

AN ORDINANCE AMENDING SECTION 205.100 OF THE ORDINANCES OF THE CITY OF WEATHERBY LAKE

I. RECITALS AND FINDINGS

Whereas the City of Weatherby Lake Ordinance Section 205.100 Keeping of Wild or Exotic Animals, Animals Having Poisonous Bites and Pit Bull Dogs, Providing For The Registration of Pit Bull Dogs and Providing Penalties For Violations Thereof which currently reads as is attached hereto as exhibit:

Whereas, the Board of Aldermen has asked that Section 205.100 be drafted with an emphasis on dangerous dogs rather than breed specific dogs.

Whereas the City attorney with input from Alderman Richmond and the Police Chief has drafted a new 205.100 for the Boards consideration. Said newly proposed §205.100 is presented in the following form.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WEATHERBY LAKE, MISSOURI AS FOLLOWS:

Effective immediately the current §205.100 Keeping of Wild or Exotic Animals, Animals Having Poisonous Bites and Pit Bull Dogs, Providing For The Registration of Pit Bull Dogs and Providing Penalties for Violations Thereof of the Ordinances of the City of Weatherby Lake Missouri is repealed, and the new §205.100 **Keeping of Wild or Exotic Animals, Animals Having Poisonous Bites and Dangerous Dogs and Providing Penalties For Violations Thereof** of the Municipal Ordinances of the City of Weatherby Lake Missouri is enacted which shall read as follows:

Section 205.100 Keeping of Wild or Exotic Animals, Animals Having Poisonous Bites and Dangerous Dogs and Providing Penalties For Violations Thereof:

(A) Definitions.

1. **Explanation Of Terminology.** Words used in the present tense include the future tense. The singular number includes the plural, and the plural is singular. The word "shall", or the word "must" be mandatory and not discretionary.
2. **Definitions.** As used in this Chapter, Sections 205.100 the following terms shall have these prescribed meanings:

Animals

1. Any warm-blooded, carnivorous, or omnivorous, wild, or exotic animals (including, but not limited to, non-human primates, raccoon, skunks, foxes, and wild

and exotic cats; but excluding ferrets and small rodents of varieties used for laboratory purposes).

2. Any animal having poisonous bites.
3. Dangerous Dog.

Attack means aggressive physical contact.

Dangerous dog means any dog that without justification attacks a person or domestic animal causing physical injury or death or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. No dog may be declared dangerous:

1. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault.
2. If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog.
3. If the person was teasing, tormenting, abusing, or assaulting the dog, or in the past had teased, tormented, abused, or assaulted the dog.
4. If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner or custodian of the dog.
5. If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring.
- (6) If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.
7. If the dog was in official use by any governmental unit; and/or
8. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be dangerous.

Hearing officer means the Mayor or his designee (other than a police officer) shall serve as the Hearing officer.

Serious injury means any physical injury consisting of broken bones, a permanently disfiguring laceration requiring either multiple stitches, or cosmetic surgery or significant medical treatment for physical or mental injury in which medical bills of \$1,000.00 or more are incurred.

B. Keeping Prohibited. It shall be unlawful to keep, harbor, own or in any way possess within the City limits of the City of Weatherby Lake, Missouri:

1. Any Animal as defined above in §205.100(A).
2. Any Animal having poisonous bites.
- 3: Any Dangerous Dog in noncompliance with the conditions imposed by the Hearing Officer and if appealed affirmed by the Board of Aldermen.

C. Determination of a Dangerous Dog - Hearing procedure.

(1) Any person may make a complaint about an alleged dangerous dog, as that term is defined herein, to a law enforcement officer. Such officers shall immediately inform the complainant of the right to commence the proceeding provided for below, and if there is reason to believe the dog is a dangerous dog, the officer may commence such proceeding on behalf of the city.

(2) Under oath or affirmation of an alleged dangerous dog, any person may make a complaint of an alleged dangerous dog present in the City as that term is defined herein on forms provided by the city. If upon review of the complaint the Hearing Officer determines that there is probable cause to believe the dog is a dangerous dog, the dog shall be immediately seized and held pending an administrative determination as herein provided.

(3) Any person may, and any police officer shall, make a complaint under oath or affirmation of an alleged dangerous dog as that term is defined herein on forms provided by the city for instances which are witnessed. If after review of the complaint, Hearing Officer determines that there is probable cause to believe the dog is a dangerous dog, the dog shall be immediately seized and held pending an administrative determination as herein provided.

(4) Whether or not the Hearing Officer finds there is probable cause for such seizure, within ten business days, and upon written notice of not less than three calendar days to the owner of the dog, a hearing shall be held on the complaint before the Hearing Officer.

(5) After hearing, where a dog is determined by the Hearing Officer or designee to be a dangerous dog pursuant to clear and convincing evidence, the owner of such animal shall register the animal with the city, including the owner(s) names, addresses and telephone numbers and provide prompt notification to the city of any changes in the residence or ownership of the dog, including names, addresses and telephone numbers for new residences or new owners; any change in the health status of the animal; any further instances of attack; any claims made or lawsuits brought as a result of any instances of attack; or the death of the animal and abide by all conditions of this Ordinance and the conditions applied by the Hearing Officer pursuant to (¶7).

(6) After hearing, where a dog is determined by the hearing officer to be dangerous, the animal shall at all times wear a fluorescent orange collar.

(7) The Hearing Officer may also order any one or all the following, but subsections (f), (g), (h) and (k) of this section, or any one of them, may only be imposed where there has been serious injury to a person:

(a) Indoors, when not alone, the dog shall be under the control of a person 18 years of age or older.

(b) Indoors and unattended, the dog shall be kept in a location in the house from which the dog cannot escape or permit the dog to reach its mouth outside the house.

(c) Outdoors, on the owner's property the dog shall be attended and kept on the owner's property either on a lease or within a fenced area from which it cannot escape, and the fence shall be constructed so as not to permit the dog to reach its mouth through the fence.

(d) While not on the Owner's property, the dog shall be attended to and muzzled. Such a muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(e) Outdoors and unattended, the dog must be confined to an escape-proof kennel or structure of the following descriptions:

i. Such a kennel or structure shall allow the dog to stand normally and without restriction and shall be at least 2.5 times the length of the dog and shall protect the dog from the elements.

ii. Fencing materials shall not have openings with a diameter of more than two inches, and in the case of wooden fences, the gaps shall not be more than two inches.

iii. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel or structure and unattended, such locks shall be kept locked.

iv. The kennel or structure may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.

v. Any such kennel shall be located at least twenty (20) feet from the property line.

(f) Placement of a sign or signs of a description and in places directed by the Hearing Officer advising the public of the presence and tendencies of the dog.

(g) Attendance by the dog and its owner/custodian at training sessions conducted by a board-certified veterinarian or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.

(h) Neutering or spaying of the dog at the owner's expense, unless medically contraindicated as determined by a board-certified veterinarian, chosen by the Hearing Officer unless the owner offers proof that the animal is registered with the American Kennel Club and removes the dog from the city limits.

(i.) That the dog be microchipped.

(j.) The procurement of liability insurance in an amount to be determined by the judge, but in no case in an amount of less than \$100,000.00 per person and \$300,000.00 per occurrence with proof of insurance provided to the city.

(k) The dog to be permanently removed from the city limits.

(8) A final decision of the Hearing Officer regarding a Dangerous Dog may be appealed to the Board of Aldermen within Twenty Days of said decision on forms provided by the city.

D. **Penalty** Each day that the owner fails to comply with the terms of this Ordinance and the Final Determination of the Hearing Officer is a separate offense.

PASSED THIS 8th DAY OF NOVEMBER 2023.



STEVE CLARK, MAYOR

ATTEST:



CITY CLERK

APPROVED THIS 8TH DAY OF NOVEMBER 2023.



STEVE CLARK, MAYOR