

BILL NO. 2009-88

SPONSORED BY COUNCILWOMAN Carroll

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 (ANIMALS) OF THE CODE OF THE CITY OF JEFFERSON, MISSOURI, BY ADDING DEFINITION FOR "PROVOCATION" OF ANIMALS, AND CLARIFYING THE APPEALS PROCESS.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF JEFFERSON, MISSOURI, AS FOLLOWS:

Section 1. Chapter 5 (Animals) Section 4 (Definitions) is amended by the addition of a new section as follows:

Provocation: Means that an animal bites a person over five years of age, immediately after the person who is bitten causes, or attempts to cause, the animal to experience physical pain. Provocation shall not exist if the person causing, or attempting to cause the animal physical pain is doing so as a result of a reasonable belief that the animal intends to cause the person imminent injury.

Section 2. Chapter 5 (Animals), Section 19 (Vicious Animals) Subsection B(5), of the Code of the City of Jefferson, Missouri, is hereby amended, as follows:

5. All owners keepers or harborers of any vicious animal must maintain in effect public liability insurance in a single incident amount of not less than one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons, or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. All owners, keepers or harborers of vicious animals shall present to the animal control officer **upon request of the animal control officer** a statement certifying that they have the required insurance policy or in effect. Certification of the insurance required by the ordinance shall be submitted within 10 days following the animal control officer's request. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the animal control officer Director. ~~Failure to provide the insurance policy as prescribed herein shall authorize the animal control officer to confiscate said animal to be confined in the city animal shelter until such insurance is produced or upon the expiration of 20 days at which time the animal control officer may put the animal to death provided that the dog shall not be put to death until at least 10 days after Notice of the action is served on the owner.~~
 - i. ~~The owner may request a hearing before the Director to review such a decision, provided that such request must be made within 10 days. If such a request is made, the Director shall promptly set a hearing on the matter. The hearing shall be conducted by the Director and shall be determine whether under the terms of this Chapter the animal in question is vicious.~~
 - ii. ~~In determining whether the owner has the required insurance, the Director may consider all relevant evidence.~~
 - iii. ~~Any person aggrieved by a decision of the Director may appeal his decision to the Circuit Court of Cole County.~~

Section 3. Chapter 5 (Animals), Section 19 (Vicious Animals) Subsection C, of the Code of the City of Jefferson, Missouri, is hereby amended, as follows:

- C. Any vicious animal which is found within the City limits which is not being kept in a manner which is not in compliance with this chapter, or for which the requirements to keep a vicious animal have not been conformed to, shall be immediately taken up and held by the Director **for at least 10 days or** until such time as the Director is satisfied that the owner or possessor has met the requirements of this chapter. **Failure to comply with this chapter shall authorize the Director to destroy the animal.**
1. Any person having or claiming ownership or possession of a vicious animal, which the Director has ordered to be taken up and held under the provisions of this sub-section, shall upon request immediately deliver the animal to the Director. Failure to deliver the animal as required herein shall be a violation of this code, punishable by a fine of not less than Fifty and no/100 Dollars (\$50.00), nor more than Five Hundred and no/100 Dollars (\$500.00).
 2. The costs of caring for any animal taken up pursuant to this sub-section shall be borne by the owner, at the usual rates charged by the City, unless there is a subsequent finding that the animal was unlawfully seized.
 3. **The owner may request a hearing before the Director to review the decision that the owner has not complied with the requirements to keep a vicious animal, provided that such request must be received by the Director within 10 days of the date that the animal is taken up by the Director. If such a request is made, the Director shall promptly set a hearing on the matter. The hearing shall be conducted by the Director and shall be to determine whether under the terms of this Chapter the owner is in compliance with all requirements under this chapter for keeping a vicious animal.**
 4. **In determining whether the animal is being kept in compliance with this chapter, the Director may consider all relevant evidence.**
 5. **Any person aggrieved by a decision of the Director may appeal his decision to the Circuit Court of Cole County.**

Section 3. This ordinance will be in full force and effect from and after the date of this passage and approval

Passed: _____

Approved: _____

Presiding Officer

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Counselor