

AN ORDINANCE ADOPTING ANIMAL CONTROL PROVISIONS FOR THE VILLAGE OF CENTERTOWN, MISSOURI, AND PRESCRIBING PROCEDURES RELATING THERETO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CENTERTOWN, MISSOURI, AS FOLLOWS:

Section 1: The Code of Ordinances of the Village of Centertown, Missouri, is hereby amended by the addition of one new Section 12 establishing procedures and requirements for the control of animals, to read as follows:

12.00. PURPOSE AND SCOPE OF REGULATIONS. The purpose of this Section is to promote the health, safety, and general welfare of the inhabitants of the Village of Centertown. Authority is provided by **Mo. Rev. Stat. § 80.090 (2005)** which empowers the Board of Trustees of the Village to, among other powers, pass ordinances to regulate and prohibit the running at large of dogs, hogs, cattle and horses in the streets and alleys of such town, and to impose and collect tax on dogs not exceeding one dollar each; to prevent the introduction and spread of contagious diseases; to prevent and remove nuisances; and to pass such other ordinances for the regulation and police of the Village as it shall deem necessary, not repugnant to or contrary to the laws of Missouri. The scope of this Section provides regulations pertaining to all animals, as herein defined and specified, found within the Village limits, the responsibilities and duties of the owners or keepers thereof, and the responsibilities and duties of the Village in regard thereto.

12.05. DEFINITIONS. For the purpose of this Ordinance, and unless the context shall indicate a different or other meaning or intent, the following words and terms as used herein are defined to mean the following:

(A) Animal. Every living vertebrate except a human being.

(B) Animal Control Authority. The Board of Trustees of the Village of Centertown, or a designated committee thereof.

(C) Animal Control Officer. Any member of the Animal Control Authority, its designated representative, or any law enforcement officer or agent called upon by the Board of Trustees with jurisdiction to enforce this ordinance.

(D) At large. An animal is "at large" when off the property of the owner and unleashed.

(E) Court. Associate Circuit Court of Cole County.

(F) Dog. Any member of the canine (genus canis) family over three (3) months of age.

(G) Incident. Event constituting any single violation of this ordinance, *or* any occurrence which includes behavior listed in subdivision 12.10(A) as characteristic of that of a dangerous dog.

(H) Owner. Any person possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(I) Person. Any individual, firm, corporation, limited liability company, organization or department.

(J) Proper enclosure. For dangerous dogs, a fence or structure, roofed or at least six (6) feet in height, with a secure bottom or floor attached to the sides of the pen or with the sides of the pen embedded in the ground not less than two feet, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to humanely confine a dog with adequate exercise area, lighting and ventilation, and posted with an appropriate warning sign, in conjunction with other measures which may be taken by the owner or keeper.

(K) Provocation. Any action such as teasing, torment, abuse or assault which incites or stirs up aggressive behavior. *Adj.*, “provoked”.

(L) Severe injury. Any physical injury to a human being, domestic animal or livestock that results in broken bones, muscle tears or disfiguring lacerations; or requires multiple sutures or corrective or cosmetic surgery, or hospitalization.

12.10 DANGEROUS DOGS – Classification.

(A) Classification. The Animal Control Authority or its designated representative shall classify any dog with the following characteristics as a “dangerous dog” for purposes of this Section:

1. Any dog which has inflicted a severe or fatal injury on a human being on public or private property. The victim receiving severe injuries as defined in subsection 12.05 must provide the Animal Control Authority with a signed physician’s statement documenting the injury and the treatment qualifying such as a severe injury, or sign an authorization for the release of such statement. Such statement or authorization shall be provided to the Animal Control Authority by submitting it to the Village Clerk either in person or by mail.
2. Any dog which has attacked or bitten a human being or domestic animal, without provocation, on public or private property other than the property of the dog’s owner.
3. Any dog which, while on the owner’s property, has attacked or bitten, without provocation, a domestic animal, or a human being, **excluding** the owner or any member of the owner’s family who is over the age of eighteen (18) years, who normally resides at the place where the dog is kept.
4. Any dog which, while off the owner’s property, has killed a domestic animal, livestock, or poultry without provocation.

5. Any dog owned or harbored primarily or in part for the purpose of fighting or any dog trained for fighting.

6. Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than the property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by said dog.

7. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

8. Any dog which is known or should reasonably have been known by its owner to have aggressively bitten, attacked or endangered the safety of humans or domestic animals.

(B) Exceptions to dangerous dog classification. "Dangerous dog" **does not** include:

1. Any dog that attacks or inflicts bites upon a trespasser of a fully enclosed building;

2. Any dog that threatens, attacks or injures a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog; or was committing or attempting to commit a crime; or was teasing, tormenting, abusing or assaulting the dog; or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog.

3. Any dog used by the government, military or police if the bites or attacks occur while the dog is performing in that capacity.

12.15 DANGEROUS DOGS -- Certain Dogs Prohibited Within Village Limits.

(A) Subject to the provisions of subdivision (B) of this subsection, it shall be unlawful to keep, harbor, own, store or in any way possess within the Village limits any dog listed hereunder that is known by the owner or should reasonably be known by the owner to be one of the following breeds; or any breed of dog, or any mix of dog breeds which contains as an element of its breeding one of the following breeds:

1. Akita;
2. American Pit Bull Terrier;
3. American Staffordshire Terrier;
4. Bull Terrier;

5. Cane Corso;
6. Dogo Argentino;
7. Dogue de Bordeaux;
8. Kuvasz;
9. Pit Bull Terrier;
10. Presa Canario;
11. Staffordshire Bull Terrier; or
12. Tosa Inu.

(B) Dogs listed and included in subdivision (A) of this subsection which reside in the Village on the effective date of this Section may be kept within the Village subject to all standards and requirements of handling, restraint, registration and confinement of dangerous dogs as set forth in subsections 12.25 and 12.30 of this Section.

12.20 DANGEROUS DOGS -- Classification, Notice – Hearing – Appeal.

(A) Notice. Within five (5) business days after classifying a dog as a “dangerous dog” under the specifications of subsection 12.10, the Animal Control Authority or its designated agent shall notify the dog’s owner of such classification in writing. The notice shall identify the requirements and conditions for maintaining a dangerous dog as set forth in subsections 12.25 and 12.30 of this Section. If the owner cannot be located, the dog may be immediately impounded and notice shall be posted at the owner’s last known address.

(B) Hearing. If the circumstances surrounding the classification as a dangerous dog under any of the specifications listed in subdivision (A) of subsection 12.10 are in dispute or if the dog owner contests the classification, then the owner has the option of submitting, within five (5) business days of the notice of such classification, a written request to the Animal Control Authority for a hearing to contest the “dangerous dog” classification.

1. The Board of Trustees shall itself or through a designated hearing officer, within ten (10) business days after receipt of a bona fide written request, conduct a hearing and render a decision.
2. Pending the outcome of such hearing, the dog must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner’s premises or with a licensed veterinarian.
3. The Board of Trustees shall determine whether to declare the dog to be a “dangerous dog” based upon evidence and testimony presented at the time of the

hearing by witnesses, Animal Control Officers, law enforcement officers or any other person possessing information pertinent to such determination. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses. A record of such hearing shall be made by the Board of Trustees.

4. The Board of Trustees shall issue a decision after the close of the hearing and notify the owner in writing of the decision. The owner of the dog found to be a “dangerous dog” shall be required to maintain the dog as provided in subsections 12.25 and 12.30 of this Section.

(C) Appeal. Any person aggrieved by the determination of the Board of Trustees may appeal the decision to the Associate Circuit Court of Cole County pursuant to the provisions of Chapter 536, RSMo.

12.25 DANGEROUS DOGS – Responsibilities for Handling and Restraint.

(A) It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure as defined in subsection 12.05 of this Section unless the dog is muzzled and restrained by a substantial chain or leash having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, with handgrip, and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(B) It is unlawful for an owner of a dangerous dog to permit the dog to be allowed or permitted to run at-large, free and unrestrained or off-leash or not otherwise under physical restraint of a responsible person, unless within a fenced yard or similar restraint reasonably designed to prevent the dog from running free and unrestrained.

(C) It is unlawful for an owner of a dangerous dog to permit the dog to be walked outside the proper enclosure by anyone under the age of sixteen (16) years.

(D) The owners of dangerous dogs are responsible for taking all reasonable measures to assure that the dogs do not escape the above restraints, the failure of which responsibility shall constitute a violation of this Section.

12.30 DANGEROUS DOGS – Registration Required – Rabies Quarantine – Conditions for Keeping – Certain Reporting Required.

(A) In addition to any dog licensing or registration requirements which may now or hereafter exist in the Village of Centertown, the owner of a dog declared by the Village Board of Trustees as dangerous shall within ten (10) days of the passage of this ordinance, or of the acquisition of a dangerous dog in the Village, register said dangerous dog with the Village Clerk on the “dangerous dog” registry, according to the form available from the Village Clerk. Failure to so register shall constitute a violation of this Section. Notice of this requirement shall be given by posting a copy of this subsection in the Village Hall. There shall be a one-hundred dollar (\$100.00) fee charged for such registration.

(B) Any owner or keeper of a dangerous dog must, when registering the dog on the dangerous dog registry, provide the Village Clerk with two (2) color photographs, one (1) showing the dog's left profile, the other showing the right profile, and clearly indicating the dog's color, distinguishing markings and approximate size.

(C) Any owner or keeper of a dangerous dog must, when registering the dog on the dangerous dog registry, provide the Village Clerk with proof that the owner or keeper has procured liability insurance in a single incident amount of at least five hundred thousand dollars (\$500,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such dog. An effective insurance policy with the coverage and in the amount specified herein must be maintained by the owner or keeper at all times. This policy shall contain a provision requiring the Village of Centertown receive ten (10) days' written notice by the insurance company prior to any cancellation, termination or expiration of the policy. For purposes of civil suits against said owner, for liability for personal injuries to any person the dog shall be considered an animal with known dangerous propensities.

(D) The keeping of a dog registered as a dangerous dog shall be subject to the following conditions:

1. Display of sign. The owner or keeper shall display a sign on the premises warning that there is a dangerous dog on the premises. Said sign shall be visible and capable of being read from the fronting street or public highway.
2. Confinement indoors. No registered 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 except to a proper enclosure. 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 obstacle preventing the dog from exiting the structure.
3. Confinement outdoors. When outside, all registered dogs shall be confined to a proper enclosure, except when necessary to obtain veterinary care or to comply with commands or directions of an Animal Control Officer.

(E) Rabies quarantine impoundment. Any dangerous dog which bites or scratches a human, or any dog which is determined to be dangerous because of such biting or scratching of a human, shall be impounded for a ten (10) - day rabies quarantine at a suitable facility as determined by the Chairman of the Board of Trustees.

(F) Reporting requirements. The owner or keeper shall notify the Animal Control Authority within twenty-four (24) hours:

1. If a dangerous dog has died or been sold or given away, or otherwise transferred in ownership or possession. If the dog has been sold, given away, or otherwise transferred in ownership or possession, the owner or keeper shall provide the Animal

Control Authority with the name, address and telephone number of the new owner or keeper if the dog is kept within the Village limits, and the new owner or keeper must comply with the requirements of this Section.

2. All offspring born of dangerous dogs within the Village must be removed from the Village within six weeks of the birth of such dogs.

3. Of the new address of a dangerous dog owner or keeper should the owner or keeper move from one address within the Village limits to another address within the Village limits.

(G) It shall be unlawful for the owner or keeper of any dangerous dog within the Village to fail to comply with the requirements and conditions as set forth in this subsection.

12.35 DANGEROUS DOGS -- Confiscation -- Conditions -- Duties of Animal Control Authority -- Notice -- Hearing -- Penalties.

(A) Confiscation of dangerous dogs. Any dog declared to be a dangerous dog under the provisions of this Section shall be immediately confiscated by the Animal Control Authority or its designated representative and subject to impoundment if:

1. Such dangerous dog is not restrained as provided under subsection 12.25 of this Section; or
2. Such dangerous dog is not registered as provided under subsection 12.30 of this Section, including the photograph and insurance requirements.

(B) Confiscation of prohibited dogs. Any dog listed in subdivision (A) of subsection 12.15 as a prohibited dog, found in the Village but allowed under the residency exclusion of subdivision (B) of that subsection, may be immediately confiscated by an Animal Control Officer and subject to impoundment if at any time:

1. Such otherwise prohibited dog is not restrained as provided under subsection 12.25 of this Section; or
2. Such otherwise prohibited dog is not registered as provided under subsection 12.30 of this Section, including the photograph and insurance requirements.

(C) Actions to be taken for dogs causing severe or fatal injuries.

1. Any dog responsible for an **unprovoked** attack resulting in severe injury or death to a human being, domestic animal or livestock shall be humanely destroyed.
2. Any dog responsible for a **provoked** attack resulting in severe injury or death to a human being, domestic animal or livestock shall be classified as a dangerous dog and maintained as such pursuant to subsections 12.10 through 12.30 of this Section.

(D) Concurrent violations, i.e., single incidents involving multiple dogs of one owner, are tracked on a per dog basis. Repeat violations are tracked according to the owner, not the individual dog; i.e., owners of multiple dogs may be penalized at an elevated rate for a subsequent violation, though it may be the individual dog's first incident.

(E) In addition to any other applicable penalties allowed in and by this Section, any person violating or permitting the violation of subsections 12.10 through 12.35 regarding dangerous dogs shall, upon conviction, be fined a sum not less than \$25.00, not more than \$500.00 or a sentence of imprisonment not to exceed thirty (30) days. In addition, the Court may order the registration of the dog revoked and order the dog removed from the Village. Should the person so ordered fail to remove said dog from the Village, the Court may find such person in contempt and order the dog immediately confiscated and impounded. Each day that a violation of this ordinance occurs shall be deemed a separate offense. In addition to the foregoing penalties, any person who is held in contempt of court and said person's dog is impounded shall be responsible for all expenses incurred for the dog including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

(F) Once a dog as described in this subsection has been impounded the owner shall first pay all fines and expenses owing before said dog is returned to the owner. If the owner does not pay all fines and expenses within thirty (30) days, the Court may order that another home be found for the dog outside the Village limits, or that the dog be placed with an animal shelter. If no other suitable place is found for the dog within ninety (90) days of impoundment, and the owner has not paid the fines and expenses, the Court may order the dog destroyed.

12.55 SEVERABILITY. If any portion of this ordinance or its application to any person or circumstances, or any fee requirement is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances, or other valid fee requirement contained herein shall not be affected.

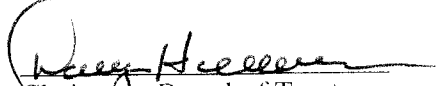
12.60 PENALTIES -- Generally. Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined in the sum of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or a sentence of imprisonment not to exceed thirty (30) days.

Section 2: This ordinance shall be in full force and effect upon final passage and approval.

FIRST READING HELD: August 8, 2006.

SECOND READING HELD AND FINAL PASSAGE ON THIS 8th DAY OF August, 2006, BY THE FOLLOWING VOTE:

	<u>Aye</u>	<u>Nay</u>
John Doyle	<u>X</u>	_____
Kenneth Farris	<u>X</u>	_____
Doug Heineman	<u>X</u>	_____
Curtis B. Holzer	<u>X</u>	_____
William McClure	<u>X</u>	_____


Chairman, Board of Trustees

Attest:


Village Clerk