

Effective 1-1-07

Ordinance No. 2006-36
Bill No. 1215

AN ORDINANCE TO AMEND CHAPTER 205, ANIMAL REGULATIONS; ADDING SUBSECTION 205.037 FOR THE REGULATION OF PIT BULL DOGS.

WHEREAS the public safety and welfare of the citizens of Warsaw appears to be threatened by the increase in the number Pit Bull Dogs in the area and judging in part from the number of attacks from vicious dogs around the country, the majority of which are from Pit Bull Dogs. And the number Pit Bulls in the area has increased and it appears will only increase in the future.

NOW THEREFORE, BE IT ORDAINED BY THE Board of Alderpersons of the City of Warsaw, Missouri, as follow:

Section 1. 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 2. Definitions.

(a). An "owner," for the purposes of this chapter, is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells any animal.

(b). A "Pit Bull", for the 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 Warsaw.

(c) 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 3. Exceptions.

The prohibition in this chapter 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 this chapter.

(a). The city may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.

(b). 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 a suitable holding facility and transport or receive permission to destroy or have destroyed the pit bull pursuant to this chapter.

(c) 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 Warsaw City Police Chief, 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 this chapter.

(d) Except as provided in this ordinance the owner of a pit bull may temporarily transport through the city a pit bull, or, such owner may transport the animal to a veterinarian or groomer for care and participate in a skills or exhibition show as provided by this chapter. 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 here in.

Section 4. Ownership, Licensing, Liability Insurance

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 or if the owner registers the pit bull with the City of Warsaw and receives a valid registration. Further, any person owning a pit bull who relocates his or her residence to the City of Warsaw shall, within 30 days of relocating their residence to Warsaw, register their pit bull and comply with all provisions of this chapter regarding ownership of such animal. As a condition of registration of such 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:

(a). The owner of the pit bull shall provide proof of rabies vaccination, shall pay an annual pit bull registration fee of fifty dollars (\$50.00) and shall provide an annual certificate of liability insurance in the amount of \$500,000 covering named animal.

(b). 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 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's tag is lost or destroyed, a duplicate tag may be issued upon the payment of a two (\$2.00) dollar fee.

(c). The owners shall, at the owner's own expense, have the pit bull spayed or neutered and shall present the Warsaw City Police Chief 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 signed and 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.

(d). The owner shall bring the pit bull along with the documentary proof that all of the above conditions have been met to the Chief of Police for Warsaw. The Chief of Police shall issue a registration and registration tag if all conditions have been met and upon receipt of the registration fee. The owners shall allow a person authorized by the Chief of police to implant a microchip or at the owner's option have the microchip implanted by a veterinarian. The Chief of Police 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 Chief of Police of any change of address.

(e). At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined", as the term is defined in this ordinance. 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 this ordinance.

(f). An owner of a pit bull shall notify the Chief of police or authorized representative within five (5) days in the event 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 Warsaw Chief of

Police or his designated agent for destruction or permanently remove the puppies from Warsaw 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 Warsaw 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.

(g) 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.

(h) Notwithstanding the provisions of this Chapter , the Chief of Police or his authorized representative is authorized to immediately impound any pit bull found in the City of Warsaw which does not fall within the exceptions listed in this ordinance and he/she 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 this ordinance or otherwise require.

(i) When the Police Chief or his/her 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 Chief of Police or his/her 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 Chief of Police or his/her authorized representative will then issue a notice of hearing date by mailing a copy of the petitioner's address no later than ten (10) days prior to the date of the hearing. Where no written request for the owner for a hearing is received by the Chief of police or his/her authorized representative with seven (7) days of impoundment the pit bull shall be destroyed.

The administrative hearing, if any, will be held before the Warsaw Municipal Court. Any facts which the petitioners wish to be considered shall be submitted at the hearing. The Municipal Court shall make the final determination whether the dog is a pit bull as defined in this ordinance. Such final determination shall be considered a final order of the Chief of Police 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 Chief of Police or his authorized representative that the pitbull is to be permanently taken out of Warsaw and the owner pays the cost of impoundment and the costs of the hearing. If the dog is found not to be a pit bull, the dog shall be released to the owner. The procedures

in this subsection 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 the Warsaw City Code.

Section 5. - This ordinance shall be in full force and effect from and after passage.

First Reading: _____ Second Reading: _____

This Ordinance approved and passed this ____ day of _____, 2006.

Mayor Ken Brown

City Clerk Betty Brumbaugh CMC/MRCC

WARSAW PIT BULL DOG LICENSE

VALID FOR ONE YEAR FROM ISSUE DATE

ISSUE DATE _____

TAG # _____

****MUST BE RENEWED ONE YEAR FROM ISSUE DATE****

FIRST NAME _____

LAST NAME _____

TELEPHONE _____ ADDRESS _____

ANIMAL NAME _____ BREED/COLOR _____

AGE/SEX _____

RABIES NUMBER _____ VETERINARIAN _____

TOTAL PAYMENT _____

NOT PERMITTED ON STREETS AND PUBLIC PROPERTY.

RUNNING AT LARGE PROHIBITED.

LICENSE FEES:

\$50.00

***MUST HAVE CERTIFICATE FROM QUALIFIED VETERINARIAN AGAINST
RABIES WITHIN LAST 6 MONTHS***