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AMENDED

COUNCIL BILL NO. 2015-241

GENERAL ORDINANCE NO. 6229

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 18, Animals, Article I, In General.
2 Section 18-2, Minimum fine for certain violations; termination of property
3 rights in animal; and Section 18-7, Dogs causing a nuisance; vicious dogs;
4 and adding Chapter 18, Animals, Article II, Dogs, Cats and Ferrets;
5 Section 18-60, Restricted Dogs; Section 18-61, Nuisance Dogs; and
6 Section 18-62, Dunbar scale, to better address public health concerns
7 associated with dogs at large, aggressive dogs, biting dogs, and reckless
8 owners, and to add administrative remedies against them. (Approved by
9 the Plans and Policies Committee.)

10

11

12 WHEREAS, the Animal Issues Task Force (AITF) was appointed by City Council
13 to examine current Springfield-Greene County Health Department (SGCHD) animal
14 shelter facilities, policies, and procedures and recommend any changes that would
15 improve the level and quality of services from the standpoint of public safety and animal
16 welfare; and

17

18 WHEREAS, the AITF recommended a package of ordinance changes, including
19 major changes to Chapter 18, to change how SGCHD deals with nuisance dogs,
20 aggressive or biting dogs, and irresponsible dog owners; and

21

22 WHEREAS, the City Council Plans and Policies Committee met on March 20,
23 2015, and July 29, 2015, to review these changes and recommended that they be
24 referred to City Council; and

25

26 WHEREAS, the City Council finds that additional enforcement options are
27 needed to address the range of animal behavior issues that Animal Control Officers are
28 faced with as they seek to protect public health and safety, as well as educate the public
29 about responsible pet ownership.

30

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

33

34 Note: Underlined language is to be added. Language to be removed is stricken.

35
36 Section 1 – The Springfield City Code, Chapter 18, Animals, Article I, In General,
37 Section 18-2, Minimum fine for certain violations; termination of property rights in
38 animal, is hereby amended as follows:

39
40 Sec. 18-2. - Minimum fine for certain violations; reckless owners ~~termination of~~
41 ~~property rights in animal.~~

42
43 (a) Any person who has violated provisions of this chapter more than three times
44 in an 18-month period shall be fined a minimum of \$200.00 for the fourth offense
45 and \$400.00 for the fifth offense and each offense thereafter occurring during an
46 18-month period. Any person who has been found guilty of more than three
47 offenses during an 18-month period shall be required as a condition of releasing
48 any animal impounded by the city to post a bond with the court equal to the
49 minimum penalty for the offense as established by this section, which bond shall
50 be subject to forfeiture to the city if the person is found guilty of a violation of this
51 chapter. In addition to the fine, such person shall pay for all costs of keeping the
52 animal. All such animals shall be disposed of by the city in accordance with the
53 procedures set forth in section 18-55 if the person charged fails to pay the
54 minimum fine assessed by the court plus the costs of keeping the animal as set
55 forth in this chapter.

56
57 ~~It is hereby found and declared that any animal involved in a violation of~~
58 ~~provisions of this chapter which is owned, kept or in the custody or control of a~~
59 ~~person who has been found guilty of three or more offenses is a public nuisance~~
60 ~~and that the judgment of the court shall include a finding terminating all property~~
61 ~~rights in the animal if the judgment is not paid. In addition to the minimum fine set~~
62 ~~forth in this section, the court may, in its discretion, terminate the property rights~~
63 ~~in an animal involved in a violation of this chapter if the person who owns, keeps~~
64 ~~or has custody or control of the animal has been found guilty of more than three~~
65 ~~violations of this chapter in an 18-month period, and upon such a finding the city~~
66 ~~shall dispose of the animal in accordance with the procedures set forth in section~~
67 ~~18-55. The court shall have the power to issue search warrants for the purpose~~
68 ~~of seizing any animal that has been declared a public nuisance pursuant to this~~
69 ~~section. Whenever a person has been found guilty of three or more offenses and~~
70 ~~is charged with an additional offense in an 18-month period involving a violation~~
71 ~~of provisions of this chapter, the court shall expedite the case and hear the case~~
72 ~~before all other cases involving a violation of the municipal ordinances of the city.~~

73
74 (b) It is hereby found and declared that certain persons have committed either
75 such severe or repeated violations of this chapter that they are reckless owners,
76 and a judgment of the hearing examiner shall include revocation of the person's
77 right to own, harbor or possess animals (with the type or types of animal to be
78 determined by the hearing examiner) for a specified amount of time.
79

80 (1) Definition. A person may be found to be a reckless owner if:

81
82 (a) the person has been convicted of one or more violations of this
83 chapter on three separate occasions within a 24-month period; or

84
85 (b) sufficient proof is presented that the person is guilty of animal cruelty
86 under section 18-9; or

87
88 (c) the person owns, harbors or possesses a dog that has been
89 determined to be vicious, restricted, or a nuisance and has not complied
90 with the subsequent requirements of this chapter.

91
92 (2) It is unlawful for any person to violate any restriction imposed by this
93 section after a person has been declared a reckless owner by order of the
94 municipal court or by order of the hearing examiner.

95
96 (3) Upon the filing of the affidavit of the director of public health and welfare, or
97 of his designee, with the municipal prosecutor alleging a person is a reckless
98 owner, and upon the motion of the prosecutor, the judge of the municipal court
99 may order any of the following: that all domestic animals owned, possessed, or
100 controlled by the person be seized and impounded during the pendency of
101 charges and appeal and not be released while the charges or appeal are
102 pending without order of the municipal judge, upon the recommendation from
103 the hearing examiner.

104
105 (4) Administrative process.

106
107 (a) The city may at any time initiate an administrative hearing in writing to
108 determine if a person is a reckless owner pursuant to this chapter. If an
109 animal is being held pursuant to a municipal court order because its owner
110 is an alleged reckless owner, the owner of the animal may request an
111 administrative hearing in writing. The hearing shall be held in accordance
112 with the procedure set forth in Article X of the Land Development Code
113 and shall be held within 25 days of the request unless continued based
114 upon a showing of good cause. The hearing examiner, as appointed by
115 the city manager, shall take evidence and determine if the facts support a
116 finding that the person is a reckless owner. If the hearing examiner finds
117 the person to be a reckless owner, an order shall be entered consistent
118 with the remedies set forth in this section. No penalty provided for in
119 section 1-7 shall be imposed by the hearing examiner. The hearing
120 examiner shall not be a judge of the municipal court.

121
122 (b) Upon entry of such declaration and order, unless a review of such order
123 is filed in accordance with this section, such reckless owner shall be required
124 to surrender any or all of his or her animals to the animal control authority
125 within 24 hours, as ordered by the hearing examiner. Failure to surrender

126 such animals is a criminal violation of this act that shall result in prosecution
127 as well as immediate impoundment by the animal control authority upon
128 issuance of a warrant of the municipal court for the authority to seize the
129 animals. Such surrendered or impounded animals shall immediately
130 become the property of the animal control authority and be disposed of
131 pursuant to section 18-55 after the expiration of the appeal period.

132
133 (5) Administrative review.

134
135 Any party aggrieved by an administrative decision pursuant to subsection (d)
136 may appeal by filing a request for review with the Greene County Circuit Court
137 no later than the 30th day after the issuance of the administrative decision.

138
139 (6) It shall be unlawful for a reckless owner to fail to surrender any or all animals,
140 as ordered by the hearing examiner, within 24 hours or to subsequently own,
141 possess, or have control over any animal for a period of 24 months from the date
142 of entry of the declaration and order.

143
144 (7) Criminal process. Any person found guilty of a violation prescribed in
145 subsection (f) by a judge of the municipal court shall, upon conviction thereof,
146 be punished as provided by section 1-7, and each and every instance of
147 violation shall be a separate offense. A judge of the municipal court shall not
148 impose any penalty listed in subsection (d).

149
150 Section 2 – The Springfield City Code, Chapter 18, Animals, Article I, In General,
151 Section 18-7, Dogs causing a nuisance; vicious dogs, is hereby retitled, moved to
152 Chapter 18, Animals, Article II, Dogs, Cats and Ferrets, Section 18-59, Vicious dogs,
153 and amended as follows:

154
155 Sec. 18-59. - ~~Dogs causing a nuisance;~~ Vicious dogs.

156
157 (a) It is unlawful for any person to own, harbor or possess a vicious dog,
158 except as allowed by the provisions of this section.

159
160 The municipal court judge or hearing examiner may declare a dog vicious:

161
162 (1) When evidence shows an attack or bite to a human is unprovoked and
163 is a Level 4 or higher on the Dunbar scale, set forth in section ~~18-63~~
164 18-62; or

165
166 (2) When evidence shows an attack upon another domestic animal is
167 unprovoked and is a Level 4 or higher on the Dunbar scale, and a pattern
168 of vicious behavior such as habitually snapping, charging, growling, or
169 otherwise manifests a disposition to bite, attack or injure any person or
170 domestic animal or pet if afforded the opportunity, or if in the judgment of
171 the court or administrative tribunal it causes any person to have a

172 reasonable fear of immediate serious physical injury; or

173
174 (3) When evidence shows an attack or bite to a human is unprovoked and
175 is less than a Level 4 on the Dunbar scale and pattern of vicious behavior
176 such as habitually snapping, charging, growling, or otherwise manifests a
177 disposition to bite, attack or injure any person, domestic animal or pet if
178 afforded the opportunity, or if in the judgment of the court or administrative
179 tribunal it causes any person to have a reasonable fear of immediate
180 serious physical injury.

181 ~~(3) In the absence of a bite, when sufficient evidence is presented to show~~
182 ~~the dog or dogs display characteristics such as habitually snapping,~~
183 ~~charging, growling, or otherwise manifests a disposition to bite, attack or~~
184 ~~injure any person or domestic animal or pet if afforded the opportunity, or~~
185 ~~if in the judgment of the court it causes any person to have a reasonable~~
186 ~~fear of immediate serious physical injury.~~

187
188 (b) It is unlawful for any person to violate any restriction imposed by this
189 section after a dog has been declared a vicious dog by order of the municipal
190 court or by order of the hearing examiner.

191
192 (c) Upon the filing of the affidavit of the director of public health and welfare, or
193 of his designee, with the municipal prosecutor alleging the dog is a vicious dog,
194 and upon the motion of the prosecutor, the judge of the municipal court may
195 order any of the following: that the dog be seized and impounded, that the dog
196 be impounded past the ten-day rabies observation period, or that the dog be
197 impounded during the pendency of charges and appeal and not be released
198 while the charges or appeal are pending without order of the municipal judge,
199 upon the recommendation from the hearing examiner.

200
201 (d) Administrative process.

202
203 (1) The city may at any time initiate an administrative hearing in writing to
204 determine if a dog is vicious pursuant to this chapter. If a dog is being
205 held pursuant to a municipal court order as an alleged vicious dog, the
206 owner of the dog may request an administrative hearing in writing. The
207 hearing shall be held in accordance with the procedure set forth in Article
208 X of the Land Development Code and shall be held within 25 days of the
209 request unless continued based upon a showing of good cause. The
210 hearing examiner, as appointed by the city manager, shall take evidence
211 and determine if the facts support a finding that the dog is vicious. If the
212 hearing examiner finds the dog to be vicious, an order shall be entered
213 consistent with the remedies set forth in this section. No penalty provided
214 for in section 1-7 shall be imposed by the hearing examiner. The hearing
215 examiner shall not be a judge of the municipal court.

216
217 (2) Any dog declared vicious by the hearing examiner may be ordered

218 humanely euthanized upon the expiration of the appeal period.

219
220 (3) Any dog declared vicious by the hearing examiner and not ordered
221 euthanized and as a condition of residing within the corporate limits of the
222 city shall be required to meet the following mandated restrictions:

223
224 a. The dog or dogs must receive an identification microchip implant
225 within one week of the order of the municipal court or
226 administrative tribunal. The microchip used must be approved by
227 the city department of public health and welfare ~~and implanted by~~
228 ~~a licensed veterinarian~~. It shall be a violation of this Code for a
229 microchip to be removed unless it is for a medical reason and then
230 only by a licensed practicing veterinarian. The health authority
231 must be notified immediately of said removal.

232
233 b. The dog or dogs shall be securely confined indoors or in a
234 securely enclosed and locked kennel or cage. The kennel or cage
235 shall be the size appropriate to the size of the dog or dogs kept
236 therein and shall provide adequate ventilation, shade from the
237 sun, and protection from the elements. In the event of a dispute
238 over the appropriate size, the guidelines of the state department of
239 agriculture regulations for animal care facilities shall apply. The
240 kennel or cage must be constructed with nine-gauge steel chain
241 link. Such kennel or cage must have secure sides, a secure top,
242 and secure bottom or floor attached to the sides, or the sides must
243 be embedded in the ground. In addition, the kennel or cage must
244 have a double-blind entrance and must be locked with a key or
245 combination lock when such dog or dogs are within the structure.
246 Any such kennel or cage must be located at least 25 feet from the
247 nearest point to the dwelling of another, a church, a school or a
248 place of business of another and must comply with all zoning and
249 building regulations of the city.

250
251 c. The dog or dogs shall not be allowed by remedy to be removed
252 from the city to a location outside of the city limits.

253
254 (4) Any dog declared vicious by the hearing examiner and not ordered
255 euthanized, and as a condition of residing within the corporate limits of the
256 city, may be required to meet any or all of the following restrictions:

257
258 a. The dog or dogs shall be spayed or neutered within one week of
259 the ruling unless a duly licensed veterinarian practicing in the city
260 or Greene County documents to the director of public health and
261 welfare that medical conditions of the dog contradict sterilization.
262 Such sterilization shall require surgical removal of the gonads.
263 Verification that sterilization has taken place shall be presented to

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the director of public health and welfare by the licensed practicing veterinarian performing the procedure.

- b. The dog or dogs shall be registered with the health department each year with the annual fee to be set at \$50.00.

- c. All owners, keepers or harborers of any vicious dog must maintain in effect public liability insurance in a single incident amount of \$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 dog. A \$100,000.00 surety bond or letter of credit may be substituted for the insurance policy. All owners, keepers or harborers of vicious dogs shall present to the animal control officer a statement from all parties involved certifying that they have the required insurance policy, surety bond, or letter of credit.

- d. When confined indoors, no vicious dog or dogs may be kept on a porch, patio or in any part of a house, building or structure that would allow the dog or dogs to exit such building on its own volition. No such dog or dogs may be kept in a house, building or structure when the windows are open. No vicious dog may be kept in a house, building or structure when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

- e. No person shall permit a vicious dog or dogs to go outside its kennel, cage, or secure structure unless that person is age 18 or older, that person has the dog or dogs securely leashed to a buckle collar and on a leash no longer than six feet in length, and that person has physical control of the dog. Such dogs shall not be leashed to inanimate objects such as trees, posts and buildings. Additionally, all such dogs on a leash outside the dog's kennel, cage, or secure structure must be muzzled by a humane muzzling device sufficient to prevent the dog from biting persons or other animals.

- f. The premises on which the dog or dogs are kept shall be clearly posted with signage warning the public of the following:

WARNING A VICIOUS DOG IS PRESENT ON THIS PROPERTY IS NOT ALLOWED OUT OF HOUSE OR PEN WITHOUT LEASH AND MUZZLE. REPORT VIOLATIONS. THAT HAS BEEN DECLARED VICIOUS BY THE SPRINGFIELD MUNICIPAL COURT.

310 The sign shall be visible and capable of being read from the street,
311 road or highway that abuts the premises. In addition, the sign must
312 include a picture or symbol that conveys the idea of a vicious dog to
313 small children that cannot read.

314
315 g. Any dog or dogs declared vicious by the hearing examiner cannot
316 be sold, given away, or ownership otherwise transferred without
317 the expressed permission of the director of public health and
318 welfare.

319
320 ~~h. To assure compliance with the hearing examiner ordered~~
321 ~~restrictions, the health authority is hereby authorized to conduct~~
322 ~~unannounced inspections of such frequency so as to determine if~~
323 ~~said restrictions are being met.~~

324
325 i. Refusal or failure to comply with any of the mandated or hearing
326 examiner-ordered restrictions or authorized inspection shall
327 constitute a violation of this Code and, in addition, shall be
328 considered as justifiable grounds for the hearing examiner to order
329 further restrictions or euthanization of the dog or dogs.

330
331 (5) Any party aggrieved by an administrative decision pursuant to
332 subsection (d) may appeal by filing a request for review with the Greene
333 County Circuit Court no later than the 30th day after the issuance of the
334 administrative decision.

335
336 (e) Criminal process. Any person found guilty of a violation prescribed in
337 subsection (a) or (b) by a judge of the municipal court shall, upon conviction
338 thereof, be punished as provided by section 1-7 and each and every instance
339 of violation shall be a separate offense. A judge of the municipal court shall not
340 impose any penalty listed in subsection (d).

341
342 (f) Any dog or dogs maintained and utilized by any governmental law
343 enforcement agency shall not be considered a vicious dog so long as it is
344 maintained and utilized for law enforcement purposes.

345
346 Section 3 –The Springfield City Code, Chapter 18, Animals, Article II, Dogs, Cats
347 and Ferrets, is hereby amended by adding Section 18-60, Restricted Dogs; Section 18-
348 61, Nuisance Dogs; and Section 18-62, Dunbar scale, as follows:

349
350 Sec. 18-60. - Restricted Dogs.

351
352 (a) It is unlawful for any person to own, harbor or possess a restricted dog,
353 except as allowed by the provisions of this section.

354
355 The director of health, hearing examiner, or municipal judge may declare a

356 dog restricted:

357
358 (1) When evidence shows an attack or bite to a human is unprovoked and is
359 determined to be a Level 3 or lower on the Dunbar scale, set forth in section
360 18-63 18-62; or

361
362 (2) When evidence shows an attack upon another domestic animal is
363 unprovoked and is determined to be a Level 3 or lower on the Dunbar
364 scale, and a pattern of vicious behavior such as habitually snapping,
365 charging, growling, or otherwise manifests a disposition to bite, attack or
366 injure any person or domestic animal or pet if afforded the opportunity, or
367 if in the judgment of the court or administrative tribunal it causes any
368 person to have a reasonable fear of immediate serious physical injury; or

369
370 (3) In the absence of a bite, when sufficient evidence, including testimony
371 of an animal control officer, is presented to show the dog or dogs display
372 characteristics such as habitually snapping, charging, growling, or
373 otherwise manifests a disposition to bite, attack or injure any person or
374 domestic animal or pet if afforded the opportunity, or if in the judgment of
375 the court or administrative tribunal it causes any person to have a
376 reasonable fear of immediate serious physical injury.

377
378 (b) It is unlawful for any person to violate any restriction imposed by this
379 section after a dog has been declared a restricted dog by the director of health
380 or by order of the municipal court or by order of the hearing examiner.

381
382 (c) Any dog declared restricted by the director of health shall be required to
383 meet the following mandated restrictions for 24 months as a condition of
384 residing within the corporate limits of the city:

385
386 (1) The dog or dogs must receive an identification microchip implant. The
387 microchip used must be approved by the city department of public health
388 and welfare. It shall be a violation of this Code for a microchip to be
389 removed unless it is for a medical reason and then only by a licensed
390 practicing veterinarian. The health authority must be notified immediately
391 of said removal.

392
393 (2) The dog or dogs shall be spayed or neutered within 30 days of the
394 ruling unless a duly licensed veterinarian practicing in the city or Greene
395 County documents to the director of public health and welfare that medical
396 conditions of the dog contradict sterilization. Such sterilization shall require
397 surgical removal of the gonads. Verification that sterilization has taken
398 place shall be presented to the director of public health and welfare by the
399 licensed practicing veterinarian performing the procedure.

400
401 (3) The dog shall be securely confined indoors, in a securely enclosed and

402 locked kennel or cage, or securely restrained as set forth herein.

403
404 i. The kennel or cage shall be the size appropriate to the size of
405 the dog or dogs kept therein and shall provide adequate
406 ventilation, shade from the sun, and protection from the
407 elements. In the event of a dispute over the appropriate size, the
408 guidelines of the Missouri state department of agriculture
409 regulations for animal care facilities shall apply. The kennel or
410 cage must be constructed with nine-gauge steel chain link. Such
411 kennel or cage must have secure sides, a secure top, and secure
412 bottom or floor attached to the sides, or the sides must be
413 embedded in the ground. In addition, the kennel or cage must
414 have a double-blind entrance and must be locked with a key or
415 combination lock when such dog is within the structure. Any such
416 kennel or cage must be located at least 25 feet from the nearest
417 point to the dwelling of another, a church, a school or a place of
418 business of another and must comply with all zoning and building
419 regulations of the city.

420
421 ii. When confined indoors, the dog may not be kept on a porch,
422 patio or in any part of a house, building or structure that would
423 allow the dog to exit such building on its own volition. No such
424 dog or dogs may be kept in a house, building or structure when
425 the windows are open. No restricted dog may be kept in a house,
426 building or structure when screen windows or screen doors are
427 the only obstacles preventing the dog from exiting the structure.

428
429 iii. No person shall permit a restricted dog to go outside its
430 kennel, cage, or secure structure unless that person is age 18 or
431 older, that person has the dog securely leashed to a buckle collar
432 and on a leash no longer than six feet in length, and that person
433 has physical control of the dog. Such dogs shall not be leashed
434 to inanimate objects such as trees, posts and buildings.
435 Additionally, all such dogs on a leash outside the dog's kennel,
436 cage, or secure structure must be muzzled by a humane
437 muzzling device sufficient to prevent the dog from biting persons
438 or other animals.

439
440 (4) The dog shall be registered with the health department for two years
441 with the annual fee to be set at \$50.00.

442
443 (5) The premises on which the dog or dogs are kept shall be clearly
444 posted with signage, provided by the department of health, warning the
445 public of the following:

446 WARNING RESTRICTED DOG IS PRESENT ON THIS
447

448 PROPERTY THAT IS NOT ALLOWED OUT OF HOUSE OR PEN
449 WITHOUT LEASH AND MUZZLE. REPORT VIOLATIONS.

451 The sign shall be visible and capable of being read from the street,
452 road or highway that abuts the premises. In addition, the sign must
453 include a picture or symbol that conveys the idea of a vicious dog to
454 small children that cannot read.

455
456 (6)The dog or dogs shall not be allowed by remedy to be removed from
457 the city to a location outside of the city limits.

458
459 (7) Any restricted dog cannot be sold, given away, or ownership otherwise
460 transferred without the expressed permission of the director of public
461 health and welfare.

462
463 (8) Refusal or failure to comply with any of the mandated or hearing
464 examiner-ordered restrictions or authorized inspection shall constitute a
465 violation of this Code and, in addition, shall be considered as justifiable
466 grounds for the hearing examiner to order further restrictions of the dog or
467 dogs and to declare the owner reckless according to the procedure set
468 forth in section 18-62 18-2.

469
470 (d) Upon the filing of the affidavit of the director of public health and welfare, or
471 of his designee, with the municipal prosecutor alleging the dog is a restricted
472 dog, and upon the motion of the prosecutor, the judge of the municipal court
473 may order any of the following: that the dog be seized and impounded, that the
474 dog be impounded past the ten-day rabies observation period, or that the dog
475 be impounded during the pendency of charges and appeal and not be released
476 until the condition set forth in subsection (c) are met, without order of the
477 municipal judge upon the recommendation from the hearing examiner.

478
479 (e) Administrative review.

480
481 (1)The city may at any time initiate an administrative hearing in writing to
482 determine if a dog is restricted pursuant to this chapter. If a dog has been
483 declared restricted by the director of health, the owner of the dog may
484 request an administrative hearing in writing within 10 days of the
485 declaration, to challenge the declaration. The hearing shall be held in
486 accordance with the procedure set forth in Article X of the Land
487 Development Code and shall be held within 25 days of the request unless
488 continued based upon a showing of good cause. The hearing examiner,
489 as appointed by the city manager, shall take evidence and determine if the
490 facts support a finding that the dog is restricted. If the hearing examiner
491 finds the dog to be restricted, an order shall be entered consistent with the
492 remedies set forth in this section. No penalty provided for in section 1-7
493 shall be imposed by the hearing examiner. The hearing examiner shall not

494 be a judge of the municipal court.

495
496 (2) Any dog declared restricted by the hearing examiner shall be ordered
497 to comply with any or all of the restrictions set forth in subsection (c).

498
499 (f) Appeal. Any party aggrieved by an administrative decision pursuant to
500 subsection (e) may appeal by filing a request for review with the Greene
501 County Circuit Court no later than the 30th day after the issuance of the
502 administrative decision.

503
504 (g) Criminal process. Any person found guilty of a violation prescribed in
505 subsection (a) or (b) by a judge of the municipal court shall, upon conviction
506 thereof, be punished as provided by section 1-7, and each and every instance
507 of violation shall be a separate offense. A judge of the municipal court shall not
508 impose any penalty listed in subsection (c).

509
510 (h) Any dog or dogs maintained and utilized by any governmental law
511 enforcement agency shall not be considered a restricted dog so long as it is
512 maintained and utilized for law enforcement purposes.

513
514
515 Section 18-61. - Nuisance Dogs.

516
517 (a) It is unlawful for any person to own, harbor or possess a nuisance dog,
518 except as allowed by the provisions of this section.

519
520 The director of health, hearing examiner, or municipal judge may declare a dog
521 a nuisance when a dog has been found running at large in violation of section
522 18-53 more than one time within a 12 month period.

523
524 (b) It is unlawful for any person to violate any restriction imposed by this
525 section after a dog has been declared a nuisance dog by the director of health
526 or by order of the municipal court or by order of the hearing examiner.

527
528 (c) Any dog declared a nuisance by the director of health shall be required to
529 meet the following mandated restrictions for 24 months as a condition of
530 residing within the corporate limits of the city:

531
532 (1) The dog or dogs must receive an identification microchip implant. The
533 microchip used must be approved by the city department of public health
534 and welfare. It shall be a violation of this Code for a microchip to be
535 removed unless it is for a medical reason and then only by a licensed
536 practicing veterinarian. The health authority must be notified immediately
537 of said removal.

538
539 (2) The dog or dogs shall be spayed or neutered within 30 days of the

540 ruling unless a duly licensed veterinarian practicing in the city or Greene
541 County documents to the director of public health and welfare that medical
542 conditions of the dog contradict sterilization. Such sterilization shall require
543 surgical removal of the gonads. Verification that sterilization has taken
544 place shall be presented to the director of public health and welfare by the
545 licensed practicing veterinarian performing the procedure.

546
547 (3) The dog shall be registered with the health department for 24 months
548 with the annual fee to be set at \$50.00.

549
550 (d) Refusal or failure to comply with any of the mandated or hearing examiner-
551 ordered restrictions shall constitute a violation of this Code and, in addition,
552 shall be considered as justifiable grounds for the hearing examiner to declare
553 the owner reckless according to the procedure set forth in section 18-62 18-2.

554
555 (e) Administrative review.

556
557 (1) The city may at any time initiate an administrative hearing in writing to
558 determine if a dog is a nuisance pursuant to this chapter. If a dog has
559 been declared a nuisance by the director of health, the owner of the dog
560 may request an administrative hearing in writing within 30 days of the
561 declaration, to challenge the declaration. The hearing shall be held in
562 accordance with the procedure set forth in Article X of the Land
563 Development Code and shall be held within 25 days of the request unless
564 continued based upon a showing of good cause. The hearing examiner,
565 as appointed by the city manager, shall take evidence and determine if the
566 facts support a finding that the dog is a nuisance. If the hearing examiner
567 finds the dog to be a nuisance, an order shall be entered consistent with
568 the remedies set forth in this section. No penalty provided for in section 1-
569 7 shall be imposed by the hearing examiner. The hearing examiner shall
570 not be a judge of the municipal court.

571
572 (2) Any dog declared a nuisance by the hearing examiner shall be ordered
573 to comply with any or all of the restrictions set forth in subsection (c).

574
575 (f) Appeal. Any party aggrieved by an administrative decision pursuant to
576 subsection (e) may appeal by filing a request for review with the Greene
577 County Circuit Court no later than the 30th day after the issuance of the
578 administrative decision.

579
580 (g) Criminal process. Any person found guilty of a violation prescribed in
581 subsection (a) or (b) by a judge of the municipal court shall, upon conviction
582 thereof, be punished as provided by Section 1-7 and each and every instance
583 of violation shall be a separate offense. A judge of the municipal court shall not
584 impose any penalty listed in subsection (c).

585

586 (h) Any dog or dogs maintained and utilized by any governmental law
587 enforcement agency shall not be considered a nuisance dog so long as it is
588 maintained and utilized for law enforcement purposes.

589
590
591 Sec. 18-62. – Dunbar scale.

592
593 (a) Level 1. Obnoxious or aggressive behavior but no skin-contact by teeth.

594
595 (b) Level 2. Skin-contact by teeth but no skin-puncture. However, may be skin
596 nicks (less than one-tenth of an inch deep) and slight bleeding caused by forward
597 or lateral movement of teeth against skin, but no vertical punctures.

598
599 (c) Level 3. One to four punctures from a single bite, which may have lacerations
600 in a single direction, caused by victim pulling hand away, owner pulling dog
601 away, or gravity (little dog jumps, bites and drops to floor).

602
603 (d) Level 4. One to four punctures from a single bite, with deep bruising around
604 the wound (such as when a dog held on and bore down) or lacerations in both
605 directions (such as when a dog held on and shook its head from side to side).

606
607 (e) Level 5. Multiple-bite incident with at least two Level 4 bites or multiple-attack
608 incident with at least one Level 4 bite in each.

609
610 (f) Level 6. Victim dead.

611
612
613 Section 4 – Severability Clause. If any section, subsection, sentence, clause of
614 phrase of this ordinance is for any reason held to be invalid, such decision shall not
615 affect the validity of the remaining portions of this ordinance. The Council hereby
616 declares that it would have adopted the ordinance and each section, subsection,
617 sentence, clause or phrase thereof, irrespective of the fact that any one or more
618 sections, sentences, clauses, or phrases be declared invalid.

619
620 Section 5 – Savings Clause. Nothing in this ordinance shall be construed to
621 affect any suit or proceeding now pending in any court or any rights acquired or liability
622 incurred nor any cause or cause of action occurred or existing, under any act or
623 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
624 impaired, or affected by this ordinance.

625
626 Section 6 – This ordinance shall be in full force and effect from and after
627 passage.

628
629
630 Passed at meeting: September 28, 2015

631

Robert L. Stephen

Mayor

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Attest: Antia J. Cotter, City Clerk

Filed as Ordinance: September 28, 2015

Approved as to form: Sarah Kerner, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager