

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

March 28, 2012

7:00 PM - Willard City Hall

224 W. Jackson Street

Mayor

Tom Keltner

Board Members

David Hemphill

Tim Magee-Mayor Pro-Tem

David Roggensees

Ed Simmons

Cyndi Trapp

Bryan Vincent

www.cityofwillard.org

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BOARD OF ALDERMEN SPECIAL MEETING March 28, 2012 7:00 P.M.

Notice posted on March 23, 2012

Notice is hereby given that the City of Willard, Board of Aldermen will conduct a special meeting at 7:00 p.m., March 28, 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. Dangerous Dog Hearing
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

CITY OF WILLARD
BOARD OF ALDERMEN

March 28, 2012

Enclosed is a copy of the dangerous dog ordinance information. Please review prior to the meeting so that you are familiar with what constitutes a dangerous dog and the steps that must be followed.

Please call me with any questions.

City Clerk
Dale Duvall

- 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.