence to the court showing that the animal has been spayed or neutered.
- (h) *Payment of additional fees and expenses required.* In addition to the foregoing penalties, any person who violates this division shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of the provisions regarding animals at large and adequate restraint.
- (Code 1969, § 4-46; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5288-08, § 6, 5-20-2008)

Secs. 6-109—6-129. Reserved.

DIVISION 3. NUISANCE ANIMALS

Sec. 6-130. Public nuisance.

Any animal or fowl (or groups of animals and/or fowl) shall be considered a public nuisance if it:

- (1) Interferes with any passerby or chases passing vehicles including bicycles;
- (2) Attacks any other animal;
- (3) Is in heat and not properly confined as provided in this chapter;
- (4) Is not adequately restrained either on or off the property of its owner, keeper, or harborer;
- (5) Is at large;
- (6) Is ridden on public property without a permit or which obstructs or interferes with vehicular or pedestrian traffic;
- (7) Causes injury to any person;
- (8) Threatens or causes a condition which endangers public health;
- (9) Causes fear of bodily harm to any person;
- (10) Impedes refuse collection by ripping any bag or tipping any container of such; or
- (11) Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

(Code 1969, § 4-7; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-131. Private property rights.

- (a) When an animal is a public nuisance constituting a clear and present danger, the director, animal control officers, and police officers are authorized to enter without warrant upon private property (excluding buildings) to seize such animal to abate the public nuisance.
- (b) By the authority of this section, when it is the belief of the director, an animal control officer, or a police officer, that an animal has been cruelly mistreated in violation of this chapter or is suffering, the animal may be seized from the property of its owner or keeper to abate the mistreatment or the suffering of that animal and it may be confined at an animal shelter for disposition under the terms of this chapter.
- (c) Any animal that has possibly exposed a person to rabies through a bite wound or other tissue invasion and that is found on the property of the owner or keeper may be removed from that property by the director, an animal control officer, or police officer if such owner or keeper is not available, willing and able to surrender the animal for the observation required by this chapter.

(Code 1969, § 4-12; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-132. Excessive animal noise.

No person shall own or keep any animal that by making excessive noise disturbs a neighborhood. The following definitions and conditions shall be specifically applicable to enforcement of the aforesaid prohibition of this section:

- (1) The term "excessive noise" means and includes any noise produced by an animal that is so loud and continuous or untimely as to disturb the peace and quiet of a neighbor.
- (2) The term "neighbor" means an individual residing in a residence structure which is within 100 yards of the property on which the animal is kept or harbored and who does, in writing by signing a general ordinance summons (GOS), state that he will testify under oath to said animal making excessive noise.
- (3) If a summons is issued charging violation of this section, a subpoena shall also be issued to the disturbed neighbor to testify in the matter.

(Code 1969, § 4-27; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-133—6-162. Reserved.

DIVISION 4. RABIES CONTROL

Sec. 6-163. Rabies vaccination tag required.

- (a) It shall be the duty of every person owning, keeping or harboring in the city any dog, cat or ferret over the age of 90 days to procure from a licensed veterinarian a tag or emblem evidencing a current inoculation of said animal against rabies within the preceding 12 months.
- (b) No owner or keeper of any dog, cat or ferret shall allow or permit such dog, cat or ferret to be outside the residence of said owner or keeper at any time other than when enclosed on all sides in a cage or covered dog run without having attached to a collar about the neck of such animal or to a secure body harness a rabies

vaccination tag. All veterinarians shall issue rabies vaccination certificates and tags in a uniform color and shape as recommended for each year by the National Association of State Public Health Veterinarians.

- (c) Upon a plea of guilty or conviction of a first offense for failure to display a rabies tag pursuant to this section, the penalty shall be a fine of \$50.50 plus court costs. Any person charged with a first offense for failure to adequately display a rabies tag shall have the option of paying the specified fine upon entering a plea of guilty and upon waiving appearance in court.
- (d) Upon conviction of a second offense for failure to display a rabies tag pursuant to this section, the penalty shall be a fine of \$100.50 plus court costs.
- (e) Upon conviction of a third offense for failure to display a rabies tag pursuant to this section, the penalty shall be a fine of \$250.50 plus court costs.
- (f) Upon conviction of a fourth or subsequent offense for failure to display a rabies tag pursuant to this section, the penalty shall be a fine of \$500.00 plus court costs.

(Code 1969, § 4-23; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 4, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5239, § 3, 7-3-2007; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-164. Misusing rabies tags.

It shall be unlawful for a person to use for any animal a rabies certificate, tag or emblem issued for a different animal.

(Code 1969, § 4-24; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 5, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-165—6-181. Reserved.

DIVISION 5. LICENSING²

Sec. 6-182. License for dogs, cats, ferrets, pot-bellied pigs, **miniature goats, required.**

- (a) *License required.* Any person who shall keep or harbor upon the person's premises a dog, cat, ferret, **miniature goat**, or pot-bellied pig over the age of 90 days shall obtain a license for the same from the director within 14 days of bringing such animal into the city. It shall be unlawful to keep or harbor a dog, cat, ferret, **miniature goat**, or pot-bellied pig within the corporate limits of the city, unless such animal is licensed as provided herein. The licensing provisions of this section shall not apply to any nonresident keeper or harbinger of a dog, cat, ferret, **miniature goat**, or pot-bellied pig while such nonresident is passing through the city, provided such dog, cat, ferret, **miniature goat**, or pot-bellied pig shall remain on leash or otherwise adequately restrained.
- (b) *Application for license; issuance; fee.* Any person keeping or harboring a dog, cat, ferret, **miniature goat**, or pot-bellied pig shall file an application on a form approved by the director. Said application shall include, but not be limited to, the following information:

²State law reference(s)—Dogs and cats, RSMo 273.010 et seq.; local option dog tax, RSMo 273.040 et seq.

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- (1) The name, address, contact information, and date of birth of the person keeping or harboring the animal, who must be at least 18 years of age.
 - (2) The registered and/or common name, age, breed, physical description, and sex of the animal, and a statement as to whether the animal has been sterilized.
 - (3) A state driver's license number, state issued identification number, or social security number for the person keeping or harboring the animal.
 - (4) A statement as to whether the specific animal has ever been banned in or ordered removed from another community.
 - (5) A valid certificate evidencing current vaccinations required by regulations of the city or **state law**.
 - (6) Proof of personal liability insurance in an amount of not less than \$100,000.00 per person and \$300,000.00 per occurrence, for any animal deemed dangerous by the municipal court, or as provided under this chapter.
 - (7) A license fee, in an amount specified by the board of aldermen by resolution as set out in the schedule of fees and charges maintained in the city clerk's office. The board of aldermen may provide by resolution for different fees for sterilized dogs, cats, ferrets, **miniature goats**, or pot-bellied pigs; dogs deemed dangerous by the municipal court or as provided in this chapter; service dogs; pro-ration of licenses issued for a period of less than one full year; and, if applicable, a late registration fee. All of these fees shall be listed in the schedule of fees and charges maintained in the city clerk's office.
- (c) *Issuance of license.* The director shall issue a license upon completion of an application and payment of the applicable fee, provided however that the director is hereby authorized to deny a license for any specific animal that has ever been banned in or ordered removed from the city or another community. The director shall issue a receipt and a numbered metallic or plastic tag for each dog, cat, ferret, **miniature goat** or pot-bellied pig licensed. A record of all licenses issues shall be maintained, in numeric order and by address of the licensee.
- (d) *Duration, renewal of license; revocation.* Such license shall be valid from the date of issuance until the expiration date of the applicable animal's rabies vaccination **or miniature goats on the anniversary date of the license**, unless revoked in accordance with the terms of this chapter. Any violation of the sections of this chapter shall constitute sufficient cause for revocation of such license. Licenses shall be renewed on or before the date that the rabies vaccination expires.
- (e) *Unlawful to provide false information.* It shall be unlawful for any person to provide false information on an application for license.
- (f) *Limitation on number of licenses.*
- (1) No more than four licenses shall be issued for any one address, for dogs, cats, ferrets and pot-bellied pigs over the age of 180 days.
 - (2) **Miniature goats: Two per acre of open roaming space, maximum of 4. Limited to Pygmy, Nigerian Dwarf, Kinder, and Pygora breeds only that do not exceed 29 inches in height as measured at the shoulder of the animal. The number of animals permitted shall be calculated per individual applicant and associated land ownership together. Any subdividing of land into multiple parcels to facilitate additional animal permits on the newly subdivided tracts of land for the same owner and applicant shall not be permitted.**
- (g) *Lost or destroyed licenses.* If a license certificate or tag is lost or destroyed, the applicant may obtain a duplicate from the director or the director's designee, for a fee, as specified by resolution of the board of aldermen.
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- (h) *Unlawful use of license or tag.* It shall be unlawful for a person to use a license certificate or tag for an animal other than the animal for which it was issued.
 - (i) *Wearing of license or identification tag required.* No owner or keeper of any dog, cat, ferret, or pot-bellied pig shall allow such animal to be outside the residence of the owner or keep, at any time other than when enclosed on all sides in a cage or covered run with a roof and secure floor, without having attached to a collar about the neck of such animal or to a secure body harness, the license tag, except when such animal is being handled in the course of an organized training or exhibition program. **Miniature goats are exempted from this provision.**
 - (j) *Removal of license or identification tag prohibited.* No person shall remove, or cause to be removed, the collar, harness or the license tag from any licensed dog, cat, ferret, or pot-bellied pig without the consent of the owner or keeper of the animal. **Miniature goats are exempted from this provision.**
 - (k) *Penalty for first offense.* Upon plea of guilty or conviction of a first offense for failure to display a license pursuant to this section, the penalty shall be a fine of \$50.50 plus court costs. Any person charged with a first offense for failure to display a license tag shall have the option of paying the specified fine upon entering a plea of guilty and upon waiving appearance in court.
 - (l) *Penalty for second offense.* Upon conviction of a second offense for failure to display a license pursuant to this section, the penalty shall be a fine of \$100.50 plus court costs.
 - (m) *Penalty for third offense.* Upon conviction of a third offense for failure to display a license pursuant to this section, the penalty shall be a fine of \$250.50 plus court costs.
 - (n) *Penalty for fourth and subsequent offense.* Upon conviction of a fourth or subsequent offense for failure to display a license pursuant to this section, the penalty shall be a fine of \$500.00 plus court costs.

(Code 1969, § 4-43; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 4, 7-3-2007; Ord. No. 5288-08, § 4, 5-20-2008; Ord. No. 5384-10, § 1(4-43), 12-21-2010; Ord. No. 5450-13, § 1, 4-16-2013)

Secs. 6-183—6-202. Reserved.

DIVISION 6. ANIMAL BITES

Sec. 6-203. Animals biting, etc.—Reporting.

Persons are encouraged to report to the department or the police department any personal injury caused by a warm-blooded animal through having been bitten, clawed or scratched. An official report shall then be taken and filed in the department.

(Code 1969, § 4-35; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-204. Same—Allowing prohibited, delivery for observation, fees and costs.

- (a) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow said animal to cause injury, bite or scratch, or claw any person.
- (b) In the event any animal shall injure, bite or scratch any person, said animal shall be immediately taken up by the department or the owner, keeper, or harbinger, and delivered to a veterinarian, approved by the director, for observation for a period of not less than ten days from the date of the injury, bite, or scratch. Said animal

shall be kept during such period in the custody of the department. The owner, keeper or harbinger shall be responsible for any and all associated fees or costs.

(Code 1969, § 4-36; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 2951-86, § 3, 6-3-1986; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-205. Same—Redemption after observation.

If, within such period of observation following the taking up and/or impoundment as provided in section 6-204, such animal does not develop or manifest evidence of hydrophobia or rabies or other diseases communicable to human beings, said animal may be redeemed by the owner upon the payment of fees as determined by the director and/or veterinarian.

(Code 1969, § 4-37; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-206. Observation of animal not confined in pound or veterinary hospital.

If it be the judgment of a licensed city veterinarian, certified in writing, that confinement in the pound or veterinary hospital would prove to be detrimental to the health of an animal subject to the provisions of this article, then same shall be confined by the owner, keeper and/or harbinger upon his premises, provided that said owner, keeper and/or harbinger shall deliver said animal to the said veterinarian for examination every other day during said ten-day period.

(Code 1969, § 4-38; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-207. Disposal of animal not redeemed after observation period.

If, after ten days of observation, a domesticated animal is not redeemed, the same shall be disposed of in compliance with this chapter.

(Code 1969, § 4-39; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-208. Disposal of animal manifesting symptoms of disease.

If a domesticated animal subject to the provisions of this article manifests symptoms of disease, as herein provided, it shall be the duty of the animal control officers and veterinarian to determine the fate of said animal, as per commonly accepted veterinary practices.

(Code 1969, § 4-40; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-209. Authority to impound upon request.

For the purpose of disease or injury control, the department is hereby empowered to impound and observe pets in transit through the city at the request of any official animal control agency, health officer, or law enforcement agency of another jurisdiction.

(Code 1969, § 4-41; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-210—6-226. Reserved.

DIVISION 7. DANGEROUS ANIMALS

Sec. 6-227. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attack means aggressive physical contact.

Dangerous dog means any dog that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. No dog may be declared dangerous:

- (1) If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
- (2) If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog;
- (3) If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
- (4) If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner or custodian of the dog;
- (5) If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;
- (6) If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating;
- (7) If the dog was in official use by any governmental unit; and/or
- (8) Neither growling or barking, nor both, shall alone constitute grounds upon which to find a dog to be dangerous.

Hearing officer means the city administrator or such person as the city administrator may designate.

Serious injury means any physical injury consisting of broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.

(Code 1969, § 4-50; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-228. Actions allowed by authorized persons against a dangerous dog prior to hearing.

- (a) If any dog shall attack a person or domestic animal that was peaceably conducting himself in any place where the person or domestic animal may lawfully be, any person, for the purpose of preventing imminent injury or further injury, may use such force as is required to stop the attack.
- (b) An animal control officer, code enforcement officer, or police officer acting pursuant to official duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury.

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- (c) It shall be the duty of any person slaying such animal to forthwith deliver or cause to be delivered all the remains of such animal to a licensed veterinarian designated by director. A departure from this procedure must be requested of and authorized by the director.

(Code 1969, § 4-51; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-229. Hearing procedure.

- (a) Any person may make a complaint of an alleged dangerous dog, as that term is defined herein, to an animal control, code enforcement officer, or police officer. Such officers shall immediately inform the complainant of the right to commence a proceeding provided for below, and if there is reason to believe the dog is a dangerous dog, the officer shall commence such proceeding on behalf of the city.
- (b) Any person may and any animal control officer, code enforcement officer, or police officer shall, make a complaint under oath or affirmation of an alleged dangerous dog as that term is defined herein on forms provided by the city. If the director determines that there is probable cause to believe the dog is a dangerous dog, the dog shall be immediately seized and held pending an administrative determination as herein provided.
- (c) Whether or not the director finds there is probable cause for such seizure, within ten business days, and upon written notice of not less than three calendar days to the owner of the dog, the hearing shall be held on the complaint before the hearing officer.
- (d) After hearing, where a dog is determined by the hearing officer to be dangerous pursuant to clear and convincing evidence, the owner of such animal shall register the animal with the city, including the owner(s) names, addresses and telephone numbers and provide prompt notification to the city of any changes in the residence or ownership of the dog, including names, addresses and telephone numbers for new residences or new owners; any change in the health status of the animal; any further instances of attack; any claims made or lawsuits brought as a result of further instances of attack; or the death of the animal.
- (e) After hearing, where a dog is determined by the hearing officer to be dangerous, the animal shall at all times wear a fluorescent orange collar.
- (f) The hearing officer may also order any one or all of the following, but subsections (f)(4), (5), and (10) of this section, or any one of them, may only be imposed where there has been serious injury to a person:
- (1) Indoors, when not alone, the dog shall be under the control of a person 18 years of age or older.
 - (2) Outdoors and unattended, the dog shall be kept within a fenced area from which it cannot escape, and the fence shall be constructed so as not to permit the dog to reach its mouth through the fence.
 - (3) Outdoors, the dog shall be attended and kept within a fenced area from which it cannot escape and the fence shall be constructed so as not to permit the dog to reach its mouth through the fence.
 - (4) Outdoors, the dog shall be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
 - (5) Outdoors and unattended, the dog must be confined to an escape-proof kennel or structure of the following descriptions:
 - a. Such kennel or structure shall allow the dog to stand normally and without restriction, and shall be at least 2.5 times the length of the dog, and shall protect the dog from the elements.
 - b. Fencing materials shall not have openings with a diameter of more than two inches, and in the case of wooden fences, the gaps shall not be more than two inches.

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- c. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel or structure and unattended, such locks shall be kept locked.
 - d. The kennel or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
- (6) Placement of a sign or signs of a description and in places directed by the judge, advising the public of the presence and tendencies of the dog.
 - (7) Attendance by the dog and its owner/custodian at training sessions conducted by a board certified veterinarian or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the dog shall be responsible for all costs association with the evaluation and training ordered under this section.
 - (8) Neutering or spaying of the dog at the owner's expense, unless medically contraindicated as determined by a board certified veterinarian, chosen by the director, or unless the owner offers proof that the animal is registered with the American Kennel Club and removes the dog from the city limits.
 - (9) That the dog be microchipped.
 - (10) The procurement of liability insurance in an amount to be determined by the judge, but in no case in an amount of less than \$100,000.00 per person and \$300,000.00 per occurrence.
- (g) A final decision of the hearing officer may be appealed on the record within 30 days after receipt of such decision to the Circuit Court of Jackson County pursuant to RSMo Chapter 536.

(Code 1969, § 4-52; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5663-21 , § 1, 2-16-2021)

Sec. 6-230. Failure to comply with conditions.

It shall be unlawful for any person to violate any conditions ordered by the hearing officer.

(Code 1969, § 4-53; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-231. Further incident.

- (a) After a hearing a described above, if a further incident of attack occurs, it shall be unlawful for any person to keep or harbor the dangerous dog within the city.
- (b) Upon conviction of a violation of this section, in addition to any other remedy, the court may order the humane destruction of the dog or the removal of the dog from the city.

(Code 1969, § 4-54; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-232. Provisions applicable to guard dogs.

Any guard dog (for the purpose of this chapter here defined as a dog not owned by a governmental unit which dog is used to guard public or private property) used in the city by virtue of such use is hereby declared to be subject to the requirements of this article and this chapter; must be controlled by its keeper; and must not be used in a manner which, as determined by the director, endangers individuals not on the premises guarded. Any person operating a guard dog service shall register such business with the director and shall notify the director of all premises to be guarded before such service begins. All premises guarded shall be posted in a manner that is conspicuously visible and legible identifying the dangerous animal.

(Code 1969, § 4-55; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-233. Dangerous animals, other than dogs.

- (a) The keeping or harboring of dangerous animals, other than dogs, within the city is hereby prohibited. The director shall have the authority to declare an animal dangerous because of its past or present behavior, violations, its inherently dangerous nature, including, but not limited to, exotic animals and animals with a venomous or poisonous bites, as to persons or animals, vicious or ferocious disposition, or manifests a disposition to bite or attack. Such declaration shall be grounds for the impoundment and destruction of the animal unless, without danger to the public, it can be and is removed from the city within 24 hours. Notice of said dangerous animal declaration shall be signed by the director and furnished to the owner, keeper or harbinger of said dangerous animal.
- (b) It shall be unlawful for any person to bring into the city or to keep or harbor within the city any wild or exotic animal, unless such animal is at all times kept within the home or residence of the keeper or harbinger, and is in compliance with all applicable state and federal requirements. The director of animal control shall have the authority to declare an animal to be in violation of this section.
- (c) Subsections (a) and (b) of this section shall apply to any animal vertebrate or invertebrate, warm-blooded or cold-blooded, carnivorous or omnivorous.

(Code 1969, § 4-56; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-234—6-259. Reserved.

ARTICLE IV. COMMERCIAL ANIMAL ESTABLISHMENTS

Sec. 6-260. Operating standards of establishment.

- (a) *Compliance with ordinances required.* Any person who shall keep or harbor upon his premises more than four ~~domestic domesticated small~~ animals 90 days of age or older shall be deemed the operator of a commercial animal establishment. It shall be unlawful to operate a commercial animal establishment within the corporate limits of the city, except in compliance with this chapter and the zoning ordinances of the city.
- (b) *Confinement of animals.* If any commercial animal establishment operates within 200 feet of a building used or occupied as a residence, except for the keeper of the kennels, the kennel animals shall be continuously confined within the kennel building and not be allowed to run at large or be in the outdoor enclosures of the kennel.
- (c) *Maintenance of kennel animals.* Commercial animal establishments shall provide all animals a constant supply of wholesome food and water or in lieu thereof shall publicly post and follow a schedule for adequate feeding and watering; shall maintain and house animals in separate compartments, and separate outdoor runways; and shall not allow physical contact between the animals except when breeding; and except in cases of mothers and their young. The inside and outside areas shall be completely cleaned twice a day. Breeding of animals shall not be done in public view. All disease-infected animals shall be segregated and treated or humanely destroyed to prevent the spread of disease.
- (d) *Compliance with ordinances required.* Any person who shall keep or harbor upon his premises more than four agricultural domestic ~~domesticated small~~ animals shall be deemed the operator of a commercial animal establishment. It shall be unlawful to operate a commercial animal establishment within the corporate limits of the city, except in compliance with this chapter and the zoning ordinances of the city.

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- (e) *Compliance with Chapter 50, Zoning, required for Commercial Animal Establishments.* Commercial Animal Establishments, including but not limited to, kennels, animal care and training facilities, veterinary clinics with indoor or outdoor lodging facilities, animal rendering facilities of any type that processes agricultural animals, and stockyards shall comply with all applicable requirements contained in Chapter 50, Zoning. Compliance shall include, but not be limited to, filing applications for all required use permits, site plans, business licenses, and construction permits related to operation of any such Commercial Animal Establishment.

(Code 1969, § 4-42; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 10, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-261—6-283. Reserved.

ARTICLE V. ENFORCEMENT

DIVISION 1. GENERALLY

Secs. 6-284—6-314. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 6-315. Impoundment and violation notice.

- (a) Any animals or fowl that is a public nuisance as defined in this chapter or is abandoned, or whose seizure and impoundment are otherwise authorized by this chapter or by state law, shall be seized and impounded in a humane manner by the animal control officer or any police officer. Impoundment shall be in any facility designated by the director.
- (b) The director and animal control officers are hereby specifically authorized to issue citations to any owner, keeper, or harbinger of any animal or fowl found to be in violation of any section of this chapter.
- (c) Whenever any animal or fowl is confined by the authority of this chapter, it shall be the duty of the confining shelter to release the same, under the terms of this chapter, upon satisfactory proof that the person claiming the animal or fowl is entitled to possession thereof and upon payment to the city of all applicable fees or penalties prescribed by ordinance.
- (d) The board of aldermen shall, by resolution, set fees sufficient to cover the cost of impounding animals.

(Code 1969, § 4-8; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 3, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

State law reference(s)—Impounding of dogs, RSMo 273.100; impoundment of animal found off custodian's property, RSMo 578.016; municipal authority to impound animals and impose lien for cost thereof, RSMo 430.165.

Sec. 6-316. Notification of capture and impoundment.

After the impoundment of any animal or fowl, if the owner of any animal or fowl can by any reasonable means be identified and located, the owner shall within one business day be notified that the animal or fowl has been impounded. No liability shall be attached to the city or to the director for failure to give such notice. The owner or keeper of an impounded animal or fowl who does not redeem the animal or fowl may still be charged with violation of any applicable section or sections of this chapter.

(Code 1969, § 4-9; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-317. Disposition of animals.

Except as otherwise specifically provided in this chapter, impounded animals shall be disposed of as follows:

- (1) *Length of time before disposition.* If the owner does not redeem an animal within five business days after impoundment, the animal may be disposed of in a humane manner. The director, or his representative, may extend the period of impoundment.
- (2) *Destruction to prevent suffering.* When an animal arrives at a shelter and is so sick or in an injured condition that, in the judgment of the director or a licensed veterinarian, human compassion requires that the suffering be promptly ended, said time period shall not apply and the animal will be humanely destroyed to prevent needless suffering.
- (3) *Animal adoption generally.* The director may, in lieu of having an unclaimed animal humanely destroyed as provided herein, give such animal into the custody of any adult requesting custody (animal adoption) of such specific animal as a pet after viewing it, provided that, in the judgment of the director, said person will humanely care for such animal and will not permit its use for laboratory or experimental purposes. The director shall not approve the adoption of any such animal until any such animal has been sterilized by a licensed veterinarian, as required by RSMo 273.403. If more than one qualified person requests an animal, the director may award it to the custody of the person who is determined best qualified to humanely care for said animal.
- (4) *Adoption with intent to sell prohibited; number of animals restricted.* No animal will be given to the custody of a person who, in the judgment of the director or animal shelter, is requesting the animal with the intent to sell it. No more than four animals may be given into the custody of any individual or family.
- (5) *Vaccination before release; cost.* No animal will be given for release to redeemer or adopting party until said animal has been properly vaccinated for rabies or such other vaccinations as required by city regulations or state law. Any costs of inoculation or certification shall be the responsibility of the redeemer or adopting party.
- (6) *Certification of inoculation.* Certification by a licensed veterinarian attesting that the impounded animal has been inoculated for rabies or such other vaccinations as required by city regulations or state law shall be furnished to the director prior to the release of said animal.
- (7) *Circumventing chapter, fraud prohibited.* It shall be unlawful for any person to adopt or trick to redeem or obtain any animal for adoption for the purpose of circumventing any section in this chapter, and it further will be unlawful to engage in any fraudulent scheme, device, or trick to obtain any animal for adoption; it further will be unlawful for any person to aid or assist such tricks, devices or schemes.

(Code 1969, § 4-31; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 9, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4220-96, § 1, 11-19-1996; Ord. No. 4220-96, § 1, 11-19-1996; Ord. No. 4225-96, § 6, 12-17-1996;

Ord. No. 4279-97, § 1, 6-3-1997; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 7, 7-3-2007; Ord. No. 5288-08, § 3, 5-20-2008; Ord. No. 5582-18, §§ 1, 2, 11-13-2018)

Sec. 6-318. Impounded animals; fees.

A redemption and/or impoundment fee shall be charged when the animal control officers pick up any animal and transported to the animal shelter. It shall be the responsibility of the director to ascertain, if possible, the owner or keeper of said animal and to collect said fees. An owner must pay these fees and any associated costs in full to obtain custody of their animal, but this payment is not required for animal adoption. No impounded animal shall be redeemed until the director receives a certification of rabies inoculation and the animal is licensed if required by the terms of this chapter. The fee is approved by the board of aldermen and listed in the schedule of fees and charges maintained in the city clerk's office.

(Code 1969, § 4-32; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5384-10, § 1(4-32), 12-21-2010)

Secs. 6-319—6-339. Reserved.

DIVISION 3. MUZZLING

Sec. 6-340. Authority of the director to order confinement or muzzling of animal.

Notwithstanding any other provisions of this chapter to the contrary, it shall be the duty of the director, or the director's designee, whenever in that person's judgment the health and welfare of the city is endangered by the number of rabid domestic animals running at large to publish a proclamation ordering and requiring all persons owning, keeping and/or harboring domesticated animals to confine the same, for a period not less than 30 days, nor more than 90 days, from the date of such proclamation, by good and sufficient means, to the house or yard wherein such person resides, or to effectively muzzle such animal for said period of time.

(Code 1969, § 4-10; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4274-97, § 1, 6-3-1997; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-341. Violation of proclamation ordering muzzling.

The owner, keeper and/or harbinger of any domesticated animal found running at large within the confines of the city during the period in the director's proclamation is hereby deemed to have created a nuisance, and shall be charged with violation of this chapter. If any domesticated animal running at large, be found lacking a muzzle or being insecurely muzzled it shall be the duty of the animal control officers or police officer to destroy said animal.

(Code 1969, § 4-11; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF JACKSON

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Lisa Fowler** on behalf of **THE DAILY RECORD, KANSAS CITY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **July 19, 2022** edition and ending with the **July 19, 2022** edition, for a total of 1 publications:

07/19/2022

Notice of Public Hearings

The City of Raytown is in the process of amending Chapter 6, entitled "Animals" and Chapter 50, entitled, "Zoning", of the Raytown Municipal Code, to add appropriate regulations governing the keeping of miniature goats in low density residential districts and will be applicable city-wide if adopted by the Board of Aldermen.

A public hearing to consider these proposed new regulations will be held by the Raytown Planning & Zoning Commission at 7:00pm on **Thursday, August 4, 2022**. A copy of the agenda and packet including a staff report with the proposed changes will be available for viewing on the City of Raytown's website, www.raytown.mo.us, on Friday, July 29, 2022.

The Raytown Board of Aldermen will also hold a public hearing regarding the abovescribed new regulations, tentatively scheduled for 7:00pm on **Tuesday, August 16, 2022**.

These public hearings will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.

The public is invited to attend the public hearings to ask questions and provide comment. Additional information can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59th Street, by telephone at (816) 737-6059 or by e-mail at chrisg@raytown.mo.us.

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) to attend either of these public hearings, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the applicable public hearing date.

12138352 Jackson Jul. 19, 2022

Lisa Fowler

Subscribed & sworn before me this 19 day of July, 2022
(SEAL)

Notary Public



**MINIATURE GOATS IN YOUR AREA.
IMPORTANT MEETING TOMORROW
EVENING.**

As you are probably aware, your neighbor at 8604 Grant Drive is petitioning the City of Raytown to be able to have miniature goats on his property.

There will be a meeting at Raytown City Hall located at 10000 East 59th Street tomorrow evening (Thursday - July 7th) at 7:00 p.m.

If you are interested in this meeting as neighbors, you might want to attend in case you wish to make any public comments (either pro or con).

If you are not able to attend and wish to have your voice heard, you can email the Community Development Department at Raytown City Hall at chrisq@raytown.mo.us.

This is an important issue that could impact your neighborhood.

Supplementary Article

REALTOR® Magazine

The Rise of the Backyard Farm

[https://magazine.realtor.com/news-and-commentary/feature/article/2015-07/the-rise-of-the-backyard-farm](#)

Whenever there's an open house for a listing on her street, Rosalind Creasy expects a knock on her door. Not only does the landscaping—bursting with squash blossoms, golden-stemmed chard, and ruby-red strawberries—bring curious kids and hungry honeybees to her yard, it also brings real estate agents.

Many want to know if she's interested in putting her Los Altos, Calif., home up for sale, but they're also drawn to the beauty and fragrance provided by the kumquat trees and sugar snap peas, just like anyone else. "I could sell my house in a minute," she says. "Right now it's because it's got an apple tree in bloom, but really, there's always something beautiful happening."

However, Creasy's edible landscaping hasn't always been admired by the local real estate community. The landscape architect and author remembers a "traumatic experience" decades ago, after replacing a couple's lawn with raised garden beds and helping them cultivate kiwi and pomegranate plants there. Three years later, the couple divorced and put the house on the market. Creasy happened to stop by the listing and saw the landscaping had been all stripped out, lawn back in place. "I looked up in horror," she remembers. "The real estate agent told me houses with lawns 'sell faster.' I could have killed her!"

Understanding this focus on backyard agriculture as an emerging real estate niche may expand your reach with buyers and sellers. As a [national speaker and edible landscaping expert](#), Creasy has seen a sea change in how the public views growing food and tending to food-producing fauna in their yards. She says that, just as a segment of society has traded in the allure of the huge, gas-guzzling Cadillac for sleeker, more efficient cars, so too have we redefined the concept of a desirable outdoor space. "It used to be that having a big lawn and lots of shrubs was a status symbol, showing you have

so much land and so many servants and so much money you didn't have to use your land to just grow food," Creasy says. "But now edibles have cachet. They are in. They're sustainable. They're healthy. Wealthy, educated people in particular are aware that this is the new status symbol."

A Buzz in the Air

It's not just gardens that are creating buzz. There's no doubt in the mind of American Beekeeping Federation President Tim Tucker that the backyard beehive trend is going mainstream. "The number of beekeepers of one to five hives is growing by leaps and bounds," he says. Part of this is fueled by the shock over the problem of colony collapse disorder, a mysterious event where entire colonies of bees perish. "People do want to help," he says. However, Tucker says he also sees a growing interest from older home owners, some of whom are having trouble finding wild bees for fruit trees and other plants that rely on pollination. "There's also this movement of the baby boom generation toward more sustainable practices. They see it as a hobby that will help their garden."

Chicago home owner Jean Bryan says she's excited about the uptick in people interested in agriculture in her Rogers Park neighborhood. "This neighborhood is very chicken-heavy," she says with a smile. "There's a real tipping point in terms of our awareness of healthy food and the need for having food closer at hand."

With the increasing interest in local food production, Bryan knows her yard—at 50 by 170 feet, it's larger than the average Chicago lot—is enviable for city dwellers. She has room for a coop that offers protection and a "chicken run" that allows her seven hens outdoor space to scratch and forage. "There's an increasing interest in home production of food—chickens are a subset of that—and the size of our yard would be very attractive to someone who was into that."

The yard also offers a head start for gardeners that's been decades in the making. "Besides the size of the yard, which would be a big selling point, we already have a raised-bed garden that was started by the original owners of the house," Bryan says. "That part of the yard has been a garden for decades, and its soil has been built up significantly."

Bryan says she and her husband are not looking to sell right now, but that having a real estate pro who understands the market for their home would be important. She says she thinks today's chicken coop is yesterday's solar panel. While a few years ago, agents might have recommended terminating a solar panel lease at a home before putting it on the market, "I really think they're becoming something of value."

Josh Friberg, green, sales associate with Keller Williams Realty in Portland, Ore., says it's simple to change your thinking about the needs of this subset of buyers. "It takes a different kind of property for a Yorkie versus a Great Dane," he says. "It really only takes a small shift in mindset to consider what's going to be appropriate for chickens."

Knowing the Rules

Governments are beginning to see benefits to localizing food production. More than a dozen states have recently enacted legislation promoting small-scale agriculture, and a smaller number, including

Hawaii, Louisiana, North Carolina, and Oklahoma, have looked into or introduced incentives to encourage people to pursue backyard food production on residential property, according to [the National Conference of State Legislatures](#).

Where municipalities and agencies do restrict or monitor agricultural activity on residential land, they are rarely out to squelch those practices with regulations, which are often created to protect home owners. Tucker says part of the reason it's hard for his organization to get reliable numbers about the beekeeper population in the U.S. is because many residents with just a few hives try to avoid state monitoring programs. "Unfortunately it's going to get more involved and there are going to be more requirements for beekeepers," he says. However, he notes this will make for healthier bees, as agricultural agencies track disease and ensure that pesticide companies are aware of any no-spray zones in residential areas.

Other restrictions are based on so-called "nuisance laws," which attempt to keep neighborhoods harmonious. Friberg says the complaint-based system in Portland is governed by this principle. He needed a permit for his backyard farm, which is home to goats, turkeys, chickens, honeybees, and a massive vegetable garden (the city allows residents to have up to three livestock animals without a permit). However, he says the permitting process is easy if you have a good relationship with your neighbors. Even visits from county disease control officials center on how comfortable nearby people are with his activities. "They mostly want to know what your relationships are with neighbors," he says. "Also, I make homemade beer and a lot of that does go over the fence. All of a sudden you've got really happy neighbors!"

You might counsel buyers interested in residential food production to reach out to potential neighbors before committing to a new home. "It's always a good idea to know your neighbors," Tucker says. He adds that because bees need access to water, even a nearby bird bath can draw their attention. If a potential neighbor has both an outdoor swimming pool and a severe bee allergy, it might not be the best fit. (Another tip from Tucker for mobile beekeepers: Don't pick a place that's too close to the previous hive. "If you only move [the bees] a quarter of a mile, they're going to go back to their old site.")

But in the early stages of helping buyers, it's important to know the local laws. When Sarah Snodgrass, agent with Better Homes & Gardens Real Estate Kansas City Homes in Kansas City, Mo., was looking into the possibility of starting a coop in her backyard, she found the overlapping regulations incredibly confusing. "Before I got chickens I thought, 'Well, am I allowed? What's the deal?'" she remembers. A home may be in a city where a coop is acceptable but "you might be in a subdivision that doesn't allow chickens."

Cities might mandate minimum space requirements around coops or restrict the number of chickens home owners may legally have, and some prohibit rooster ownership altogether. Additional restrictions may exist on a smaller scale, through home owner associations. To make the situation clearer, Snodgrass put together [a chart on her blog](#), which she updates as changes occur. Not only does she reference it often in her own business, she says clients and real estate pros often come to her for advice on urban farming. "They think I will understand them and be able to help them better than anyone else," Snodgrass says.

Marketing Your Expertise

Snodgrass is currently working with buyers looking to start up a backyard chicken coop. But it's not just her blog that helps her connect with this community. She's currently working toward becoming a master gardener, taking classes through the University of Missouri's extension program and volunteering in the community. She says agents who want to follow her lead should gather expertise in what they're passionate about. "Be yourself. You have so many ways to connect—from local activities to online outreach via social media. Get out there, be professional, but, most important, be authentic," Snodgrass says. "Buyers and sellers want to work with a real estate pro who will understand them."

Friberg says his agricultural expertise has led to several referrals. He holds his annual client appreciation event at a pumpkin patch, mentions how the livestock are doing in his newsletter, and can be seen taking his goats for leashed walks around the community. "This is who I am, and people know that," Friberg says. "I just got an e-mail from a former neighbor who said, 'I really want to have the lifestyle that you and your wife have, and I think you could help me with that.'"

So what happens when a seller with a coop, beehive, or massive garden is ready to sell? Bryan suggests agents ask chicken coop owners whether they plan to take the coop with them. Creasy says conversations with sellers can also inform your marketing plan: "Ask them what are the things in their yard that make them happy," she says. "If they say, 'I've grown \$700 worth of food out of this box,' don't you think that's worth mentioning to buyers?"

Creasy also recommends using the fruits of edible landscaping in staging, perhaps gathering a few sun-ripened tomatoes from the garden and arranging them in a rustic basket. She's helped several clients get their yards ready to sell and says anything from a mini-orchard to a tidy herb garden off the kitchen can help. "Plants like thyme are so easy; they don't ask for anything," Creasy says. "I call them edible plants with training wheels." But you may need several months' lead time to make sure all the plantings are ready. "It's different with landscaping," she says. "You can't walk in and set up a few decorative pillows and take down the pictures."

Friberg suggests ensuring farming structures are in good shape. He remembers working with one seller whose chicken coop was in disrepair. "We had to spend time mucking out the coop to really make it look nice. We were also prepared to remove it [if buyers insisted]," he says. "The goal was making it look as pleasing as possible." Friberg helps widen the appeal of chicken runs by suggesting alternative uses in his listing notes, such as repurposing them for dogs or gardening. "It's all about recognizing that there are multiple functions for these items," he says. "I make sure this is part of the conversation."

Creasy says the industry will benefit from understanding the growing mini-farm movement: "Real estate agents should get to know more about food, because the public is integrating food into their whole lifestyle." And we've all got to eat.

Meg White

Meg White is the former managing editor of REALTOR® Magazine.

Chris Gilbert

From: peterdominick@tutamail.com
Sent: Tuesday, July 5, 2022 1:11 PM
To: Chris Gilbert
Subject: Miniature Goats

Dear Mr. Gilbert,

My name is Peter Bradshaw, and my wife and I recently relocated to Raytown from Eastern Tennessee. As new residents, we are very pleased with Raytown!

I'm writing to inform you of our full support for the city to allow residents to keep miniature goats. Goats are kept all over the world for subsistence farming and general entertainment :). My wife and I love how many people keep gardens and chickens here--goats would be a welcomed addition. Furthermore, I believe it would connect us back to our American roots as people who knew how to take care of ourselves. The spirit of the frontiersman was brave and self-sufficient: perhaps if people began keeping small animals again this same spirit would reawaken in us once more.

Thank you for your service on our behalf.

With sincerity,

Peter Bradshaw

Chris Gilbert

From: garrett Anderson <ganderson2015@gmail.com>
Sent: Friday, July 22, 2022 4:50 PM
To: Chris Gilbert
Subject: GOATS

Let us have goats!!!!

Sent from my iPhone