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Govt. Grnt. \_\_\_\_\_  
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Sponsored by: Griggs, Collette,  
Deaver, Wylie

First Reading: April 3, 2006

Second Reading: April 17, 2006

AMENDED AMENDED  
COUNCIL BILL NO. 2006 - 113

GENERAL ORDINANCE NO. 5536

### AN ORDINANCE

AMENDING Chapter 18 of the Springfield City Code by inserting new Sections 18-95 through 18-98, to define Prohibition of Pit Bull Dogs.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows:

Section 1 - That Sections 18-95 through 18-98 of the Springfield City Code be and the same are hereby amended to read as follows:

**Section 18-95. Prohibition of Pit Bull Dogs.**

It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the city any pit bull.

**Section 18-96 Definitions.**

- (1) An "owner," for purposes of this chapter, is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.
- (2) A "pit bull," for purposes of this chapter, is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing

characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the City Clerk of the City of Springfield.

(3) A "secure temporary enclosure," for purposes of this chapter, is a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own.

### **Section 18-97 Exceptions.**

The prohibition in section 18-95 shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under section 18-95.

(1) The city's municipal animal shelter may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.

(2) Any humane society operating an animal shelter which is registered and licensed by the city may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long as it takes to contact the city's municipal animal shelter and either turn the pit bull over to the municipal animal shelter employees or receive permission to destroy or have destroyed the pit bull pursuant to the provisions of section 18-95.

(3) A person may temporarily transport into and hold in the city a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the City Manager or his authorized representative, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the city to and from the place of exhibition, contest, or show, keep the pit bull confined in a "secure temporary enclosure" as defined in section 18-96 (3).

(4) Except as provided in subsection (3), above, the owner of a pit bull may temporarily transport through the city a pit bull, or, such owner may transport the animal to a vet or groomer for care or participate in a skills or exhibition show as provided in section 18-98 (4). At all times when the pit bull is being transported within the city, it must be kept confined in a "secure temporary enclosure" as defined in section 18-96 (3).

## **Section 18-98**

The current owner of any pit bull or any person who acquires valid ownership of a pit bull shall be allowed to keep such pit bull within the city only if the owner registers the pit bull with the City of Springfield and receives a valid registration. Further, any person owning a pit bull who relocates his or her residence to the City of Springfield shall, within 30 days of relocating their residence to Springfield, register their pit bull and comply with all provisions of this chapter regarding ownership of such animal. As a condition of registration of a pit bull, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with *all* of the following regulations:

- (1) The owner of the pit bull shall provide proof of rabies vaccination and shall pay the annual pit bull registration fee of fifty dollars (\$50.00).
- (2) The owner of the pit bull shall keep current the registration for such pit bull through annual renewal. Such registration is not transferable and shall be renewable only by the holder of the registration or by a member of the holder's immediate family. A pit bull registration tag will be issued to the owner at the time of issuance of the registration. Such registration tag shall be attached to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the registration was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a two-dollar fee.
- (3) The owner shall, at the owner's own expense, have the pit bull spayed or neutered and shall present to the City Manager or his authorized representative documentary proof from a licensed veterinarian that this sterilization has been performed. This subsection shall not apply to any pit bull which is registered as an active participant in a dog exhibition or skills association or organization for which the owner must present a certificate of registration from the American Kennel Club and/or the United Kennel Club and a signed and notarized affidavit that the animal has or will be used a show dog or is a registered service animal. The exception contained in this subsection does not apply to any pit bull which has not actively participated in any such shows in the previous 12 months.
- (4) The owner shall bring the pit bull along with the documentary proof that all of the above conditions have been met to the Springfield Animal Shelter. The Springfield Animal Shelter shall issue a registration and registration tag if all conditions have been met and upon receipt of the registration fee. The owner shall allow a person authorized by the City Manager to implant a microchip or at the owner's option have the microchip implanted by a veterinarian. The Springfield Animal Shelter shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall notify the Springfield Animal Shelter of any change of address.
- (5) At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined", as that term is defined in section 18-7 F(2). At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull securely leashed and either muzzled or wearing head gear that provides equal protection as if muzzled or in a "secure temporary enclosure", as that term is defined in section 18-96(3).
- (6) An owner of a pit bull shall notify the City Manager or authorized representative within five (5) days in the event that the pit bull is lost, stolen, dies,

or has a litter. In the event of a litter, the owner must deliver the puppies to the Springfield Animal Shelter for destruction or permanently remove the puppies from Springfield and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep in Springfield a pit bull puppy born after the date of publication of this ordinance, that is more than eight (8) weeks old. Any pit bull puppies kept contrary to the provisions of this subdivision are subject to immediate impoundment and disposal pursuant to this section.

(7) The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two (2) inches in height.

(e) Notwithstanding the provisions of this chapter, the City Manager or his authorized representative is authorized to immediately impound any pit bull found in the City of Springfield which does not fall within the exceptions listed in section 18-97, above, and the municipal animal shelter may house or dispose of such pit bull in such manner as the City Manager or his authorized representative may deem appropriate, except as the procedures in subsection (f), below, otherwise require.

(f) When the City Manager or his authorized representative has impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the City Manager or his authorized representative for an administrative hearing concerning such classification no later than seven (7) days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The City Manager or his authorized representative will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. Where no written request from the owner for a hearing is received by the City Manager or his authorized representative within seven (7) days of impoundment, the pit bull shall be destroyed.

The administrative hearing, if any, will be held before the Springfield Municipal Court. Any facts which the petitioners wish to be considered shall be submitted at the hearing. Municipal Court shall make a final determination whether the dog is a pit bull as defined in section 18-96(2) of this section. Such final determination shall be considered a final order of the City Manager or his authorized representative subject to review under Chapter 536 of the Missouri Revised Statutes.

If the dog is found to be a pit bull, it shall be destroyed, unless the owner produces evidence deemed sufficient by the City Manager or his authorized representative that the pit bull is to be permanently taken out of Springfield and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner. The procedures in this subsection (f) shall not apply and the owner is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite and has been deemed a "dangerous dog" under section 18-7.

Section 2 - This ordinance shall be in full force and effect from and after passage.

Passed at meeting: April 17, 2006

Thomas Carlson  
Mayor

Attest: David M. Gots, City Clerk

Filed as Ordinance: April 17, 2006

Approved as to form: [Signature], City Attorney

Approved for Council action: [Signature], City Manager

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Aff. Agency Noticed \_\_\_\_\_  
Emergency Required \_\_\_\_\_  
P. Hrngs. Required \_\_\_\_\_  
Fiscal Note Required \_\_\_\_\_  
Board Rec. Required \_\_\_\_\_

EXPLANATION TO COUNCIL BILL NO. 2006-

ORIGINATING DEPARTMENT: Public Health and Welfare

**PURPOSE:** Amending Chapter 18 of the Springfield City Code by inserting new Sections 18-95 through 18-98, to define Prohibition of Pit Bull Dogs.

**BACKGROUND:** The public safety and welfare of the citizens of Springfield is threatened by the increase in the number of attacks from vicious dogs, the majority of which are from Pit Bull Dogs. Since the amendment of Chapter 18 in May 2004, twenty-five (25) cases dealing with vicious dog attacks have been filed with the Prosecutor's office. Sixteen of those cases have dealt with Pit Bull Dogs or Pit Bull Mixes.

This ordinance provides for the registration of Pit Bull Dogs or any dog displaying the majority of the physical traits of a Pit Bull within the city limits of Springfield, Missouri, and is patterned after a similar ordinance passed by the City of Denver and upheld in the courts. The ordinance specifically prohibits the possession of a pit bull within the City of Springfield without meeting certain requirements and obtaining a valid annual registration. Such registration shall require the pit bull to be spayed or neutered, vaccinated, and micro chipped. Exceptions for spaying and neutering may be granted if the pit bull meets certain criteria as a show dog.

The documents plus a registration fee will be received by the Springfield Animal Control Shelter staff at which time the dog will be micro chipped and registered. This process must be repeated annually if the dog is to remain within the City of Springfield.

The ordinance provides for an administrative hearing if an owner wishes to dispute the classification of the dog as a pit bull. In addition, a provision is made to dispose of any pit bull which has been impounded as the immediate result of an attack or bite and has been deemed a "dangerous dog" under Section 18-7.

**REMARKS:** The proposed ordinance has been reviewed by the Plans and Policies Committee who voted unanimously for it to be presented to City Council for public input and their consideration. The Committee's recommendation is the beginning of a process that as resources become available in the future may address other

preventative measures for handling potentially dangerous animals. Staff will provide a report back to the committee as progress is made in the implementation of the ordinance and in two years a full staff report will be brought back to the committee for their review.

Submitted by:

  
\_\_\_\_\_  
Director of Health

Approved by:

  
\_\_\_\_\_  
Deputy City Manager