

CITY OF KIRKSVILLE
PROPOSED ORDINANCE: DANGEROUS ANIMALS

Sec. 5-19. Dangerous Animals

(a) Keeping prohibited.

(1) No person shall keep, shelter, or harbor for any purpose within the city a dangerous animal except as provided in sections 5-19 (c) and section 5-20 of this section. A violation of this section is an ordinance violation resulting in a minimum fine of \$200.00. A conviction of any violation of Sec. 5-19 will result in a fine and removal or destruction of the animal, and the removal of any other dangerous animals in the owner's possession.

(b) Defined. "Dangerous animal" means:

- (1) Any animal or reptile which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.
- (2) Any animal declared to be dangerous by the Kirksville City Council.
- (3) The following animals shall be deemed to be dangerous animals:
 - a. Lions, tigers, jaguars, leopards, cougars, lynxes, cheetahs, and bobcats;
 - b. Wolves, coyotes and foxes;
 - c. Badgers, wolverines, weasels, and skunks;
 - d. Raccoons;
 - e. Bears;
 - f. Monkeys, chimpanzees, and other primates;
 - g. Alligators, crocodiles, or any related species;
 - h. Venomous snakes;
 - i. Constrictor snakes longer than eight (8) feet;
 - j. Gila monsters;
 - k. Piranhas and sharks;
 - l. Any crossbreed of such animals or reptiles which have similar characteristics to the animals or reptiles specified above.
 - m. Pit bull dogs

"Pit bull dogs" is defined to mean:

1. Staffordshire Bull Terrier breed of dog;
2. American Pit Bull Terrier breed of dog;
3. American Staffordshire Terrier breed of dog;
4. Any mixed breed of dog, which contains as an element of its breeding, the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.

5. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier; and other breeds commonly known as Pit Bulls, Pit Bull dogs, or Pit Bull Terriers, or a combination of any of these breeds.

(c) Exceptions.

- (1) The prohibition contained in section 5-19 (a) (1) of this Code shall not apply to the keeping of dangerous animals in the following circumstances, but all other sections shall still apply:
 - a. The keeping of dangerous animals in a public zoo, public aquarium, and bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
 - b. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show licensed to perform in the City.
 - c. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
 - d. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the state conservation commission.
 - e. Any dangerous animals under the jurisdiction of and in the possession of the Missouri Conservation Commission.
 - f. The transport, entry, and display of a dangerous animal at an approved dog show when properly confined in a locked cage, or on a leash and muzzle and personally restrained by a handler or owner of the dog.

(d) Regulation of keeping dangerous animals

- (1) Every person, firm or corporation keeping, sheltering, or harboring a dangerous animal as permitted under section 5-19 (c) shall at all times keep such animal from biting persons or other animals and be either:
 - a. Confined to a securely enclosed and locked cage, pen, or kennel with sides and a secure top attached to the sides, or
 - b. Securely leashed with a leash or lead no more than four (4) feet in length, with the owner, his agent, or a member of the owner's immediate family in physical control of such leash or lead. Such animals may not be leashed, chained or tied to inanimate objects such as trees, posts, buildings, etc.
- (2) No person, firm or corporation owning, keeping, sheltering, or

harboring a dangerous animal as permitted under section 5-19 (c) shall permit or allow such animal to enter upon, be placed in, or traverse any public property, park property, public right-of-way, public waterway, or lagoon, or public sewer system, or any business establishment licensed by the city, or the property of another except when such animal is being transported while caged or confined.

(3) It shall be the duty of the persons permitted to keep dangerous animals under section 5-19 (c) to immediately report to the police department when any dangerous animal is found missing.

(e) Escape; general prohibition and duty.

(1) No person shall aid or cause any dangerous animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door or window or making any opening of any fence, enclosure of structure, or by unleashing or releasing such animal.

(f) Seizure, impoundment and disposition of dangerous animals.

(1) In the event that a dangerous animal is found at large on public or private property, such animal may be destroyed, if in the discretion of the law enforcement officer or his designee, such animal presents an imminent danger to the safety of people or other animals. The city shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(2) If a law enforcement officer or his designee determines that a person is keeping, harboring, or sheltering a dangerous animal, in violation of city ordinance, then such person shall safely remove such animal from the city, permanently place the animal with an organization or group allowed under section 5-19 (c) of this Code to possess dangerous animals, or destroy the animal at any time after an appeal time period has expired. Notice of such order shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, by being served personally or by first-class mail or by posting to the front door of the last known address. After any appeal period has expired, law enforcement personnel or their designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

(3) The order to remove a dangerous animal may be appealed to the Kirksville City Council; however, the animal shall be removed until such time as the order may be reversed by the city council. In order to appeal such order, written notice of appeal must be filed

with the city clerk within three (3) business days after receipt of the order to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.

- (4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be held during the next scheduled meeting of the city council following receipt of notice of appeal, provided it meets the cut-off time for the addition of items to the city council agenda. The hearing may be continued for good cause. After such hearing, the city council shall affirm or reverse the order of law enforcement personnel or their designee.
- (5) Any determination made by the city council may be appealed to the circuit court of Adair County within ten (10) business days by filing a request for review of such determination. Failure to file such request for review shall constitute a waiver of the right for appeal of city councils determination.
- (6) If the original order of law enforcement personnel or their designee is not complied with within three (3) days of the order, a law enforcement officer or his designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded pending any appeal before the city council and/or the circuit court. If the order is affirmed upon appeal, then at the end of the impoundment period, law enforcement personnel or his designee may allow the Humane Society to cause the animal to be placed with an organization or group allowed under section 5-19 (c) to possess dangerous animals, or destroy such animal in a humane manner. All impoundment fees and fees incurred for the care of the dangerous animal shall be at the expense of the owner of the dangerous animal.
- (7) The owner of the dangerous animal may claim the animal upon showing proof of ownership, payment of all impound and veterinary fees, and agreement to immediately remove the animal from the city upon taking possession of the animal. In the event the owner does not claim the animal, a law enforcement officer or his designee may allow the Humane Society to cause such animal to be permanently placed with an organization or group allowed under section 5-19 (c) to possess dangerous animals, or shall destroy such animal in a humane manner.
- (8) When a law enforcement officer, or his designee, determines that an animal is classified as a dangerous animal by virtue of being a pit bull, and the owner disputes the classification, it shall be the owner's responsibility to provide positive proof by documentation or other means to the law enforcement officer, or his designee, that the animal is not a pit bull as defined herein. If, notwithstanding such proof, the law enforcement officer, or his

designee, continues to determine that the animal is a pit bull, then the owner may appeal the animal's classification to a 3-person committee, consisting of the Chief of Police, the Codes & Planning Director, and a local veterinary appointed by the Chief of Police. The Committee's determination shall be made by a majority of said committee members. Written notice of appeal must be filed with the city clerk within three (3) business days after receipt of the determination made by the law enforcement officer, or his designee. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the determination. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be held within seven (7) business days following receipt of the notice of appeal, with at least three (3) days written notice to the owner of the time, date and place of the hearing being given to the owner. After the hearing the Committee shall affirm or reverse the determination of the law enforcement officer, or his designee. If the owner disagrees with the committee's determination, the owner may request a review of the same by the Adair County, Missouri Circuit Court in the same manner as provided above. However, the animal shall be removed from the city until such time as the classification is reversed by the Committee.

Section 5-20. Exception to Keeping of Pit bull dogs and other dangerous animals

- (a) Pit bull dogs residing in the city on **< Insert date Here >** , may only be kept by their owners within the city, subject to the following standards:
- (1) Registration. Pit bull dogs residing in the city on **< Insert date Here >** , must be registered with the city by the owners within sixty (60) days of date of such ordinance passage. This registration fee will be \$50.00 annually per animal. The payment of the annual fee to the Codes Department of the City of Kirksville will purchase a permit for keeping and harboring a pit bull dog for one year. Permits are due and payable January 1 thru January 31 of each year.
 - (2) Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a

muzzling device sufficient to prevent such dog from biting persons or other animals.

- (3) Confinement generally. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in section 5-20 (a) (2) of this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The Codes Department of the City of Kirksville will inspect these premises annually, between February 1 and April 30, each year that a pit bull dog is kept and harbored.
- (4) Confinement indoors. No pit bull dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- (5) Signs. All owners, keepers, or harborers of pit bull dogs within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog - Pit Bull" or words of similar effect. In addition, a similar sign is required to be posted on the kennel or pen of such animal. Signs must be a minimum of 8" x 10" in size, with a minimum of 1" tall lettering. The posting of such signs will be part of the annual inspection by the Codes Department of the City of Kirksville from February 1 to April 30.
- (6) Insurance. All owners, keepers, or harborers of pit bull dogs must provide proof to the city of public liability insurance in a single incident amount of \$100,000 for bodily injury to or death of any person or for damage to property owned by any person which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days' written notice is first given to the city.
- (7) Identification photographs. All owners, keepers, or harborers of registered pit bull dogs must provide to the codes department of the city, a minimum of two (2) color photographs (showing front and side poses) of each animal clearly showing the color and approximate size of the animal, any distinctive characteristics, identifiable tattoos, or information on chip implants the animal may

have.

- (8) Reporting requirements. All owners, keepers or harborers of pit bull dogs must, within ten (10) days of any of the following incidents, report the following information in a signed letter to the codes department of the City of Kirksville as required in this section:
- a. The removal from the city of a pit bull dog
 - b. The death of a pit bull dog.
 - c. The birth of offspring from a pit bull dog.
 - d. The new address of a pit bull dog owner should the owner move within the corporate city limits.
- (9) Sale or transfer of ownership prohibited. No person shall sell, barter or in any way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the city.
- (10) Offspring. All offspring born of pit bull dogs registered with the city must be removed from the city within ten (10) weeks of the birth of such animal or animals.
- (11) Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited under the definition of "pit bull dogs" is in fact a dog subject to the requirements of this section.
- (12) Failure to comply. It shall be unlawful for the owner, keeper, or harborer of a pit bull dog registered with the city to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be considered a dangerous animal and subject to all the provisions of Section 5-19.
- (b) Other dangerous animals residing in the city on [Insert Date Here] may be considered for an exception of the prohibition, similar to that provided herein for pit bull dogs . Any application, to be considered as an exception, must be submitted to the Chief of Police or to the Codes & Planning Director within thirty (30) days of the passage of this ordinance. The application approval or denial will be determined by the animals conformance with the following attributes and characteristics:
1. the avoidance of or likelihood of the animal escaping
 2. the size of the animal in comparison to humans/children
 3. the nature of the animal – the animal may not be naturally tame, but has been domesticated to the extent that it is tame or gentle

4. the animal does not have the propensity to kill
5. past behavioral history of the individual animal, if any

The Chief of Police and the Codes & Planning Director of the City of Kirksville will determine whether the application is approved or denied based on the above criteria. There is no appeal of their decision. If the application is approved, the owner may have safety confinements or rules that are in addition to that used for pit bull dogs. Signs, identification requirements, insurance, sale or transfer of ownership, and/or other standards may be required and would be stated in the permit that would be issued.

PROPOSED