# BILL 2016-10

****** First Reading ******

Agenda Item

To: Mayor and City Council

From: Tim Hamilton

Date: February 26, 2016

Re: Bill amending Division 2 – "Dogs", Section 5-101 to include language establishing guidelines for determining dangerous dogs.

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Please find the attached Bill for your consideration. Staff has been working with the Planning and Zoning Commission for several months on amending the current Dangerous Dog Ordinance. There is currently no language within Section 5-101 outlining guidelines for the identification of dangerous dogs. Staff has included these and other provisions to aid staff in the implementation of the Dangerous Dog Ordinance.

Options:

1. Approve the Bill as submitted,
2. Take no action at this time.

Bill 2015-10

# AN ORDINANCE FOR THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 5 HEALTH AND SANITATION, ARTICLE IV, ANIMALS, DIVISION 2 DOGS, REPEALING AND REPLACING EXISTING SECTION 5-101. TO ESTABLISH GUIDELINES FOR IDENTIFYING AND CONTROLLING DANGEROUS DOGS

**WHEREAS**, public notice regarding the above petition was published in the *Cameron Citizen-Observer*, a newspaper of general circulation, on September 24, 2015. A Public Hearing concerning said matter was held at City Hall in Cameron Missouri at 6:00 p.m. on October 12, 2015; and

**WHEREAS**, Cameron Planning and Zoning Commission has met; considered said request and voted unanimously on recommending approval of the amendments by the City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AS FOLLOWS:**

Section 1. CHAPTER 5 – HEALTH AND SANITATION; ARTICLE IV ANIMALS; DIVISION 2 – DOGS Section 5-101. is hereby repealed and replaced with the follows:

Sec. 5-101. Restraint of vicious or dangerous dogs.
Any person in the city who shall own, keep or harbor a vicious or dangerous dog shall keep such dog muzzled securely, tied and otherwise effectively restrained when ordered to do so by either the city manager or his/her designee, or the chief of police. No person or owner shall harbor, maintain or allow to be in or upon any premises occupied by him or her or under his or her charge or control any dog which the Animal Control Officer reasonably suspects of being in possession of one of the following traits or behaviors:

1) Any animal which is inherently dangerous because of past behavior, violations of this chapter, or the nature of the animal in relation to persons or domestic animals.

2) Having inflicted a severe or fatal injury on a human being on public or private property. "Severe injury" means any physical injury, resulting directly from an animal's bite or strike which results in death, broken bones, lacerations requiring stitches, or hospitalization. The victim receiving severe injuries must provide the supervisor of animal control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement.

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3) Having killed a domestic animal, livestock, or poultry without provocation, while off the owner's property.

4) Animals owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

5) Having bitten a human being, without provocation, on public or private property other than the property of the owner.

6) Having bitten while on the owner's property without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept.

7) When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by the animal.

8) Possessing a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals. *(Ord. No. 4521, 6-3-97).*

   a. *Leash and muzzle*.
   No person shall permit a dangerous dog to go outside its kennel or pen unless such dangerous dog is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous 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 dangerous dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all dangerous dogs on a leash outside the dog's kennel must be muzzled by a muzzling device sufficient to prevent such dangerous dog from biting other persons or other animals.

   b. *Confinement*.
   All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Sec. 5-101 B. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous dogs must be locked with a key or combination lock when such dogs 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 dangerous dogs must comply with all zoning and building regulations of the city. All such structures must be

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adequately lighted and ventilated and kept in a clean and sanitary condition.

No dangerous dogs 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 dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

c. *Warning signs.*

Any person owning, keeping or harboring dangerous dogs within the city shall, effective May 1, 2016, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dangerous Dog." In addition, a similar sign is required to be posted on the kennel or pen of such dog.

d. *Registration.*

Owners of dangerous dogs within the corporate limits of the city shall be required to register their dogs with the animal control officer as a "dangerous dog" effective May 1, 2016, or upon the determination that the dog is a dangerous animal by the animal control officer, or a court of competent jurisdiction. The registration shall be accompanied by a registration fee in the amount provided in the city schedule of fees and charges.

e. *Identification photographs.*

Any person owning, keeping or harboring dangerous dogs must, effective May 1, 2016, provide to the animal control department two color photographs of the dog clearly showing the color and approximate size of the dog.

f. *Duty to report changes in animal's status.*

Any person owning, keeping or harboring dangerous dogs must within ten days of the incident, report the following information in writing to the animal control department as required hereinafter:

The removal from the city or death of a dangerous dog.

The birth of offspring of a dangerous dog.

The new address of a dangerous dog owner should the owner move within the corporate city limits.

The deletion, expiration or change in liability insurance policies maintained as required in this section.

g. *Sale and transfer restricted.*

No person shall sell, barter, or in any other way dispose of a dangerous dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the

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same premises as the registered owner of such dog; provided, that the registered owner of a dangerous dog may sell or otherwise dispose of a dangerous dog or offspring of such dog to persons who do not reside within the city.

h. *Liability insurance required.*
The owner or keeper of a dangerous dog shall present to the animal control department proof that the owner or keeper has procured public liability insurance in a single incident in the amount of at least $300,000 for bodily injury to or death of any person or for damage to property owned by any persons which may result from the ownership of such dog. The policy must stay in effect while the dangerous dog is maintained in the city. This policy shall contain a provision requiring the city to be notified by the insurance company of any cancellation, termination or expiration of the policy.

i. *Violations and penalties.*
Any person violating or permitting the violation of any provision of this section shall upon conviction in municipal court be fined a sum not less than $500.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment for a period not to exceed 90 days. In addition to all other applicable penalties for violation of this chapter, upon violation of this article the court shall order the registration of the subject dog revoked and the animal removed from the city. Should the defendant refuse to remove the dangerous dog from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the dog. Each day that a violation of this section continues shall be deemed a separate offense. Any person who violates this section shall be responsible for all foregoing penalties and all other expenses including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section.

j. *Appeals.*
Any person who has been found guilty by Municipal Court of harboring, or owning a dangerous dog as defined herein may have their appeal heard in District Court.

*(Code 1970, § 4-12)* State law reference— Keeping other dangerous animals, RSMo 578.023)

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Section 2. The Mayor is authorized to sign this ordinance approving it on behalf of the City.

Section 3. The City Clerk is directed to attest to the Mayor's signature.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved on first reading this 7th day of March 2016.
Passed and approved on second reading this _____ day of _____ 2016.
Passed and approved on third and final reading this _____day of _____2016.

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Mayor Dennis M. Clark

ATTEST:

_____
City Clerk/Finance Clerk

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