

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

BOARD OF ALDERMEN

Special Meeting

September 18, 2012

6:30 PM - Willard City Hall

224 W. Jackson Street

Mayor

Tom Keltner

Board Members

David Hemphill

Doug Johnson

David Roggensees

Ed Simmons

Cyndi Trapp

Bryan Vincent

www.cityofwillard.org

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



BOARD OF ALDERMEN SPECIAL MEETING September 18, 2012 6:30 P.M.

Notice posted on September 12, 2012

Notice is hereby given that the City of Willard, Board of Aldermen will conduct a special meeting at 6:30 p.m., September 18, 2012 at Willard City Hall, 224 W. Jackson, Willard, Missouri.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

Call the meeting to order

1. Roll Call
2. Appeal Hearing for Josie Slieter for the violation of Willard Municipal Code Section 205.100.
3. Adjourn Meeting

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS.

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Dale Duvall
224 West Jackson
Willard, MO 65781

Exhibit "A"

		Willard Police Department Incident Card				Case # 12-2904	Page 1 of 2	
(Office Use Only) ☐ Index Entry ☐ DB Entry		Date - Time Received 08-29-2012 1115		Received By Turner	DSN 021	☒ Phone ☐ Field ☐ Walk In ☐ 911 ☐ Dispatch ☐ Other		Location Of Occurrence 408 Matthew Lane
Incident Description Female cornered by aggressive dog-					Incident Classification Dangerous Dog Committee / Dog at Large			
Reports	Date - Time of Incident 08-29-2012 1100	Theft \$	Damage \$	Total \$	Category (all that apply) ☐ Felony X ☐ Misdemeanor X ☒ Infraction x ☒ Service ☐ Civil			
Codes: C = Custody I = Involved J = Juvenile O = Other RP = Reporting Party S = Suspect V = Victim W = Witness								
Code(s)	Name	SSN / OLN	Address		Phone	Date Of Birth		
RP	Pipkin, Denise	500-76-0314	408 Matthew Lane Willard, MO 65781		417-818-5152	06-27-1961		
I	Slieter, Josie K	R175252019	612 Daniel Lane Willard, MO 65781		417-693-7195	01-03-1953		
W	Pinkman, Robert L.	487-15-7838	613 Daniel Lane Willard, MO 65781		417-848-0449	05-12-1998		
☒ NA Vehicle Codes: A = Abandoned Vehicle D = Damaged Vehicle O = Owner's Vehicle SV = Suspect Vehicle ST = Stolen Vehicle T = Towed								
No.	V. C	Year	Color	Make	Model	Body Style	Plate-State	Characteristics/Damage
Photos: Digital x _____ Video x _____ 35 mm x _____		Photos Taken By		Send Copy To: ☐ DOR ☐ JUV ☐ P.A. ☐ P & P ☐ SPD ☐ GCSD ☐ MSHP ☒ Other: Willard City Hall-Dangerous Dog Committee & Greene County Animal Shelter				
Narrative: ☐ See AIR ☐ See Missouri Uniform Accident Report ☐ See Continuation / Supplemental Report								
On 08-29-2012 a female identified as Denise Pipkin called the Willard Police Department in regards to being attacked by her neighbors dog. I arrived on scene and made contact with Pipkin. Pipkin was shaking and upset about the situation. Pipkin stated she is terrified of the dog, described as black medium size dog (unknown what breed). Pipkin stated that she came outside and was getting ready to mow her yard when her neighbor's dog from 612 Daniel Lane, cornered her and her small dog in her driveway just outside of her garage. Pipkin stated the dog started barking and jumping at her attempting to bite her so she hit the dog and started screaming, attempting to make the dog leave her alone. Pipkin stated that when she bent down to pick up her small dog that was by her truck on a leash that was stuck around the tire; the black dog came after her dog. Pipkin stated the black dog bit her dog around the top of its neck but it didn't break the skin. Pipkin stated she kept yelling and kicking the dog, trying to get it to leave. Pipkin said she finally was able to pick her dog up, when 2 adults (unknown who) and 2 children came running to help. Pipkin stated the dog's owner, who she knows as Josie also came outside and that's when the black dog ran back onto its own property and inside the residence. Pipkin stated one of the people that came to help when she was screaming, identified herself as a vet and was able to check her dog for injuries, none were found. Pipkin did have redness and scratch marks on her arms and legs where she stated the black dog jumped on her and attempted to bite her. Photographs are submitted with this report. While Pipkin was completing a witness statement I responded to 612 Daniel Lane to make contact with the black dog's owner. I made contact with a female identified as Josie K. Slieter. I informed of the situation and asked to step inside and see her dog that got out. Slieter allowed me inside her residence where I was able to make with the balck dog while Slieter retrieved me her driver's license. Her black dog (Heeler Mix) was very playful and didn't show any signs of aggression towards me during my investigation. I informed Slieter of the Dangerous Dog Committee and the Dog at Large Ordinance in the City Limits. Slieter responded, "I know, I've been through it before." I then notified Kevin at Willard Animal Control and informed him of the situation and that I would be taking the dog for a 10 day hold.								
Assigned to Turner		DSN 021		Date 08-29-2012		☐ Unfounded ☐ Cleared ☐ Suspended ☐ Unworkable ☐ Referred ☐ Closed		

WILLARD POLICE DEPARTMENT

Date: 08-29-2012		Time: 1115		☐ SUPPLEMENT REPORT ☒ CONTINUATION REPORT			Case # 12-2904	Page 2 of 2
Codes: C = Custody I = Involved J = Juvenile O = Other RP = Reporting Party S = Suspect V = Victim W = Witness								
Code(s)	Name	SSN / OLN	Address		Phone	Date Of Birth		
RP	Pipkin, Denise	500-76-0314	408 Matthew Lane Willard, MO 65781		417-818-5152	06-27-1961		
I	Slieter, Josie K	R175252019	612 Daniel Lane Willard, MO 65781		417-693-7195	01-03-1953		
W	Pinkman, Robert L.	487-15-7838	613 Daniel Lane Willard, MO 65781		417-848-0449	05-12-1998		

Narrative

While waiting on Animal Control to arrive, I made contact with one of the witnesses at their residence (613 Daniel Lane). A Juvenile identified as Robert L. Pinkman stated that he heard the lady screaming so he came running to help. Pinkman stated when he arrived he noticed the black dog that lives at 612 Daniel Lane standing in front of a lady barking and growling. Pinkman did state that he noticed the black dog's hair was standing up on its back and it was acting very aggressive but when the owner of the dog (Slieter) came outside, it ran back to its own yard.

Animal Control arrived on scene. Josie bought the black dog outside on a leash for Animal Control.

Slieter's black Heeler Mix was transported to the Greene County Animal Shelter for a 10 hold and check up on shots.

Slieter was issued a citation for Dog At Large #111595582.

Forward report to Willard City Hall-Dangerous Dog Committee and the Greene County Animal Shelter.

Slieter stated that the phone number she provided is her cell phone and that it is for text message only due to her being Deaf.

Nothing Further.

Assigned to Turner	DSN 021	Date 08-29-2012	Approving Supervisor
-----------------------	------------	--------------------	----------------------

Exhibit B¹

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



COPY

September 5, 2012

Ms. Slieter
612 Daniel Lane
Willard, MO
65781

Re: Dangerous Dog

Dear Ms. Slieter:

This letter is to inform you that the City of Willard is declaring your dog that was involved in the incident that resulted in a citation on 08/29/2012 as a "dangerous dog".

The "dangerous dog " description is found under Section 205.090 in the Willard Codes and Regulations.

I have enclosed a copy of the ordinance as well as what is required when such a declaration is made.

You have the option of submitting, within five(5) working days, a written request to the Board of Aldermen for a hearing and possible appeal.

Please contact me with any questions that you have regarding this issue or the process.

Thank you,

Dale Duvall
Willard City Clerk

Enclosure (1)

Cc: Linda Murray, City of Willard
Mayor Tom Keltner
Police Chief Tom McClain

Exhibit "C"

September 6, 2012

I Josie Slieter request
for a hearing and appeal to
the Board of Aldermen.

Thank you.

Sincerely,


Regarding DJ-- Blue Heeler dog.

Received
Sept 6th
by DD.

Exhibit ~ D ~

CITY OF WILLARD
BOARD OF ALDERMEN
SPECIAL MEETING
December 14, 2009
6:30 P.M.

COPY

Board present: Mayor, Jamie Schoolcraft; Aldermen Richard Simpson; Aldermen Doug Johnson; Aldermen Pat Lloyd; Aldermen Paul Hood; Aldermen Louie Amodeo and Aldermen Bryan Vincent.

Staff in attendance: City Clerk, Dale Duvall; Deputy City Clerk, Kate Gould; Interim Director of Public Works, Justin Reaves; Director of Parks and Recreation, Kevin McDonald; Chief of Police, Tom McClain; Police Officer, Bill Lingenfiesler and City Attorney, Doug Harpool. CFO Karen Robson arrived at 6:55 P.M.

Guests: Trevor Wood, Kirk Reisner, Charelene Williams, Josie Slieter, Kari Hicks and Logan Hicks.

Lin Schneider with the Cross Country Times newspaper arrived at 6:40 P.M.

Mayor Jamie Schoolcraft led the Pledge of Allegiance.
Mayor Schoolcraft called the meeting to order.

Roll Call

City Clerk, Dale Duvall called roll call-Aldermen Richard Simpson-present; Aldermen Doug Johnson-present; Aldermen Pat Lloyd-present; Mayor Schoolcraft-present; Aldermen Paul Hood-present; Aldermen Louie Amodeo-present; Aldermen Bryan Vincent-present.

Attorney Doug Harpool explained the process for the dangerous dog hearing to the Board. Doug told the Board that the Chief of Police sits with the Board of Aldermen and is part of the appeal voting. Doug stated that since the appellant, Josie Slieter was hearing impaired that there was an interpreter, Charlene Williams, present. Doug asked Charlene to affirm that her statements would be a true and accurate representation of what the appellant was saying. He also asked Charlene to affirm that her statements would be true and accurate representation of what the Board was stating to the appellant.

Doug told the Board that there were two dogs in the incident and that one dog (Trooper) had been declared a dangerous dog already. The hearing was about one dog, (D.J.) only.

Chief McClain explained the incident to the Board as was stated in the police report. He said that the victim believed that both dogs had bitten her.

Aldermen Vincent asked if the hospital had stated if the bites were from two different dogs. The Chief stated that they had not.

The victim, Logan Hicks, stated that she was inside and she heard barking outside. She stated that Josie Slieter's dogs were going in her backyard trying to get to her dog. Logan said that they

tried to get to her dog's pen and when she put her hands in the air to shoo them off, one of the dogs started chasing her. Doug asked which dog chased her. Logan stated that it was the white one with the brown spots, (Trooper), and that when she ran it tackled her to the ground also. She stated that she tried to push the dogs off and couldn't do it. There was a ball in good reach and she threw it. One of the dogs tried running after it. Logan said she stood up and acted big and ran.

Doug asked Logan if she was bitten by either of the dogs. She stated yes by both of them. Doug asked Logan if she was sure that both dogs had bitten her and she said yes, that she was sure because her jeans were torn and she couldn't find them. Doug asked Logan if she had gone to the hospital and she said yes. Doug asked what treatment she got at the hospital. Logan stated that she got stitches and shots. Doug asked her if was in both legs. She stated that she got stitches in one leg and that she got shots in both legs. Doug asked Logan if she knew where each of the dogs had bitten her. She said yes, only not which dog had caused stitches to be needed. Logan said that the big dog, Trooper, the white one, had bitten her on the back of her leg and that there was still teeth marks there and there was a big bruise and on her ribs and she was not sure which dog caused that and that she had stitches on her thigh and on the back of her leg they thought she needed stitches but she didn't. She stated that there were still claw marks and scratches and bruises.

Aldermen Simpson asked which one "the big one" was and to describe both dogs. Logan said the big dog was the white one and that the little one was the black one with the white chest.

Aldermen Lloyd said he wanted to make sure he understood. He asked if Logan had heard the noises and tried to go outside. She stated that she wanted to see what was going on. He asked if Logan could tell how the dogs got in the backyard. And Logan said that the gate is usually open a little.

The Chief asked how Logan knew that both dogs had bitten her. Logan said that both dogs were pulling at her jeans. She said that the bite mark was caused by the big dog but that she did not know which dog bit her where the stitches were.

Doug asked Logan if she was scared when it happened and she said yes.

Doug asked if the appellant had any questions for Logan. Josie Slieter asked Logan how both dogs had time to bite her. Josie said that she saw the dogs jump the fence and that the little dog got out and then came back in the house and got his leash.

Josie said she went in to get the leashes, then went outside and screamed for the dog and that they back came running to her and that it took about two minutes. Josie said that she did not understand how both dogs could of bit Logan in such a short time.

Logan said she only knew that one of the dogs ran away.

Josie said that she knew that Trooper was an aggressive dog.

Aldermen Vincent asked if the dogs had been around Logan before and Logan said no but they bark at her and her friends when they get off the school bus.

Josie Slieter stated that she saw Trooper jump over the fence and D.J. went through the gate. Josie said that she got the dog leashes and called for the dogs and that both dogs came right back. An hour later Niki Hicks, Logans' Mom, came over and said that Logan had been bit. Josie said that she went over and told Logan that she was sorry.

The Aldermen got clarification of the details from the victim and the appellant.

The Mayor thanked the victim and the appellant for their testimonies.

Doug Harpool asked the Board to look over the description of a dangerous dog as the code book states.

Doug Harpool told the Board that a yes vote would uphold the declaration of the dog as a dangerous dog as defined in Section 205.09 of the code book.

Chief of Police-I, Aldermen Simpson-N, Aldermen Johnson-I, Aldermen Lloyd-N, Aldermen Hood-I, Aldermen Amodeo -I, Aldermen Vincent-I. (5) Five votes aye, 2 (Two) votes nay. Ruling upheld.

Motion made by Aldermen Vincent with a second by Aldermen Lloyd to adjourn the special meeting. Aldermen Simpson-I, Aldermen Johnson-I, Aldermen Lloyd-I, Aldermen Hood-I, Aldermen Amodeo -I, Aldermen Vincent-I.
Meeting adjourned.

City Clerk, Dale Duvall

Mayor Jamie Schoolcraft



1
DJ in
picture in
2009



Exhibit ~ E ~

09-13-12

Ms. Slieter
612 Daniel
Willard, MO 65781

Ms. Slieter,

This letter is to address the situation of the dog, DJ that is in your possession. In November 2009, DJ was declared a dangerous dog by the Board of Aldermen. You opted to give the dog to your son who according to you, lived in Ozark, MO at the time.

When the dog was brought back into your home in Willard, you violated Willard City Ordinance # 001211D Section 205.100. A copy of the ordinance has been included with this letter.

According to Section 205.100 #11 and Section 205.120, the dog, DJ, shall be seized and impounded immediately. A cash bond shall be posted with the City of Willard in the amount of \$100.00 to cover projected costs for the impoundment and care for the dog.

If you wish to request a hearing to appeal the violation, the dangerous dog hearing that had been scheduled for September 18, 2012 at 6:30 p.m. may be changed to a hearing for the violations.

Please contact City Hall at your earliest opportunity to convey your decision.

Cordially,

Dale Duvall
City Clerk

Exhibit 'F'

CHAPTER 205: ANIMAL REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 205.010: ANIMAL NEGLECT AND ABANDONMENT

- A. It shall be unlawful for any person to neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control, which results in substantial harm to the animal.
- B. It shall be unlawful for a person to knowingly abandon an animal in any place without first making provisions for its adequate care.
- C. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:
 1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
 2. The disposal of any dead or diseased animals within the person's custody or ownership;
 3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
 4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals. (Ord. No. 031013T §§1—4, 10-13-03)

SECTION 205.020: ANIMAL NOISE

No person shall keep any animal, including, but not limited to, dogs, who, by causing frequent or long continued noise, shall disturb the peace, comfort or repose of any person in the vicinity. (Ord. No. 040830A §4, 8-30-04)

SECTION 205.030: REGISTRATION, VACCINATION AND ISSUANCE OF TAG

- A. It shall be unlawful for any person to keep, harbor or own a dog or cat within the City, until and unless such person secures a rabies vaccination certificate and the dog displays a tag of registration-vaccination from a veterinarian who holds a current license from the State.
- B. The licensed veterinarian, upon vaccination of a dog or cat, shall issue a certificate of vaccination and registration, the date thereof and shall also furnish a collar tag showing such vaccination. The vaccination and registration shall be valid for the length of time set forth in the most recent "Compendium of the Animal Rabies Control" published by the Center for Disease Control and said compendium shall be kept on file with the City Clerk's office at all times.
- C. The rabies vaccine to be used shall be approved by the Society of Veterinary Practitioners of Greene County, Missouri.

- D. The tag issued after registration-vaccination shall be attached to the dog for which it was issued by means of a secure collar or harness. No cat shall be required to display its collar tag. (Ord. No. 051114 §§3—6, 11-14-05)

SECTION 205.040: LOST TAGS—TAGS NON-TRANSFERABLE

- A. If a tag is lost, another tag of the same shape may be obtained from the veterinarian who issued the original upon presentation of the original certificate and upon payment of the veterinarian's fee.
- B. A tag shall not be transferred from the dog or cat for which it was issued to any other dog or cat. (Ord. No. 051114 §§7—8, 11-14-05)

SECTION 205.050: RUNNING AT LARGE DECLARED PUBLIC NUISANCE—IMPOUNDMENT

- A. It shall be unlawful for any person owning, controlling, harboring, possessing or having the management or care of any dog to permit such dog to run at large on or from the premises of such person. Every dog, when on any street, alley, park, school ground or any other public place in the City, which is not attached to a leash, the other end of which is securely held, shall be deemed running at large. Every dog when on private property within said City, which is either not attached to a leash, the other end of which is securely held or which is not so confined by fences or other enclosures so as to prevent its straying from the premises, shall be deemed running at large.
- B. Any dog found running at large, regardless of registered vaccination, shall be impounded. A dog running at large is hereby declared to be a public nuisance and it shall be the duty of employees of the City of Willard designated by the Mayor or his/her representative to abate the nuisance. Employees of the City of Willard shall have authority to enter upon private property and shall have authority to open gates, cross fences and take whatever steps necessary to abate the nuisance so as to impound the dog that is running at large, except nothing contained herein shall be construed to authorize the City employee to enter into a dwelling of a person. (Ord. No. 051114 §§2, 9, 11-14-05)

SECTION 205.060: IMPOUNDMENT PROCEDURE

- A. The City of Willard shall arrange for the impoundment by the Springfield Greene County Animal Shelter which shall keep such dog or cat impounded for a period of five (5) business days. During impoundment, the dog or cat shall be housed, fed and watered in a manner consistent with good veterinary practices and all applicable Department of Agriculture regulations. During the five (5) day period, the dog or cat may be released from the impound to any person who signs an affidavit swearing that such dog or cat is his/her personal property and complying with the provisions herein. If such person or owner fails to claim and redeem said dog or cat within said five (5) days, then the Springfield Greene County Animal Shelter shall arrange for the humane destruction of said dog or cat. Any owner seeking to redeem or release a dog or cat from impoundment shall be required to pay the Springfield Greene County Animal Shelter the rates, in effect at that time, during the time said dog or cat was impounded and, at the same time, have the dog or cat vaccinated for rabies and produce certificate of vaccination before the said dog or cat is released.

- B. Further, should an animal, pursuant to court order or other extraordinary circumstances, be kept for more than two (2) weeks by the Springfield Greene County Animal Shelter after said transfer from the City of Willard, any owner of the transferred animal shall be responsible for payment to the Springfield Greene County Animal Shelter of six dollars (\$6.00) per day beginning on the fifteenth (15th) day of the housing of the animal. Any owner shall also reimburse the Springfield Greene County Animal Shelter for any veterinary expenses incurred while an animal is being held pursuant to this Chapter. (Ord. No. 051114 §10, 11-14-05)

SECTION 205.070: LIMITATION OF NUMBER OF DOGS OR CATS

Any person owning, controlling, harboring, possessing or having the management or care of more than three (3) dogs or cats within the City limits of Willard shall be deemed to be in the kennel business and shall be required to comply with all of the business license ordinances and zoning ordinances of the City. (Ord. No. 051114 §11, 11-14-05)

SECTION 205.080: ANIMAL BITES

- A. Any dog or cat that bites a human shall be turned over to a licensed veterinarian for observation as to the existence of rabies for a time prescribed by said licensed veterinarian. Under no circumstances shall the offending dog or cat be destroyed by anyone until such observation is complete. Expenses of keep of the dog or cat during observation shall be paid by the person owning, controlling, harboring, possessing or having the management or care of said dog or cat.
- B. No person shall destroy a biting dog or cat without submitting it for observation or shall refuse to deliver up to the City of Willard his/her dog or cat when requested to do so when said City of Willard shall have reasonable grounds to believe that a person has been bitten by said dog or cat. (Ord. No. 051114 §§12—13, 11-14-05)

ARTICLE II. DANGEROUS DOGS

SECTION 205.090: DANGEROUS DOGS DEFINED

- A. Any dog with the following characteristics shall be classified as dangerous:
1. Any dog which has inflicted a severe or fatal injury on a human being on public or private property. "Severe injury" means any physical injury resulting directly from a dog's bite which results in broken bones or lacerations requiring stitches or inpatient hospitalization. The victim receiving the severe injuries, as defined above, 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.
 2. Any dog which has killed a domestic animal, livestock or poultry without provocation, while off the owner's property.
 3. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

4. Any dog which has bitten a human being, without provocation, on public or private property other than the property of the owner.
 5. Any dog which, while on the owner's property, has bitten, 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 dog is kept.
 6. Any dog which, 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 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.
- B. If the circumstances surrounding the classification as a dangerous dog under any of the definitions listed in Subsection (A) are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the Board of Aldermen for a hearing and possible appeal.
1. A Hearing Board, consisting of the Board of Aldermen and the Chief of Police or their delegates, shall be convened within ten (10) working days after receipt of a bona fide written request.
 2. Pending the outcome of such a 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 Hearing Board shall determine whether to declare the animal to be a "dangerous dog" based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, animal control personnel, or any other person possessing information pertinent to such determination.
 4. The Hearing Board shall issue written findings within five (5) days after the hearing. The owner or possessor of the animal found to be dangerous shall be required to maintain the animal as herein provided in this Section.
- C. *Exemptions To Dangerous Dog Classification.*
1. With the exception of Subsection (A)(1), no dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog 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 or was committing or attempting to commit a crime.
 2. With the exception of Subsection (A), an Animal Control Officer may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. However, the owner being responsible for said dog may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidences. This, however, does not exempt the owner from being cited for other animal control ordinance violations.

3. Dogs owned by government or law enforcement agencies when being used in the services of those agencies are exempt.

D. *Actions To Be Taken For Dangerous Dogs Causing Severe Or Fatal Injuries.*

1. A dog responsible for an unprovoked severe or fatal attack shall be humanely destroyed.
2. A dog responsible for provoked severe or fatal attack should be maintained as a dangerous dog. (Ord. No. 001113-C §1, 11-13-00; Ord. No. 001211D §1, 12-11-00)

SECTION 205.100: OWNER'S RESPONSIBILITIES

The following actions shall be required of owners of dogs that have been declared dangerous dogs.

1. Any dangerous dog which bites or scratches a human being or any dog, whose behavior immediately prior to or during an incident resulting in a human being bitten or scratched, which is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine at the Municipal Animal Shelter or a veterinarian clinic within the City limits of Willard, Missouri.
2. Any dangerous dog shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the dog can be readily identified as a dangerous dog.
3. The owner or keeper shall notify the Animal Control Department immediately if a dangerous dog is loose, unconfined or missing, has attacked another animal or has attacked a human being.
4. The owner or keeper shall notify the Animal Control Department within twenty-four (24) hours if a dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the Animal Control Department with the name, address and telephone number of the new owner and the new owner, if the dog is kept within the City limits of Willard, must comply with the requirements of this Article.
5. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of ten (10) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom attached to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal. If the dangerous dog is a female with a litter of puppies under three (3) months of age, the puppies may occupy the same enclosure as the mother.
6. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building of 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.
7. The owner or keeper shall display a sign on his/her premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.

8. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
9. The owner or keeper of a dangerous dog shall present to the Animal Control Department proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) covering the twelve (12) month period during which licensing is sought. This policy shall contain a provision requiring the City of Willard to be notified by the insurance company of any cancellation, termination or expiration of the policy.
10. All owners or keepers of dangerous dogs must within ten (10) days of such declaration provide the Supervisor of Animal Control two (2) color photographs (one (1) showing the left profile, the other showing the right profile) of the animal clearly showing the color and approximate size of the animal.
11. It shall be unlawful for the owner or keeper of a dangerous dog within the City of Willard to fail to comply with requirements and conditions set forth in this Article. Any dog found to be subject of a violation of this Article may be, in addition to other penalties provided by ordinance, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Article, whichever is shorter. (Ord. No. 001113-C §2, 11-13-00; Ord. No. 001211D §2, 12-11-00)

SECTION 205.110: GUARD DOGS

- A. No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by him/her or under his/her charge or control any guard dog (for purposes of this Chapter here defined as a dog not owned by a governmental unit which dog is used to guard public or private property) without such dog being confined behind a fence from which it cannot escape or within any part of a house or structure except when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure and must not be used or maintained in a manner which, as determined by the Supervisor of Animal Control, endangers individuals on or off the premises guarded.
- B. Any guard dog, including law enforcement dogs, used in the City by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this Chapter.
- C. All guard dogs residing in or used as such in the City of Willard must be registered annually with the Supervisor of Animal Control. (Ord. No. 001113-C §3, 11-13-00; Ord. No. 001211D §3, 12-11-00)

SECTION 205.120: NON-COMPLIANCE WITH ARTICLE PROVISIONS—IMPOUNDMENT OF DOG—NOTICE OF VIOLATION TO OWNER—PROCEDURE

- A. Should the owner of a dog determined to be "dangerous" be unwilling or unable to comply with the requirements of this Article and a violation of the Article occurs, the dog shall be impounded immediately and notice shall be given to said owner of the violation. The dog shall remain impounded until such time as a final disposition of the violation occurs.

- B. The owner may request a hearing within five (5) days of the notice of violation to the Board of Aldermen and shall post a cash bond in an amount to cover projected costs of impounding and caring for the dog. The Board shall proceed within ten (10) days to hear the notice of violation to determine whether a violation has occurred. If not, the notice shall be considered closed; and the dog and the cash bond shall be returned to the owner, less any costs actually incurred by the City in impounding and caring for the animal. If a finding of violation is made, the owner shall post an additional cash bond and be given the opportunity to correct the violation (unless Section 205.090(D)(1) applies). The dog and any unused cash bond shall be returned to the owner when the Chief of Police or his/her authorized representative has determined adequate safeguards are in place to guard against potential future violations.
- C. The owner shall be responsible for paying all costs and expenses of impoundment before said costs are incurred.
- D. Should the owner be unable or unwilling to correct the violation or otherwise fail to comply with the terms of this Article, the dangerous dog shall be humanely destroyed, after notice of this intent is delivered to the owner and said owner has the opportunity for review of the determination by the Board of Aldermen and has exhausted his/her right of administrative review.
- E. Any owner whose dog is to be destroyed shall have the right to request a review by the Board of Aldermen within five (5) days after notice and a hearing shall be held. The Board of Aldermen shall enter specific findings of fact, if it is determined the dog shall be destroyed. The owner shall thereafter have ten (10) days in which to give notice of appeal to the Associate Circuit Court, Municipal Division, Greene County, Missouri. (Ord. No. 001211D §4, 12-11-00)

ARTICLE III. POLICE ANIMALS

SECTION 205.130: ASSAULT ON A POLICE ANIMAL

A person commits the offense of assault on a police animal when such person knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a Law Enforcement Officer, Department of Corrections Officer, Municipal Police Department, Fire Department or a rescue unit or agency.



09-13-12

Ms. Slieter
612 Daniel
Willard, MO 65781

Ms. Slieter,

This letter is to address the situation of the dog, DJ that is in your possession. In November 2009, DJ was declared a dangerous dog by the Board of Aldermen. You opted to give the dog to your son who according to you, lived in Ozark, MO at the time.

When the dog was brought back into your home in Willard, you violated Willard City Ordinance # 001211D Section 205.100. A copy of the ordinance has been included with this letter.

According to Section 205.100 #11 and Section 205.120, the dog, DJ, shall be seized and impounded immediately. A cash bond shall be posted with the City of Willard in the amount of \$100.00 to cover projected costs for the impoundment and care for the dog.

If you wish to request a hearing to appeal the violation, the dangerous dog hearing that had been scheduled for September 18, 2012 at 6:30 p.m. may be changed to a hearing for the violations.

Please contact City Hall at your earliest opportunity to convey your decision.

Cordially,

Dale Duvall
City Clerk

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



09/14/12

Ms. Slieter
612 Daniel Lane
Willard, MO 65781

Ms. Slieter,

This letter is in response to your question as to why the city did not speak with the attorney about the release of your dog from Animal Control sooner than the ten (10) day hold period.

Under Willard Municipal City Code Section 205.080, A. Any dog or cat that bites a human shall be turned over to a licensed veterinarian for observation as to the existence of rabies for a time prescribed by said licensed veterinarian. Under no circumstances shall the offending dog or cat be destroyed by anyone until such observation is complete. Expenses of keep of the dog or cat during observation shall be paid by the person owning, controlling, harboring, possessing or having the management or care of said dog or cat.

This 10 day period would have ended on Saturday September 8, 2012.

When you notified the city on September 7th that animal control would need a letter to release your dog to you, we needed clarification as to what exactly was required.

The supervisor of animal control was not in and so the city had to wait to release the dog until the supervisor and our attorney could be consulted with on Monday September 10, 2012, the next business day after the expiration of the required holding period.

Upon further investigation, it was determined that the dog involved in the incident on August 29, 2012, was the same dog that was involved in a dangerous dog hearing in December 2009. At that meeting on 12-14-09 it was determined by the Board that the dog was to be declared dangerous.

Upon confirming this information, the process and the violations involved changed.

Willard Municipal Code Section 205.100 # 11 reads as follows: *It shall be unlawful for the owner or keeper of a dangerous dog within the City of Willard to fail to comply with requirements and conditions set forth in this Article. Any dog found to be subject of a violation of this Article may be, in addition to other penalties provided by ordinance, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Article, whichever is shorter.* (Ord. No. 001113-C §2, 11-13-00; Ord. No. 001211D §2, 12-11-00).

Willard Municipal Code Section 205.120A reads as follows: *Should the owner of a dog determined to be "dangerous" be unwilling or unable to comply with the requirements of this Article and a violation of the Article occurs, the dog shall be impounded immediately and notice shall be given to said owner of the violation. The dog shall remain impounded until such time as a final disposition of the violation occurs.*

The meeting was scheduled within ten (10) days of your request for the dangerous dog hearing. The City has agreed to change the agenda for the meeting from “dangerous dog appeal” to “appeal for violation of the dangerous dog ordinance.”

The meeting is scheduled for Tuesday September 18th at 6:30 p.m. at Willard City Hall. The City has arranged for an interpreter to be present to assist you. The City will need to have a written request in our office by end of business day on September 17, 2012 to proceed with the appeal hearing for this violation.

Please contact our office at 417-742-3033 with any questions that you may have.

Thank you,

Dale Duvall
City Clerk

9/14/12

To the Board of Aldermen:

On September 4, 2012 I received a police report of a dangerous dog incident that had occurred on August 29, 2012. (See Exhibit A)

The dog had been picked up and was being held at the animal control shelter for observation as to the existence of rabies, as stated in Section 205.080.

I showed a picture to Office Turner of two dogs from a dangerous dog case in 2009 that had occurred at the same address. I asked him if the black dog in the picture was the same one that he had picked up on August 29, 2012. He stated that the dog he picked up was bigger and the coloring was a little different.

Believing that the dog was a different one, I sent a certified letter to Josie Slieter, the owner of the dog on September 5, 2012 and it was picked up on September 6, 2012. (See Exhibit B)

On September 6, 2012, Ms. Slieter came into City Hall and turned in a request letter for an appeal hearing. (See Exhibit C). She stated that she no longer had "Trooper" the dog that was declared dangerous in December 2009 and that she had brought "DJ", the other dog back from her son's house.

I began to look for an interpreter for Ms. Slieter as she is hearing impaired, and to get a meeting set up with all involved within the ten (10) working day window. Josie and I texted some back and forth on Sept. 10th and Sept 11th about picking up the dog at the shelter and setting up a meeting for the hearing. (Karen has a copy of these) This is easier method of communication for her.

On September 12th while getting all the information together, I discovered that the dog in this incident, DJ, had been declared dangerous by the Board of Aldermen in December 2009. (See Exhibit D)

The dangerous dog requirements were not being complied with and so I drafted a letter and sent it to our attorney. After speaking with him on September 12th, it was determined that the dog would have to be impounded under Section 205.100 and 205.120.(See Exhibit E)

On September 13th, Corporal Bell and Officer Hobbs went to 612 Daniel to talk to Ms. Slieter and inform her that the dog would have to be impounded and an appeal hearing could be requested per Section 205.120#B of the Willard Municipal code book.

She told the police that it was a different dog that it was not DJ, and so Corporal Bell brought a picture of the dog to my office to compare with the picture that I had from the hearing in 2009.

We both determined the dog to be the same from both pictures and her letter for an appeal request had stated so, as had Ms. Slieter.

Corporal Bell called public works to have someone meet him at Ms. Slieter's house and impound the dog. I gave the Corporal a copy of the ordinance (See Exhibit F) to give to Ms. Slieter and asked him to tell her that she would receive a letter Friday, September 14th, with an agenda enclosed for the meeting on Tuesday. He then left my office and called me shortly after and said that the dog had been impounded.

On September 14th, I spoke with our city attorney to get everything together to send to Ms. Slieter and the Board.

I called Ms. Slieter to inform her that the police would be bringing her a letter regarding the violation, as well as the agenda for Tuesday night. (See Exhibit G). I could not get through so I texted her and she responded "ok".

I am sorry that I am not available to be at the meeting tonight. I have tried to give you any and all information that will help to hold this appeal.

Sincerely,

Dale Duvall

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



BOARD OF ALDERMEN SPECIAL MEETING September 18, 2012 6:30 P.M.

Notice posted on September 12, 2012

Notice is hereby given that the City of Willard, Board of Aldermen will conduct a special meeting at 6:30 p.m., September 18, 2012 at Willard City Hall, 224 W. Jackson, Willard, Missouri.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

Call the meeting to order

1. Roll Call
2. Appeal Hearing for Josie Slieter for the violation of Willard Municipal Code Section 205.100.
3. Adjourn Meeting

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS.

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Dale Duvall
224 West Jackson
Willard, MO 65781