

AN ORDINANCE OF THE CITY OF PILOT GROVE, MISSOURI, AMENDING SECTIONS 205.040, 205.045 AND 205.050 AND REPEALING SECTION 205.035 OF THE ANIMAL REGULATIONS SECTION OF THE CODE OF ORDINANCES OF THE CITY OF PILOT GROVE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen of the City of Pilot Grove in the interest of protecting their citizens, in relation to dangerous, destructive or vicious animals, desires to make certain amendments to its code.

NOW, THEREFORE, be it ordained by the Board of Aldermen of the City of Pilot Grove, Missouri, as follows:

SECTION 1: That Section 205.035 of the Code of Ordinances of the City of Pilot Grove, Missouri is hereby repealed.

SECTION 2: That Section 205.040 of the Code of Ordinances of the City of Pilot Grove, Missouri shall be amended to read as follows:

**SECTION 205.040: DANGEROUS, DESTRUCTIVE OR VICIOUS DOGS**

1. It shall be unlawful for any dog, or cat owner, or any person having control or command of a dog or a cat, to fail to prevent or keep his dog or cat from doing any damage to a lawn, garden, or other property, or fail to prevent or keep his dog or cat from biting, injuring, menacing, or attacking any person.
2. It shall be unlawful to own, keep or harbor a vicious dog in the City of Pilot Grove except in accordance with the following provisions;
  - a. *Leash and muzzle.* No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog 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. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings. In addition, all vicious dogs on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
  - b. *Confinement.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also such

structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

- c. *Confinement indoor.* No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog 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 dog from exiting the structure.
  - d. *Signs.* All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Dog*". In addition, a similar sign is required to be posted on the kennel or pen of such dog
3. Any dog or cat, which bites or injures any person, may upon the Order of the Judge of the Circuit Court, Municipal Division, be impounded and humanely euthanized.
  4. The Circuit Judge Municipal Division shall have in addition to the Judge's authority under the sentencing provisions under the General Penalty Clause of the City of Pilot Grove the authority to order, as relates to a person who has been convicted more than once of unlawfully owning, keeping or harboring a vicious dog in the City of Pilot Grove, Missouri, that such dog shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the Court.

SECTION 3: That Section 205.045 of the Code of Ordinances of the City of Pilot Grove, Missouri shall be amended to read as follows:

#### SECTION 205.045: IMPOUNDMENT

Animals for which there is a duty to impound or are authorized to be impounded under Section 205.050, as well as any abandoned animal, may be seized and impounded as provided under this Section.

1. In the event a dog or cat bites or injures any person or in the event that the officer under the provisions of Section 205.050 exercises his or her discretion to impound a dog or cat which injures or bites another animal, then except as provided under Sub-Section 2, the dog or cat shall be impounded by the owner with a veterinarian of the owner's choice. It shall be unlawful for the animal's owner to refuse to impound the animal. If the animal's owner does not impound the animal, then the Chief of Police or City Police are authorized to impound, and if facilities are not sufficient at the City's Pound, place said animal with a veterinarian in Cooper County. Said animal shall remain impounded for ten (10) days, and if the animal does not develop or manifest rabies, it may be redeemed by the owner upon the payment of the impoundment fee, the boarding fee of the City or veterinarian, depending upon the impoundment, and if not redeemed at the end of the ten (10) day period, shall be humanely disposed of as provided in this Section.
2. In lieu of the impoundment required in Sub-Section 1 and at the discretion of the Chief of Police, City Police or any other person of the City of Pilot Grove,

Missouri, especially designated by the Board of Aldermen and the Mayor, for such purpose, the animal may be impounded at the owner's place of residence if all of the following requirements are met.

- a. The animal has been vaccinated against rabies as required by the Chapter.
  - b. That animal is property licensed by the City at the time of incident.
  - c. Neither the animal nor any other animal kept at the owner's residence has a history of running-at-large.
  - d. That animal does not have a history of causing injury to any person or animal.
  - e. The animal's owner authorizes the City's officer to monitor the animal's condition for ten (10) days.
  - f. The animal's owner agrees to have the animal examined by a veterinarian on the tenth day of impoundment.
3. In all other instances in which a dog or a cat is impounded, if the dog or cat is not redeemed by the owner within one week after impoundment, the dog or cat may be disposed of in one of the following ways but in no other way.
- a. Euthanasia using the method approved by the Humane Society of the United States.
  - b. Release for adoption by a new owner who shows evidence of ability and intention of providing the dog or cat with an appropriate home and humane care and completion of the licensing vaccination procedures before release.
4. The authorized officer in impounding a dog or cat for reasons other than biting or injuring a person or another animal, shall keep said dog or cat at the City Pound, unless the Pound is full or the nature of the animal makes it dangerous or difficult to impound the animal at the City Pound, in which case, the officer shall have the discretion to impound the animal with a veterinarian.
5. An owner redeeming a dog or cat from impoundment shall make payment to the City Clerk or the Chief of Police a \$25.00 Impoundment Fee, in addition to a fee of \$15.00 per day for each day or part of the day the animal has been impounded in the City Pound, or payment to the veterinarian of the veterinarian's customary and normal boarding fees for boarding said animal. In addition, the owner shall show proof that the animal has been licensed and properly vaccinated.
6. Any new owner adopting a dog or cat from the City Pound shall pay \$10.00 per day for each day or part of the day the animal has been impounded in the City Pound, or pay the customary fee of the veterinarian for boarding the animal if the animal was boarded with a veterinarian, plus a \$15.00 adoption fee to the City of Pilot Grove.
7. The intent of this Article is to require dog owners to comply with the law, not merely to operate an impoundment program. Police officers shall therefore

place primary emphasis on apprehending and initiating prosecution of violators of this Article.

SECTION 4: That Section 205.050 of the Code of Ordinances of the City of Pilot Grove, Missouri shall be amended to read as follows:

SECTION 205.050: DUTY TO IMPOUND

It shall be the duty of the Chief of Police, the City Police, and any other person of the City of Pilot Grove, Missouri, especially designated by the Board of Aldermen and the Mayor, for such purpose, to take up any dog without the tag provided in Section 205.020, any dog or cat running at large, any vicious dog in violation of Section 205.040, any dog or cat which bites or injures any person, and to impound the same. The aforesaid officers shall also have discretion to impound any dog or cat, which bites or injures another animal. In effect of the capture of any dog or cat the officers aforesaid are authorized to use traps, nets, tranquilizer guns, or any other humane method.

SECTION 5: This Ordinance shall take effect and in full force from and after its passage and approval.

First Reading:

11/05/08

Read for the second time and passed this 5<sup>th</sup> day of November 2008, and if read by title only, a copy of this Ordinance has been made available for public inspection prior to its first reading.

D J Knipp

Presiding Officer

Approved this 5<sup>th</sup> day of November 2008.

D J Knipp

Dennis Knipp, Mayor

ATTEST:

Catherine M. Lammers

City Clerk