

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ON CHANGING RESTRICTIONS ON DOGS BY REPEALING SECTIONS 205.180 AND 205.190 OF THE CITY CODE IN REGARD TO BREED RESTRICTIONS ON DOGS AND AMENDING SECTION 205.390 ON VICIOUS DOGS.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHILLICOTHE, MISSOURI as follows:

Section 1: Sections 205.180 and 205.190 of the City Code of the City are repealed. Section 205.390 is amended to read:

Section 205.390 Restrictions on Vicious Dogs.

- A. If the Animal Control Officer or City Police declares that a dog is a vicious dog, the Animal Control Officer shall dispose of the dog as follows:
1. If the Animal Control Officer finds that the dog made a severe or fatal attack upon a human being or domestic animal, the Animal Control Officer shall cause the dog to be humanely euthanized as set out in Subsection (C) herein.
 2. If the Animal Control Officer finds that the dog had been provoked to make a severe or fatal attack upon a human being or domestic animal, the Animal Control Officer shall either cause the dog to be humanely destroyed or return the dog to its owner subject to the owner's written agreement to control the dog as provided below. The agreement may include a provision that if the animal attacks again, it shall be humanely euthanized.
 3. The Animal Control Officer has discretion to dispose of all other dogs declared to be vicious either by causing them to be humanely euthanized or returned to its owner subject to the restrictions as provided in below, after giving notice and an opportunity to be heard to the dog's owner as provided in below.
- B. Before the Animal Control Officer returns a vicious dog to its owner, the Animal Control Officer shall secure that owner's written agreement to control the dog as provided herein.
1. Any vicious dog shall wear at all times a bright collar with the words " Vicious Dog" embroidered or stamped on the collar so the dog can readily be identified as a vicious dog. The owner, at his/her expense, shall allow a veterinarian chosen by the Animal Control Officer to implant a microchip identification in the dog.
 2. The owner or custodian of the vicious dog shall notify the Animal Control Office immediately if the dog is loose or missing or has attacked another animal or human being.

3. The owner or custodian of the vicious dog shall notify the Animal Control Office within twenty-four (24) hours if the dog has died or has been sold or given away to a new owner or custodian. The owner or custodian transferring custody to a new owner or custodian shall comply with the notice provisions of (C). If the dog has been sold or given away, the owner or custodian shall provide the Animal Control Office with the name, address and telephone number of the new owner or custodian. The new owner or custodian, if the animal is kept within Chillicothe, must comply with the requirements in this Chapter for keeping a vicious animal.

4. While on its owner's property, a vicious dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the animal from escaping. Such a pen or structure must have a minimum dimension of five (5) feet by ten (10) feet, must have strong, secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide adequate shelter, as defined by this Chapter. The enclosure, when occupied by a vicious dog, shall not be occupied by any other animal, unless the vicious dog is a female with young under three (3) months of age, in which case the young may occupy the same enclosure as the mother.

5. No vicious dog may be kept in any area of the owner's property that would allow the dog to exit easily (i.e. behind screen doors or windows), nor may any vicious dog be chained without a physical barrier to prevent contact with other animals or people or the escape of the dog.

6. A sign indicating the presence of a vicious dog shall be present at and large enough to read from any public thoroughfare from which the property is entered and the owner or custodian of the dog shall post a notice conspicuously visible to the public at each entrance to the premises and on each side of the dog's enclosure, if any, reading in letters not less than two (2) inches high "VICIOUS DOG - BEWARE". A sign with a picture of a growling dog shall also be displayed at all places where the notice of vicious dog is posted. Any sign shall be approved in advance, in writing, by the Animal Control Officer and a copy of the approved sign shall be maintained in the Animal Control's file on the dog.

7. A vicious dog may be off the owner's premises only if it is securely muzzled and on a strong leash no more than four (4) feet long and under the control of a competent person.

8. The owner or custodian of a vicious dog shall present to the Animal Control Office proof that the owner or custodian has procured liability insurance to include bodily injury and property damage in the amount of at least one hundred thousand dollars (\$100,000.00). Such insurance shall be for an initial period of twelve (12) months and must be continuously renewed without a break in coverage for as long as the

vicious dog lives or is kept in Chillicothe. This policy shall contain a provision requiring the City to be notified by the issuing company at least ten (10) working days prior to any cancellation, termination, or expiration of the policy.

9. All owners or custodians of vicious dogs must, within ten (10) days of such declaration, provide the Animal Control Office with two (2) sets of color photographs of the vicious dog, one (1) of each side and showing the color and approximate size of the dog. The owners or custodians shall in addition provide the following information: The dog's name or names and the name, address and phone number of the dog's veterinarian.

10. All owners or custodians of vicious dogs must, within ten (10) days of such declaration, have the dog spayed or neutered and must provide evidence of such spaying or neutering from a duly licensed veterinarian to the City.

11. Any dog not controlled as provided in this Subsection) shall be subject to immediate seizure and impoundment for ten (10) days for the owner or custodian to comply with this Subsection. If the owner or custodian does not comply with this Subsection within such time, then the dog shall be euthanized.

C. The Animal Control Officer shall give owners of dogs declared to be vicious notice of the Animal Control Officer's declaration and intended disposition of the dog, as provided herein.

1. Notice of declaration of vicious dog and of disposition. Immediately upon determining that a dog is vicious, and at least ten (10) days prior to any humane euthanasia of any such dog, the Animal Control office shall notify the dog's owner, if known, or known custodian if the owner is unknown or unable to be contacted, of the declaration and of any scheduled euthanasia. The notice shall state the owner's right to request a hearing before the City Administrator of any determination made by the Animal Control Officer by submitting a written request for hearing to the Animal Control Officer within five (5) days of receiving the aforesaid notice.

2. Hearing. Upon timely receipt of the written request submitted pursuant to Subsection (C)(1), above, the Animal Control Officer shall schedule a hearing at which all interested parties may be heard, including the owner, individuals possessing knowledge of the characteristics of the dog in question, and any other individuals who may come into contact with the dog if it is not destroyed. After all parties have an opportunity to be heard, the City Administrator shall make the final determinations as to whether a dog is a vicious dog and what its disposition shall be under the provisions of this Chapter. The City Administrator's determination and decision is

final for all purposes, and there shall be no further administrative relief available.

D. The Animal Control Officer may declare a dog to be vicious because of its prior acts even after its owner or custodian has removed it from the City. Such a dog may not be returned to the City.

E. Should the Animal Control Officer receive from any court of competent jurisdiction a stay of an order of euthanasia on a dog, the dog shall remain impounded in the City animal facility until the court has issued its final order.

The penalty imposed for any violation of Section 205.390 shall be a fine of no less than one hundred dollars (\$100.00) and up to five hundred dollars (\$500.00). Further, any person in violation of Section 205.390 shall have no less than five (5) and no more than ten (10) days to remove the animal from the City. Failure to do so shall result in the euthanasia of the animal at the owner's expense.

Section 2: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3: This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

Section 4. It is the intent of the City Council that this Ordinance be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the City Council.

Section 5: This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

CITY OF CHILLCOTHE, MISSOURI

Theresa Kelly, Mayor

ATTEST:

Rozanne Frampton, City Clerk