

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager *MEM*
SESSION DATE: December 6, 2010
TIME: 4:30 pm
PLACE: Second Floor Conference Room

We will meet in the second floor conference room of City Hall starting at 4:30 pm, followed by the City Council Meeting at 6:00 pm. The City Council is asked to bring both the Stormwater Substantial Plan Report and the Architectural/Historical Survey of Downtown Kirksville, Missouri Final Report with you on Monday.

AGENDA:

- STORMWATER REPORT REVIEW
- DANGEROUS ANIMAL ORDINANCE REVIEW
- HISTORIC PRESERVATION REPORT REVIEW
- REVIEW NEWSLETTER

STORMWATER REPORT REVIEW

On October 18, the City Council was presented with a Stormwater Substantial Plan Report. This report outlined the findings and conceptual study complete by Bartlett & West for the eight known problem areas of the City.

The report identifies 20 different projects within those eight problem areas. The total estimated project cost for all of the projects was in excess of 6 million dollars. The recommendation from Bartlett & West was to focus on the top ten projects which total \$3.65 million.

Since April, the City has been working to identify funding sources for stormwater improvements. The first step was the approval of the stormwater bonds voted on by the citizens in April. A second effort was the submission and receipt of a stormwater management Community Development Block grant in the amount of \$300,000. A third effort was the submission of a Transportation Enhancement grant to the Missouri Department of Transportation. This grant is still going through the review process. Though the project was developed based upon direction from our local MoDOT office, the central office of MoDOT in Jefferson City has expressed concern over whether or not the project is an enhancement and has suggested that we incorporate additional components that would help with storm water retention and also the filtration of the water incorporating additional infrastructure improvements, along with streetscape improvements. This enhancement will naturally increase the cost of the project, and reduce the percentage of benefit the City would realize through the grant, since the

maximum dollar amount for the grant is \$240,000. Adding additional components will not increase our ability to obtain more funds, but reduce the financial benefit we receive. Staff will be discussing this with Bartlett & West on Monday to determine whether we try to expand the application, or leave the application as is, and see if it might be considered anyway.

Bob Gilbert with Bartlett & West will be at the Study Session on Monday to walk the City Council through the components of the Stormwater Substantial Plan and see if there are any questions of the City Council at this time.

Recommended Action:

The City Council is asked to bring your Stormwater Substantial Plan Report with you on Monday.

DANGEROUS ANIMAL ORDINANCE REVIEW

The Council has met and discussed issues concerning dangerous animals during four (4) Study Sessions and met with citizens in a separate public meeting.

Based upon those conversations and input from the citizens an ordinance has been drafted and is ready for one final review of the City Council before it is placed on the formal agenda for adoption.

A significant change was made to the previous draft ordinance that would no longer prohibit pit bulls from being within the city limits, but would rather establish guidelines for pit bull ownership. This change can be found in the draft ordinance under “Restricted Animals.”

This ordinance was intended to be placed on the Council Agenda for Monday evening for possible consideration. However, there are a few revisions that still need to be made to properly incorporate this ordinance into the existing chapter, Chapter 5 Animal and Fowl of the Code of Ordinances.

The Council should be aware that letters were sent out to residents who attended the public meeting, the local veterinarians, Adair County Humane Society and the Field of Dreams Rescue asking that each work with the City on compliance and encourage everyone to license their pets.

Recommended Action:

Aside from fundamental opinions about whether or not to allow pit bulls, the draft ordinance that has been provided should address the direction of the City Council and will be placed on the December 20 agenda.

HISTORIC PRESERVATION REPORT REVIEW

In early November, a copy of the Architectural/Historical Survey of Downtown Kirksville, Missouri Final Report was presented to the City Council for review. The focus of this

report is on downtown Kirksville and was made possible by a grant for the Missouri Department of Economic Development and is intended to highlight the importance of historic preservation for economic development and for the potential preservation of our communities' heritage.

A public meeting was held on November 22 in the Council Chambers sponsored by Kirksville Historic Preservation Commission. This was an informational meeting for residents interested in learning more about the completed historic survey of Downtown Kirksville. The meeting was intended to give local residents and property owners an opportunity to learn more about historic preservation and its many benefits within the Kirksville community, including the opportunity to utilize the Missouri Historic Tax Credit Program. Karen Bode Baxter, the contractor who completed the report was in attendance and conducted the meeting.

Since the report was presented to the Council but not discussed, we wanted to take a little bit of time on Monday to review the document with the Council and discuss its purpose and future plans.

The Final Report was also placed on the City's website and can be found at the following link: http://www.kirksvillecity.com/filestorage/72/156/694/3718/Historical-Architectural_Survey_Final_Report.pdf

A second report is in process and will include those areas of the community outside of the downtown with potential historical value.

Recommended Action:

The City Council is asked to bring the Architectural/Historical Survey of Downtown Kirksville, Missouri Final Report in with you on Monday.

NEWSLETTERS – 12-03-2010

Attachments

Staff Report

Dangerous Animal Ordinance

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Dangerous Animal Ordinance

STUDY SESSION MEETING DATE: December 6, 2010

CITY DEPARTMENT: Codes and Planning

PREPARED BY: Brad Selby, Codes and Planning Director

City staff has been working for several months on an ordinance defining and prohibiting Dangerous Animals. At one time this included Pit Bull dogs. After a public meeting at which the city council heard the comments and concerns of citizens regarding a proposed breed ban of Pit Bull dogs, council members asked for a proposal that would not include a breed ban, but instead would include requirements for registration, insurance, and the keeping or harboring of Pit Bull dogs.

The proposed ordinance classifies many animals as Dangerous Animals, and prohibits their keeping except in certain instances such as circuses, carnivals, conservation officials, medical or educational institutions, etc., with some other exceptions.

The proposed ordinance now classifies Pit Bull dogs as Restricted Animals. It does not ban the breed, and it does not limit ownership. A resident may own up to 5 Pit Bull dogs as long as there are no other pets in the household, the same as code currently allows.

The proposed ordinance requires Pit Bull dog owners to:

1. Pay a \$50.00 annual registration fee per animal, for any dog that is over four (4) months old.
2. Pit Bulls may not be kept on a chain or rope, or leashed to inanimate objects (posts, trees, etc.).
3. Pit Bulls must be securely confined indoors or in a securely enclosed and locked pen or kennel.
4. If not kept indoors or in the animals pen, Pit Bulls must be leashed and muzzled and under someone's personal control.
5. Provide proof to the city that the owner has public liability insurance of \$100,000 for the animals - for bodily injury to, or the death of any person, or for property damage to another's property.

DATE OF PASSAGE: _____

BILL NO: _____

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI APPROVING THE ADDITION OF ARTICLE II DANGEROUS AND RESTRICTED ANIMALS TO CHAPTER 5 ANIMALS AND FOWL OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.

WHEREAS, The City of Kirksville is primarily concerned about the safety of its citizens and residents; and

WHEREAS, dangerous and restricted animals as defined in the ordinance have the ability to seriously harm citizens and residents of the City of Kirksville; and

WHEREAS, the ordinance as submitted bars dangerous animals from being kept in the city, subject to some exceptions, and restricted animals have certain requirements that must be met to be legally kept in the City limits of Kirksville; and

WHEREAS, these prohibitions on dangerous animals and the requirements for restricted animals are reasonable and necessary for the continued protection of the public at large; and

WHEREAS, a public meeting was held on October 18, 2010, to hear citizens comments and concerns, and many citizens felt that a specific breed ban was not warranted for Pit Bull dogs; and

WHEREAS, the proposed ordinance is not a specific breed ban for Pit Bull dogs,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, AS FOLLOWS:

That an addition to Chapter 5 Animals and Fowl of the Code of Ordinances of the City of Kirksville is approved and the provisions of this ordinance shall be included and incorporated into the Code of Ordinances as follows:

Article II. Dangerous and Restricted Animals

Sec. 5-19. Dangerous Animals

a) Keeping Prohibited

(1) No person shall keep, shelter, or harbor for any purpose within the city a dangerous animal except as provided in section 5-19 (c) or (g) of this article.

b) Defined. "Dangerous animal" means:

- (1) Any animal or reptile which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.
- (2) Any animal declared to be dangerous by the Kirksville City Council.
- (3) The following animals shall be deemed to be dangerous animals:
 - (a) Lions, tigers, jaguars, leopards, cougars, lynxes, cheetahs, and bobcats;
 - (b) Wolves, coyotes and foxes;
 - (c) Badgers, wolverines, weasels, and skunks;
 - (d) Raccoons;
 - (e) Bears;
 - (f) Monkeys, chimpanzees, and other primates;
 - (g) Alligators, crocodiles, or any related species;
 - (h) Venomous snakes;
 - (i) Constrictor snakes longer than eight (8) feet;
 - (j) Gila monsters;
 - (k) Piranhas and sharks in excess of six inches (6") in length;
 - (l) Any crossbreed of such animals or reptiles which have similar characteristics to the animals or reptiles specified above.

c) Exceptions.

- (1) The prohibition contained in section 5-19 (a) (1) of this Code shall not apply to the keeping of dangerous animals in the following circumstances, but all other sections shall still apply:
 - (a) The keeping of dangerous animals in a public zoo, public aquarium, and bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
 - (b) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show licensed to perform in the City.
 - (c) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
 - (d) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the state conservation commission.
 - (e) Any dangerous animals under the jurisdiction of and in the possession of the Missouri Conservation Commission.
 - (f) The transport, entry, and display of a dangerous animal at an approved animal show when properly confined in a locked cage or on a leash and muzzle and personally restrained by a handler or owner of the animal.
 - (g) Any dangerous animal whose owner meets the requirements of, and gains the approvals required, in Section 5-19 (g).

d) Regulation of keeping dangerous animals

- (1) Every person, firm or corporation keeping, sheltering, or harboring a dangerous animal as permitted under section 5-19 (c) and (g) shall at all times keep such animal from biting persons or other animals and be either:
 - (a) Confined to a securely enclosed and locked cage, pen, or kennel with sides and a secure top attached to the sides, or
 - (b) Securely leashed with a leash or lead no more than four (4) feet in length, with the owner, his agent, or a member of the owner's immediate family in

physical control of such leash or lead. Such animals may not be leashed, chained, or tied to inanimate objects such as trees, posts, buildings, etc.

- (c) Meet the special requirements stated in a written permit for the animal allowed in Section 5-19 (g).
 - (2) No person, firm or corporation owning, keeping, sheltering, or harboring a dangerous animal as permitted under section 5-19 (c) or (g) shall permit or allow such animal to enter upon, be placed in, or traverse any public property, park property, public right-of-way, public waterway, or lagoon, or public sewer system, or any business establishment licensed by the city, or the property of another except when such animal is being transported while caged or confined.
 - (3) It shall be the duty of the persons permitted to keep dangerous animals under section 5-19 (c) or (g) to immediately report to the police department when any dangerous animal is found missing.
- e) Escape; general prohibition and duty.
- (1) No person shall aid or cause any dangerous animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door or window or making any opening of any fence, enclosure of structure, or by unleashing or releasing such animal.
- f) Seizure, impoundment and disposition of dangerous animals.
- (1) In the event that a dangerous animal is found at large on public or private property, such animal may be destroyed, if in the discretion of the law enforcement officer or his designee, such animal presents an imminent danger to the safety of people or other animals. The city shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
 - (2) If a law enforcement officer or his designee determines that a person is keeping, harboring, or sheltering a dangerous animal, in violation of city ordinance, then such person shall safely remove such animal from the city, permanently place the animal with an organization or group allowed under section 5-19 (c) or (g) of this Code to possess dangerous animals, or destroy the animal at any time after an appeal time period has expired. Notice of such order shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, by being served personally or by first-class mail or by posting to the front door of the last known address. After any appeal period has expired, law enforcement personnel or their designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
 - (3) The order to remove a dangerous animal may be appealed to the Kirksville City Council; however, the animal shall be removed until such time as the order may be reversed by the City Council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three (3) business days after receipt of the order to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.
 - (4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be held during the next scheduled meeting of the city council following receipt of notice of appeal, provided it meets the cut-off time for the

addition of items to the City Council agenda. The hearing may be continued for good cause. After such hearing, the City Council shall affirm or reverse the order of law enforcement personnel or their designee.

- (5) Any determination made by the City Council may be appealed to the circuit court of Adair County within ten (10) business days by filing a request for review of such determination. Failure to file such request for review shall constitute a waiver of the right for appeal of the City Council's determination.
 - (6) If the original order of law enforcement personnel or their designee is not complied with within three (3) days of the order, a law enforcement officer or his designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded pending any appeal before the City Council and/or the circuit court. If the order is affirmed upon appeal, then at the end of the impoundment period, law enforcement personnel or his designee may allow the Humane Society to cause the animal to be placed with an organization or group allowed under section 5-19 (c) to possess dangerous animals, or destroy such animal in a humane manner. All impoundment fees and fees incurred for the care of the dangerous animal shall be at the expense of the owner of the dangerous animal.
 - (7) The owner of the dangerous animal may claim the animal upon showing proof of ownership, payment of all impound and veterinary fees, and agreement to immediately remove the animal from the city upon taking possession of the animal. In the event the owner does not claim the animal, a law enforcement officer or his designee may allow the Humane Society to cause such animal to be permanently placed with an organization or group allowed under section 5-19 (c) to possess dangerous animals, or shall destroy such animal in a humane manner.
- g) Other dangerous animals residing in the city on December 6, 2010, may be considered for an exception of the prohibition. Any application, to be considered as an exception, must be submitted to the Chief of Police or to the Codes & Planning Director within thirty (30) days of the passage of this ordinance. The application approval or denial will be determined by the animal's conformance with the following attributes and characteristics:
- (1) The avoidance of or likelihood of the animal escaping
 - (2) The size of the animal in comparison to humans/children
 - (3) The nature of the animal – the animal may not be naturally tame, but has been domesticated to the extent that it is tame or gentle
 - (4) The animal does not have the propensity to kill
 - (5) Past behavioral history of the individual animal, if any.

The Chief of Police and the Codes & Planning Director of the City of Kirksville will determine whether the application is approved or denied based on the above criteria. There is no appeal of their decision. If the application is approved, the owner may have safety confinements or rules that are in addition to that used for Pit Bull dogs. Insurance and registration or other standards may be required and would be stated in the permit that would be issued.

Section 5-20. Restricted Animals.

- a) Defined. "Restricted animal" means:

(1) Pit Bull dog over four (4) months old

The term "Pit Bull dog" is defined to mean:

1. Staffordshire Bull Terrier breed of dog;
2. American Pit Bull Terrier breed of dog;
3. American Staffordshire Terrier breed of dog;
4. Any mixed breed of dog, which contains as an element of its breeding, the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.
5. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier; and other breeds commonly known as Pit Bulls, Pit Bull dogs, or Pit Bull Terriers, or a combination of any of these breeds.

b) Pit Bull dogs residing in the city on December 6, 2010, may only be kept by their owners within the city, subject to the following standards:

- (1) Registration. Pit bull dogs residing in the city on December 6, 2010, must be registered with the city by the owners within sixty (60) days of date of such ordinance passage. This registration fee will be \$50.00 annually per animal. The payment of the annual fee to the Police Department of the City of Kirksville will purchase a permit for keeping and harboring a Pit Bull dog for one year. Permits are due and payable January 1 thru January 31 of each year. Any Pit Bull dog over four (4) months old must be registered.
- (2) Leash and muzzle. No person shall permit a Pit Bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) 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, 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.
- (3) Confinement generally. All Pit Bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in section 5-20 (b) (2) of this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine Pit Bull dogs must be locked with a key or 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 no less than two (2) 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.
- (4) Confinement indoors. No Pit Bull dog 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.

- (5) Insurance. All owners, keepers, or harborers of Pit Bull dogs must provide proof to the city of public liability insurance in a single incident amount of \$100,000 for bodily injury to or death of any person or for damage to property owned by any person, 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 (10) days' written notice is first given to the city. Any person found to be the owner, keeper, or harborer of a Pit Bull dog that does not have insurance on the same, and is found guilty in Municipal Court or any other Court of this violation, must permanently remove the animal from the city.
 - (6) Irrefutable presumptions. There shall be an irrefutable presumption that any dog registered with the city as a Pit Bull dog, or any of those breeds that are restricted under the definition of "Pit Bull dog", is in fact a dog subject to the requirements of this section.
- c) Escape; general prohibition and duty.
- (1) No person shall aid or cause any restricted animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door or window or making any opening of any fence, enclosure of structure, or by unleashing or releasing such animal.
- d) Seizure, impoundment and disposition of restricted animals.
- (1) In the event that a restricted animal is found at large on public or private property, such animal may be immediately confined and the owner or person in charge of the dog will be cited for an ordinance violation. If the owner or person cited for the violation is found guilty of the ordinance violation, the dog must be removed from the city or taken to the Humane Society for adoption or to be destroyed. The animal may not be given to another person in the same family, unless it is adopted through the Humane Society. The city shall be under no duty to attempt the confinement or capture of a restricted animal found at large. The animal may be destroyed if in the discretion of the law enforcement officer or his designee, such animal presents an imminent danger to the safety of people or other animals. The city shall not have a duty to notify the owner of such animal prior to its destruction.
 - (2) If a law enforcement officer or his designee determines that a person is keeping, harboring, or sheltering a restricted animal, in violation of city ordinance, then such person shall safely remove such animal from the city, and taken to the Humane Society for adoption, or have the animal destroyed, at any time after an appeal time period has expired. The animal may not be given to another person in the same family, unless it is adopted through the Humane Society. Notice of such order shall be given in writing to the person keeping, sheltering or harboring the restricted animal, by being served personally or by first-class mail, or by posting to the front door of the last known address. After any appeal period has expired, law enforcement personnel or their designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
 - (3) The order to remove a restricted animal may be appealed to the Kirksville City Council; however, the animal shall be removed until such time as the order may

be reversed by the City Council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three (3) business days after receipt of the order to remove the restricted animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.

- (4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be held during the next scheduled meeting of the City Council following receipt of notice of appeal, provided it meets the cut-off time for the addition of items to the City Council agenda. The hearing may be continued for good cause. After such hearing, the City Council shall affirm or reverse the order of law enforcement personnel or their designee.
- (5) Any determination made by the City Council may be appealed to the circuit court of Adair County within ten (10) business days by filing a request for review of such determination. Failure to file such request for review shall constitute a waiver of the right for appeal of City Councils determination.
- (6) If the original order of law enforcement personnel or their designee is not complied with within three (3) days of the order, a law enforcement officer or his designee is authorized to seize and impound such restricted animal. An animal so seized shall be impounded pending any appeal before the City Council and/or the circuit court. If the order is affirmed upon appeal, then at the end of the impoundment period, law enforcement personnel or his designee may allow the Humane Society to cause the animal to be adopted by another person, or to destroy such animal in a humane manner. All impoundment fees and fees incurred for the care of the restricted animal shall be at the expense of the owner of the restricted animal.
- (7) The owner of the restricted animal may claim the animal upon showing proof of ownership, payment of all impound and veterinary fees, and agreement to immediately remove the animal from the city upon taking possession of the animal. In the event the owner does not claim the animal **within X timeframe**, a law enforcement officer or his designee may allow the Humane Society to cause such animal to be permanently placed with another person who would agree to harbor the animal under the laws of the current city ordinance.
- (8) When a law enforcement officer, or his designee, determines that an animal is classified as a restricted animal by virtue of being a Pit Bull, and the owner disputes the classification, it shall be the owner's responsibility to provide positive proof by documentation or other means to the law enforcement officer, or his designee, that the animal is not a Pit Bull as defined herein. If, notwithstanding such proof, the law enforcement officer, or his designee, continues to determine that the animal is a Pit Bull, then the owner may appeal the animal's classification to a three (3) person committee, consisting of the Chief of Police, the Codes & Planning Director, and a local veterinary appointed by the Chief of Police. The Committee's determination shall be made by a majority of said committee members. Written notice of appeal must be filed with the city clerk within three (3) business days after receipt of the determination made by the law enforcement officer, or his designee. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the determination. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be held within seven (7) business days following receipt of the notice of appeal, with at least three (3) days written notice to the owner of the time, date and place of the hearing being given to the owner. After the hearing, the Committee shall affirm

or reverse the determination of the law enforcement officer, or his designee. If the owner disagrees with the committee's determination, the owner may request a review of the same by the Adair County, Missouri Circuit Court in the same manner as provided above. However, the animal shall be removed from the city until such time as the classification is reversed by the Committee.

- (9) 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 set forth in this section. Any dog found to be the subject of a violation of this section shall be confined and removed from the city as in Section 5-20 d) Seizure, impoundment and disposition of restricted animals.

Section 5-21. Obstructions.

- a) The user of any water meter that is obstructed from being read by the City Water Meter Reader, due to being blocked by, or the confinement of a Restricted Animal, will be charged an additional service fee of fifteen dollars (\$15.00) on their next month's water bill, to reimburse the city for extra trips to the residence.

Section 5-22. Fees and Penalties.

- a) Any person violating or permitting the violation of any of the provisions of section 5-19 or 5-20 pertaining to dangerous or restricted animals shall, upon conviction, be fined not less than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00) for each violation, or confined for a period of not more than ninety (90) days, or punished by both such fine and imprisonment. In addition, the court shall order the license of the subject animal revoked, and the animal destroyed or removed from the city, and the removal of any other dangerous or restricted animals in the owner's possession. Should the defendant refuse to remove the animal, the court shall find the defendant in contempt, and order the animal to be immediately destroyed, confiscated, or impounded.
- b) In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

The provisions of this Ordinance shall be numbered accordingly and included with the City of Kirksville, Missouri, City code as deemed necessary by the Municipal Code Corporation.

This ordinance shall be effective from and after the date of its passage.

**PASSED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR ON THIS
____ DAY OF DECEMBER, 2010.**

Todd Kuhns, Mayor

ATTEST:

Vickie Brumbaugh, City Clerk