

**AN ORDINANCE BANNING THE OWNERSHIP, KEEPING AND HARBORING OF CERTAIN DANGEROUS DOGS, SPECIFICALLY THOSE DOGS KNOWN AS PIT BULL DOGS, WITHIN THE CITY OF CALIFORNIA, MISSOURI.**

**Now, therefore, be it ordained by the Board of Aldermen of the City of California, Missouri, as follows:**

**Section 1. Keeping of Pit Bull Dogs Prohibited**

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of California, Missouri:

Any pit bull dog; provided, that pit bull dogs licensed with the city on the date of passage of this Ordinance may be kept within the City subject to the standards and requirements set forth in Section 3 of this Ordinance.

**Section 2. Pit Bull Dog Defined**

Pit bull dog is defined to mean:

1. The Staffordshire bull terrier breed of dog;
2. The American pit bull terrier breed of dog;
3. The American Staffordshire terrier breed of dog;
4. Any dog that has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; or a combination of any of these breeds.

References within this Ordinance to “registered pit bull dogs” shall be construed to mean those pit bull dogs which are licensed with the City of California as of the effective date of this ordinance. The phrase “registered” or the phrase “licensed” shall be construed to mean full and complete compliance with the terms of Ordinance 205.010 (B) of the City.

**Section 3. Previously registered and licensed pit bulls**

The provisions of Section 1 of this Ordinance are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of California, Missouri, as of the effective date of this ordinance. The keeping of such dogs, however, shall be subject to the following standards:

- A. No person shall permit a registered pit bull to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull 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, concrete blocks, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

B. All registered pit bull 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 registered pit bull dogs must be locked with a key or a combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

C. No pit bull may be kept on a porch, patio or in 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 obstacle preventing the dog from exiting the structure.

D. All owners, keepers or harborers of registered pit bull dogs with the City shall, within ten days of the effective date of this article, 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 animal.

E. All owners, keepers or harborers of registered pit bull dogs must within ten days of this article provide proof to the city clerk of public liability insurance in a single incident amount of \$100,000.00 for bodily injury or death of any person or persons or for damage of property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days written notice is first given to the city clerk. Said insurance coverage must be maintained by the owner, harborer and keeper of the dog at all times that the dog is owned, harbored or kept within the City of California.

F. All owners, keepers or harborers or registered pit bull dogs must within ten days of the effective date of this ordinance provide to the city clerk, two color photographs of the registered animal clearly showing the color and approximate size of the animal.

G. All owners, keepers or harborers of registered pit bull dogs must within ten days of any of the following incidents, report the following information in writing to the city clerk as required hereinafter:

- i. The removal from the City or the death of a registered pit bull dog;
- ii. The birth of offspring of a registered pit bull dog.
- iii. The new address of a registered pit bull dog owner, should the owner

move within the corporate city limits.

H. No person shall sell, barter or in any other way dispose of a pit bull dog registered with the city to any other person within the city unless the recipient person resides permanently in the same household and on the same premises as the licensed owner of such dog; provided that the license owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside with in the City.

I. All offspring born of pit bull dogs registered with the City must be removed from the City within eight weeks of the birth of the offspring.

#### **4. Irrefutable Presumption**

There shall be an Irrefutable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by this ordinance is in fact a dog subject to the requirements of this ordinance.

#### **5. Failure to Comply**

It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City to fail to comply with the requirements and conditions as set forth in this Ordinance. Any dog found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

#### **6. Violations and Penalties**

Any person violating or permitting the violation of any provision of this Ordinance shall upon conviction be fined a sum not less than \$250.00 and not more than \$500.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed ninety (90) days. In addition, the Court shall order the registration of the subject pit bull dog revoked and the dog removed from the City. Should the Defendant refuse to remove the dog from the City, the Municipal Court Judge shall find the Defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this article continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article.


#### **7. Severability**

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.

**8. Effective Date**

This ordinance shall be in full force and effect from and after the date of its passage and approval.

READ TWO TIMES, PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF APRIL, 2004.

  
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*Mayor Norris Gerhart*

**ATTEST:**

  
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City Clerk

