

**CITY OF DELLWOOD, MISSOURI
(ORDINANCE)**

1st READING: 6/2/17
2nd READING: 6/12/17

BILL NO. BL-2017-3
ORDINANCE NO. OR-3-2017

TITLE

AN ORDINANCE TO REPEAL CHAPTER 205, SECTION 205.130, IN THE CODEBOOK OF THE CITY OF DELLWOOD, WHICH SETS FORTH NEW REGULATIONS AND DEFINITIONS REGARDING VICIOUS AND DANGEROUS ANIMALS.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DELLWOOD, COUNTY OF SAINT LOUIS, STATE OF MISSOURI, AS FOLLOWS:

SECTION ONE:

It is hereby declared a vicious animal is dangerous to the public health and is thereby a public nuisance.

SECTION TWO:

The hereinafter changes are intended to repeal Chapter 205, Section 205.130, of the City's codebook and shall apply in substitution thereof. All other aspects of Chapter 205 shall remain undisturbed.

SECTION THREE:

Dangerous animals.

- (a) *Definitions.* As used in this section, "dangerous animals" is defined to mean:
- (1) Any animal with the known propensity, tendency, or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of human beings or domestic animals; or
 - (2) Any animal which, without provocation, has attacked or bitten a human being or domestic animal; or
 - (3) Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; or

- (4) Any animal that, without provocation, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack.
- (b) *Continued.* In addition, in any administrative or judicial proceeding relating to the provisions of this section, there shall be a rebuttable presumption that any of the following are dangerous animals and may only be owned or maintained within the city in strict compliance with all provisions of this section: Any bull terrier breed of a dog, which shall be defined as any Staffordshire bull terrier breed of a dog, and/or any American pit bull terrier breed of a dog; and/or any American Staffordshire terrier breed of dog; and/or any mixed breed of dog which contains, as an element of its breeding, genetic components of the aforementioned bull terrier breed of dog; and/or any dog which has the appearance and characteristics and is known by the owner to be predominantly of the breeds of the bull terriers, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; and/or any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.
- (c) *Prohibition; exceptions.* It shall be unlawful for any person to own, harbor, or have the care or custody of a dangerous animal within the corporate limits of the city, unless said dangerous animal is licensed and registered by the owner with the city as provided herein and is in strict compliance with the limitations, standards, requirements and conditions set forth in subsection (g) of this section.
- (d) *Declaring an animal dangerous.* If the commander of police or his or her designated representative has cause to believe that an animal is dangerous, the chief or designated representative may find and declare that the animal is a dangerous animal and therefore subject to the terms and restrictions of this section.
- (e) *Notice of declaring an animal dangerous.* After declaring an animal dangerous, the commander of police or his or her designated representative shall notify the animal's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a dangerous animal as set forth in this section. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted on the owner's last known address.
- (f) *Hearing on dangerous animal declaration.*
- (1) The owner of an animal declared dangerous shall have the right to file, within five (5) days after receiving notice, a written request with the commander of police for a hearing to contest the dangerous animal declaration. The mayor shall designate a hearing officer to conduct the hearing and render a decision.

- (2) The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence, and cross-examine witnesses.
 - (3) The hearing officer shall issue a decision after the close of the hearing and notify the owner in writing of the decision.
 - (4) If the hearing officer upholds the dangerous animal declaration, the owner shall comply with all of the requirements and conditions for maintaining a dangerous animal as set forth in this section.
 - (5) Any person aggrieved by the determination of the hearing officer may appeal the decision to the Circuit Court of St. Louis County pursuant to the provisions of Chapter 536, RSMo.; provided, however, that any appeal must be filed with the circuit court within five (5) days of the date of the hearing officer's decision.
- (g) *Registration: Conditions required to keep.* From and after June 8, 2017, the owner of a dangerous animal may maintain a dangerous animal only subject to the following limitations, requirements, and conditions:
- (1) *Registration.* Within ten (10) days of July 1, 2017, or the acquisition of a dangerous animal, every keeper or owner of a dangerous animal in the city shall register said animal with the city clerk of the city on the "dangerous animal" registry. Failure to so register shall constitute a violation of this section. Notice of this requirement shall be given by posting a copy of this section in city hall.
 - (2) *Leash and muzzle.* No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length with a minimum tensile strength of three hundred (300) pounds. No person shall permit a dangerous animal 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 and animal. Such animal may not be leashed to objects such as trees, posts, buildings, etc. In addition, all dangerous animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals. The muzzle must not cause injury to the dangerous animal or interfere with its vision or respiration, but must prevent the dangerous animal from biting any human or animal.
 - (3) *Confinement.* All dangerous animals shall be securely confined indoors (see below) or in a securely enclosed and locked pen or kennel, except when

leashed and muzzled as above provided. The pen, kennel or structure must be suitable to prevent the entry of young children and designed to prevent the dangerous animal from escaping. Such pen, kennel or structure must have secure sides and a secure top attached to the sides and must have minimum dimensions of five (5) feet by ten (10) feet. All structures used to confine dangerous animals 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, if the structure has no bottom secured to the sides, the sides of the pen must be embedded in the ground no less than one (1) foot. All structures erected to house dangerous animals 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 structure, when occupied by a dangerous animal, shall not be occupied by any other animal. If the dangerous animal is a female with offspring under two (2) months of age, the offspring may occupy the same enclosure as the mother. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal 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 obstacles preventing the animal from exiting the structure.

- (4) Owners, keepers or harborers of dangerous animals within the city shall display in a prominent place on their premises a sign reading in letters not less than two (2) inches high "Beware of Dangerous Animal" and easily readable by the public. The owner shall also display a sign with a symbol warning children of the presence of a dangerous animal. In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (h) *Insurance.* All owners, keepers or harborers of dangerous animals must provide proof to the city clerk of public liability insurance in a single incident amount of not less than one hundred thousand dollars (\$100,000.00) 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 animal. An effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner, keeper or harborer at all times. Such insurance policy shall provide that no cancellation, termination or expiration of the policy will be made unless ten (10) days' written notice is first given to the city clerk of the city.
- (i) *Photographs.* All owners, keepers or harborers of dangerous animals must provide to the office of the city clerk two (2) color photographs, in two (2) different positions, clearly showing the color, markings and approximate size of the animal.

- (j) *Reporting requirements.* All owners, keepers or harborers of dangerous animals must, within ten (10) days of any of the following incidents, report said information in writing to the city clerk:
- (1) The removal from the city or death of a dangerous animal;
 - (2) The birth of offspring of a dangerous animal;
 - (3) The new address of a dangerous animal owner should the owner move from one address within the corporate city limits to another address within the corporate city limits.
- (k) *Loose, unconfined or missing dangerous animal.* The owner, keeper, or harborer shall notify the police department immediately if a dangerous animal becomes loose, unconfined, missing, has attacked another animal, or has attacked a human being.
- (l) *Sale or transfer of ownership.* No person shall sell, barter, or in any other way dispose of a dangerous animal to any person within the city; provided that the owner of a dangerous animal may sell or otherwise dispose of an animal or the offspring of such animal to persons who do not reside within the city.
- (m) *Offspring of dangerous animals.* All offspring born of dangerous animals within the city must be removed from the city within two (2) months of their birth.
- (n) *Failure to comply.* It shall be unlawful for the owner, keeper, or harborer of a dangerous animal within the city to fail to comply with the limitations, requirements, and conditions set forth in this section. Any animal found to be the subject of a violation of this section shall be subject to revocation of the license and/or registration of the animal and immediate seizure and impoundment. The owner shall be required to take necessary action to dispose of such dangerous animal and the city clerk is further authorized to dispose of such dangerous animal if necessary action is not taken by the owner.
- (o) *Violations and penalties.* Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be punished as provided in other penal Ordinances of the city and/or as imposed by the judge in the city's municipal court. In addition, the court shall order the registration of the subject dangerous animal revoked and the animal removed from the city. Should the defendant refuse to remove the animal from the city, the municipal court judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses,

including shelter, food, handling, veterinary care and testimony, necessitated by the enforcement of this section.

- (p) *Authority for additional relief.* In addition to any other provisions or penalties established for violations of this ordinance, the commander of police of the city may, after approval by the board of aldermen, apply to a court of competent jurisdiction for such legal or equitable relief as may be necessary to enforce compliance with the provisions of this section. In such action, the court may grant such legal or equitable relief, including, but not limited to, mandatory or prohibitory injunctive relief, as the facts may warrant.

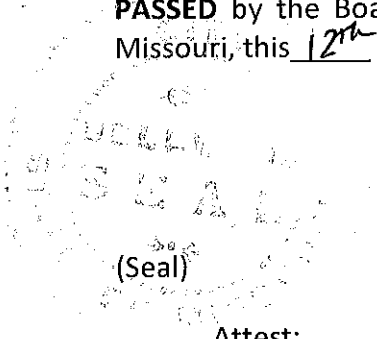
SECTION FOUR:

This Ordinance shall be in full force and effect from and after the date of the City's adoption.

SECTION FIVE:

All other acts and parts of other Ordinances or Resolutions heretofore adopted by the City in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.

PASSED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Dellwood, Missouri, this 12th day of June, 2017.



(Seal)

Attest:

Reggie Jones, Mayor

City Clerk