

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MEM}
SESSION DATE: October 11, 2010
TIME: 4:30 pm
PLACE: City Council Chambers

We will meet in the Council Chambers of City Hall since the Council will have a group of students attending the Study Session to observe. Council Meeting will follow at 6:00 pm and Public Meeting to obtain citizen input on a proposed vicious animal ordinance will begin at 7:00 pm at the Adair County Annex.

AGENDA:

- KDIC UPDATE
- MREIC REPORT
- VICIOUS ANIMAL ORDINANCE REVIEW
- NEWSLETTER – October 8 and October 15 and Committee Updates

KDIC UPDATE

During the Council Retreat, the City Council requested an update from the Kirksville Downtown Improvement Committee on their progress of hiring a new director and implementing the recommendations identified through the DREAM process.

Kirksville was selected as a DREAM community in 2007. D·R·E·A·M stands for Downtown Revitalization and Economic Assistance for Missouri. It is a comprehensive, streamlined approach to downtown revitalization that provides a one-stop shop of technical and financial assistance for select communities to more efficiently and effectively engage in the downtown revitalization process. The DREAM contract is for three years. We are finishing up our contract with the DREAM program this year.

The Council reviewed the recommendations of DREAM in June of last year and was interested in learning of the progress made by the KDIC since time.

As part of that DREAM process, the City entered into an agreement with the KDIC to apply for a grant with the State of Missouri that would fund an executive director position for the downtown. The KDIC hired its first director who began work in April. This person worked for the KDIC until early August. At that time, both the City and KDIC were waiting to hear whether or not the State would allow the continuation of the grant and the hiring of a new director. The response from the State was yes, and a search process began.

The City Council is interested in finding out the status of the search process and when to expect a decision on the hiring of a director, and learning from KDIC how they are moving forward with the DREAM recommendations.

Included in your packet is the organizational recommendation for the City of Kirksville. This is being brought back to the Council, as a reminder of what will be expected of the City to help move the downtown improvements forward.

Recommended Action:

It is recommended that the City Council hear from members of the KDIC on the organizations progress and communicate City Council expectations and support for the KDIC as they implement DREAM recommendations.

MREIC REPORT

In 2006, an application was submitted by the Kirksville community to establish an innovation center with the State of Missouri. An innovation center is just one of several economic development tools recognized and supported by the State of Missouri. Innovation can be anything from changing a daily business procedure to designing a new product, or discovering a new material that will aid in other processes.

The Kirksville center is called the Missouri Rural Enterprise and Innovation Center (MREIC). It is an economic development agency established under Missouri statutes governing innovation centers. MREIC's focus is the needs of rural communities and rural business enterprises across the state of Missouri with particular emphasis on the northern half of the state. In addition to focusing in on the statutory role of innovation centers to focus on life sciences, advanced manufacturing technology, and information technology sectors, the MREIC center includes activities that reflect the needs and opportunities of rural Missouri, including but not limited to healthy aging, clinical drug trials, value-added agricultural and other information intensive product development opportunities that may emerge from potential partners and clients.

State of Missouri

For the state of Missouri Innovation is the successful exploitation of new ideas and is a vital ingredient for competitiveness, productivity and social gain within businesses and organizations. Innovation is an attitude, a state of mind, and a creative process as much as a specific task or action. More businesses are recognizing that competitive advantage comes from knowledge and new ideas. This means companies need to develop and protect intellectual property as a mechanism for growth within their business.

The State of Missouri has designated innovation centers located in Columbia, Rolla, St. Louis, Cape Girardeau, Joplin, Kansas City, Kirksville, Springfield, Warrensburg and St. Joseph. Innovation Centers are designated by the Missouri Technology Corporation (MTC). State funding is appropriated through the Department of Economic Development. These centers offer a wide range of management and technical assistance to businesses. The centers are familiar with up-to-date business

management and technology innovations and help businesses apply these innovations to increase profits. The innovation centers receive state funding, and are required to have a one to one match, to assist with operations.

Innovation Centers are state-sponsored programs that work with entrepreneurs with technology-based products or processes. Innovation centers work with entrepreneurs by providing services such as helping to develop sound business growth models, obtaining financing, finding appropriate incubator office and research space, developing marketing plans, networking opportunities, and research connections with universities. The second types of client the innovation centers serve are existing, and growing companies trying to bring a new product to market. These clients do not need as much help with the structure of their business model or other aspects of their business, but they have a specific need in technology transfer to take a technology idea and move it into the marketplace. These types of clients are more project oriented services, and the relationship with the innovation center is not an intensive long-term relationship, but driven by products (projects) under development in the pipeline.

The State of Missouri continues to cut budget the funding levels to the innovation centers. Based upon the new contracts sent to MREIC, our Kirksville Center's funding level has been reduced drastically to \$36,068, which about 1/3 the amount of money that was awarded last year.

Small Business Development and Technology Center

The last time MREIC was before the Council, there was information on the partnership that was being developed with the Small Business Development and Technology Center (SBDDTC) that is located on the campus of Truman State University. That partnership has been formed and an agreement executed outlining the financial support provided by the SBDDTC to MREIC for services delivered to SBDDTC clients.

There are approximately 9 SBDDTCs in the State of Missouri and 8 satellite facilities. The SBDDTCs provide counseling in such areas as business plan development, financial management, market feasibility, international trade, franchising and licensing, inventory and marketing. The SBDDTC is also responsible for providing training in such areas as accounting, marketing, getting started in business, taxes, financial analysis, cash flow analysis, customer service and business plans. Information and technology resources include computerized patent, trademark and copyright searches; computerized exporting leads; product design, testing and SMART overview quality control; manufacturing studies; and plant layout.

Economic Development Goal Priority

With Economic Development being a primary goal of the City Council, it is important that you are aware of the funding cuts and impact that it will have on this component of our local economic development efforts. The executive board of MREIC met to explore options, a)reducing staff time to three (3) days per week, b)closing the center completely, or c)revising the duties of the Director, and developing a partnership with the University of Missouri Extension, and seeking local funding support through MREIC partners. The amount of funds if the last option is pursued would be \$7,000.

To be successful, a community has to have a well rounded economic development program. Charlene Boyes, Executive Director of MREIC will be in attendance at the Council meeting on Monday to update the Council and answer questions that you may have.

Recommended Action:

That the City Council receive a report from Charlene Boyes, MREIC and ask questions concerning the future operation of the Center based upon State of Missouri funding levels.

VICIOUS ANIMAL ORDINANCE REVIEW

The vicious animal ordinance has been modified to improve its enforceability. Monday's Study Session will be an opportunity for the City Council to discuss any of the changes made to the ordinance for enforcement purposes to make sure there is understanding. Since the City Council will be hosting a public meeting at 7:00 pm at the Adair County Annex on Monday evening, the City Council may want to make sure that there is an understanding of the basic details in the ordinance to prepare for potential citizen questions.

A marked up copy of the vicious animal ordinance is included with this Study Session Packet so that the Council can see the changes. A clean copy of the same document is included in your delivery envelopes.

Things to Consider

A question was raised concerning the ordinance and whether there should be certain exceptions in the case of animals for research purposes by educational institutions, such as the universities, schools and vo-tech programs. Section (c)(1)a of the draft ordinance addressed this issue.

There was another question raised about individuals who live outside the city limits bringing their pets to the city to a veterinarian office. Section (c)(1)c references the keeping of a dangerous animal by vets. The ordinance does not address the transport into town. However, as long as it is in the car, it would not be on "public or private property", *so long as private property was defined as real property.*

There was also a question regarding individuals bringing what is determined to be a vicious animal to a city park or public venue. If someone wants to bring their animal to a public event, it is not allowed, unless the animal is one of the registered dangerous animals, and leashed, muzzled, etc. Anyone else should be asked to remove their pet from the city immediately. If a visitor goes to the park and lets the dog out, then it falls under the violation of Sec. 5-19 (f) (1) and (2). These say that the law enforcement officer can tell the person that they must remove the animal from the city. The officer can make this happen immediately, unless the person wants to appeal. They would have to write out an order to do this, but it should be legal, I would think. Otherwise, the officer would have the discretion to destroy the animal if it presented an imminent danger to people or other animals.

A final issue that was raised was individuals who are visiting town who bring what is defined as a vicious animal to one of the hotels. The Council may want to address this issue.

City Worker Impact

In addition to the public comment section, City employees have asked for an opportunity to explain to the City Council the issues that they face while trying to conduct business for the City as it relates to vicious animals. There are several departments whose jobs take them into the streets and onto other people's properties. Aside from the obvious departments of Police, Fire and Public Works, the Codes and Finance employees have responsibility daily to be in city neighborhoods. I met with Customer Service Representatives today whose job it is to read, repair, turn-on and turn-off water meters.

The issues they outlined were not ones focused on a ban of vicious dogs, but one that asks for requirements of containment. These individuals face dogs, many of which the employees have identified as pit bull breed, during the course of their daily work, and in many occasions the dogs are not contained in any manner, or is tied up in an area that gives it access to the location of the water meter. The employees ask that the owners put the dogs away. Their biggest concern is the size and power of the breed identified in the ordinance. The employees cited instances where they have called upon animal control and codes to assist them. They have used mace, which in their opinion has not been effective. They noted that some of the meters are not read and notices given to the property owners to read the meters due to animals, and stated that some errors occur in the reading of the meters in an effort to do the job quickly to get out of the yard. The employees explained that they have teamed up in one area of town with one employee reading the meters and the other watching out for dogs.

This is information that the City Council may or may not have received in the past, but important to know. City staff will be in attendance at Monday's public meeting to explain the issues that they face while trying to do their work.

Recommended Action:

That the City Council discuss the changes if necessary and make sure there is an understanding of the proposed ordinance.

NEWSLETTER

Along with items in the Newsletter, the Council will begin to provide committee, commission and board updates to other members of the Council.

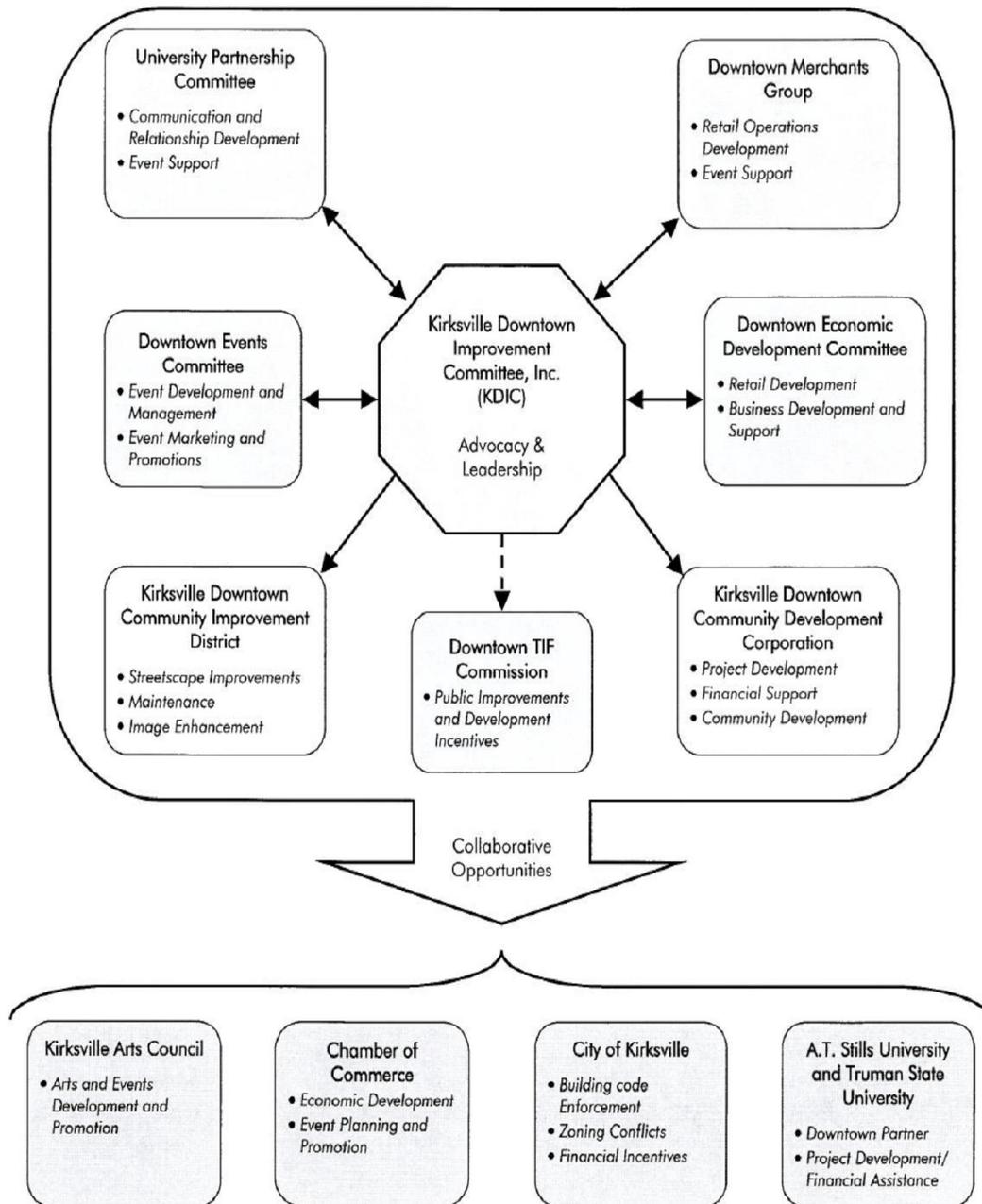
Attachments

- DREAM Recommendations
- Vicious Animal Ordinance with markup
- Department Responsibilities

Enclosure

- Vicious Animal Ordinance – without markup

EXHIBIT II
RECOMMENDED ORGANIZATIONAL STRUCTURE



EXISTING ORGANIZATION ENHANCEMENTS

E. City of Kirksville

The City of Kirksville's involvement in Downtown Revitalization is critical to its success. Many of the Downtown successes to date have occurred mainly due to the City's leadership and financial participation. Additionally, City involvement demonstrates local government commitment and increases the likelihood of broad citizen participation. The City should assist in the development of all necessary political subdivisions and districts as well as participate in the appropriate boards. However, efforts should be made to avoid politicizing the Revitalization Program.

City services are one of the essential elements for a successful Downtown Revitalization Program. The financial commitment by the City to support capital improvement projects should continue and exceed the current level of activity, as appropriate. The City can help with leveraging other resources by providing a local match investment. This practice is the most effective means for accomplishing large-scale capital and infrastructure projects. However, the local resources of the City must be distributed throughout the community and other financial resources should always be considered. The City will have an important role to play in all aspects of revitalization and has already maintained a steady effort for downtown. The City should take the lead in the tough decisions that lie ahead.

- The City will need to provide attention to downtown code enforcement, historic preservation establishment, design guidelines adherence, and preparing wayfinding and signage, not only in the DREAM Study Area, but throughout the City. Building codes should be pursued aggressively and fairly.
- The City should continue to beautify Downtown. This includes pursuing the removal of the "slip covers" or metal skin covering the façades of downtown buildings and continuing to persuade building owners of the benefits of canopy removal and historic district qualification.
- It is recommended that the City take a supporting role, in partnership with KDIC, in educating and informing the downtown community about the benefits of establishing the Downtown Kirksville Community Improvement District (KDCID) By using the economic activity created by businesses to generate special tax revenue in the Downtown Area, this financing tool will provide a much needed resource that will strengthen KIDC's programming and sustainability and stimulate increased private reinvestment in buildings throughout Downtown. These "small-scale" projects are not easily funded by State and Federal resources, therefore the KDCID can provide much needed revenue gap financing to make sure Downtown not only "leaps forward" with "big projects" but also makes incremental improvements on a recurring basis.
- The City should also be a leader in the development of the relationship among the Downtown Business Owners and student body of Truman State University

and A.T. Still University. This relationship and understanding will need to be improved if Downtown is to reach its full potential.

F. Kirksville Downtown Improvement Committee, Inc.

The Kirksville Downtown Improvement Committee, Inc. should continue to establish itself as a private, non-profit corporation designed to unify Downtown interests, encourage broad community support as well as lead the Downtown Revitalization Program (the "Program").

The KDIC will be responsible for advocacy on behalf of the downtown community and the promotion of its members' interests. It will act as the leader of the Program, rallying volunteers, gathering resources, and pressing for progress. In order for the organization to function as intended it will require a full-time manager to oversee operations and if possible a support person to handle administrative duties. The manager of this organization is instrumental to the Program as they will be the point person, community liaison, and motivating force of the Program.

The membership of the KDIC is designed to consist of seven categories of "Downtown-Centric" business and property owners, in order to fairly represent those with an interest in Downtown. However, it is important to the success of the Downtown Revitalization Strategy that the KDIC develop an avenue for the Kirksville Community to become involved in Downtown Revitalization Efforts. Currently this opportunity does not exist. While at this point there are not a large number of members of the community who wish to be involved, that may change as momentum builds. Providing an opportunity for community involvement gives the community a sense of ownership in the resulting improvements. There are a number of ways to provide the opportunity for involvement to the community; such as through a committee of community volunteers (with a goal of increasing community support), or it can be an additional membership category, but limit the representative Board membership for that category to retain control in the Downtown.

In addition to the surrounding community greater involvement of the student body of the local universities is vital to achieving Downtown Revitalization. Following the same ideas detailed above the KDIC should consider an opportunity to more greatly involve the students of the local Educational Institutions, particularly Truman State University and A. T. Stills University. However, an additional membership category will probably not be necessary, due to the students' instability relative to permanent residents. This group of partners can best be served through a University Partnership Committee, whose sole purpose is to encourage communication between KDIC and the student body.

As stated above, the KDIC should work very closely with the City to establish a Community Improvement District that would support the KDIC financially and provide funding for other downtown improvements that the Downtown TIF cannot. At the outset the organization can share office space and services with another organization or government entity, but should eventually be self-reliant

G. Kirksville Arts Council

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 sections 5-19 (c) and ~~(d)~~ **section 5-20** of this section. A violation of this section is an ordinance violation resulting in a minimum fine of \$200.00. A conviction of any ~~section~~ **violation** of Sec. 5-19 will result in a fine and removal or destruction of the animal, and the removal of any other dangerous animals in the owner's possession.

~~(2) An exception to the prohibited keeping of a dangerous animal, identified as a breed of "pit bull dog" is also listed in Sec. 5-20 of this ordinance. In rare cases, a citizen can apply to the City of Kirksville to register their dangerous animal for the same type of prohibitions allowed for "pit bull dogs". The application will be determined by the Chief of Police and the Codes & Planning Director. If the application is approved, it may include other safety confinements or rules than that used for pit bull dogs. The time frame for applying will be the same as for pit bull dogs.~~

(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;
 - l. Any crossbreed of such animals or reptiles which have similar characteristics to the animals or reptiles specified above.
 - m. Pit bull dogs
"Pit bull dogs" 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.

~~(4) Any vicious animal as defined in Sec. 5-1 of the Code of Ordinances of the City of Kirksville.~~

(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 dog show when properly confined in a locked cage, or on a leash and muzzle and personally restrained by a handler or owner of the dog.

(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) shall at all times keep such animal ~~securely confined within a cage or other enclosure approved by the Codes Department.~~ **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.**

(2) No person, firm or corporation owning, keeping, sheltering, or harboring a dangerous animal as permitted under section 5-19 (c) 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) to immediately report to the police department when any dangerous animal is found missing.

~~(4) No person shall keep or harbor a dangerous animal which has demonstrated a propensity without provocation to attack or bite.~~

(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 ~~and on unattended upon~~ public **or private** property, ~~park property, public right-of-way, public waterway, lagoon, or public sewer system, or the property of someone other than its owner,~~ such animal may, ~~in the discretion of a law enforcement officer or his designee,~~ 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) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the city in violation of this ordinance or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, city law enforcement shall cause the matter to be~~

~~investigated, and if after investigation the facts indicate that the person named in the complaint is keeping, sheltering, or harboring a dangerous animal in the city, law enforcement personnel/designee shall order the person named in the complaint~~

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
~~to~~ safely remove such animal from the city, permanently place the animal with an organization or group allowed under section 5-19 (c) 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 ~~contained in a notice to remove the dangerous animal, which notice shall be~~ given in writing to the person keeping, sheltering or harboring the dangerous animal, ~~and shall be 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 ~~contained in the notice~~ 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 city councils determination.

~~(5)~~ (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, at the end of the impoundment period, the person against whom the order was issued by law enforcement personnel~~

~~or their designee has not petitioned the county court within ten (10) business days for a review of said order issued by city council decision.~~ **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.

~~(6) In the event a dangerous animal as defined in section 5-19 (b) (3) is found within the city, the owner or person possessing the dangerous animal may be summoned to Municipal Court to answer the charges. The owner will be told by a police officer, his designee, or the Animal Control Officer to immediately remove the animal from the city. If the owner or person having possession of such dangerous animal as defined in section 5-19 (b) (3) fails to immediately remove said animal or refuses to do so, a police officer, his designee, or the Animal Control Officer shall immediately seize the dangerous animal and impound the animal at the animal pound. If a police officer, his designee, or the Animal Control Officer cannot safely capture or take control of such dangerous animal, the police officer, his designee, or the Animal Control Officer shall immediately destroy it. If the animal's owner is not present, the city shall be under no duty to attempt to notify the owner prior to its capture or destruction.~~

(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.

(8) ~~When an animal has been determined to be a dangerous/vicious animal by a law enforcement officer or his designee as listed in section 5-19 (b) (3) and the owner of such animal disputes its classification as one of the listed animals, it shall be the owner's responsibility to provide positive proof by documentation or other means to a law enforcement officer or designee that the animal is not an animal identified as a dangerous animal as listed in section 5-19 (b) (3). Only if the case/animal's classification is not already in the court system, the owner may appeal the animal's classification to a 3 person committee, consisting of the Chief of Police, the Codes & Planning Director, and a local veterinary appointed by the Kirksville City Council. However, the animal shall be removed from the city until such time as the classification is reversed by the~~

~~3 person committee. The appeal process shall be the same as set forth in sections 5-19 (f) (3) and (4), except that the appeal is made to, and determined, by the 3 person committee, not the city council. The decision of the 3 person committee is final.~~

When a law enforcement officer, or his designee, determines that an animal is classified as a dangerous 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 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.

Section 5-20. Exception to Keeping of Pit bull dogs and other dangerous animals

- (a) Pit bull dogs residing in the city on **< Insert date Here >**, 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 **< Insert date Here >**, must be registered with the city by the owners within ~~thirty~~ **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 Codes 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.

- (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 (a) (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 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. The Codes Department of the City of Kirksville will inspect these premises annually, between February 1 and April 30, each year that a pit bull dog is kept and harbored.
- (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) Signs. All owners, keepers, or harborers of pit bull dogs within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog - Pit Bull" or words of similar effect. In addition, a similar sign is required to be posted on the kennel or pen of such animal. Signs must be a minimum of 8" x 10" in size, with a minimum of 1" tall lettering. The posting of such signs will be part of the annual inspection by the Codes Department of the City of Kirksville from February 1 to April 30.
- (6) 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 days' written notice is first given to the city.

- (7) Identification photographs. All owners, keepers, or harborers of registered pit bull dogs must provide to the codes department of the city, a minimum of two (2) color photographs (showing front and side poses) of each animal clearly showing the color and approximate size of the animal, any distinctive characteristics, identifiable tattoos, or information on chip implants the animal may have.
- (8) Reporting requirements. All owners, keepers or harborers of pit bull dogs must, within ten (10) days of **any of the following** incidents, report the following information in a signed letter to the codes department of the City of Kirksville as required in this section:
 - a. The removal from the city of a pit bull dog
 - b. The death of a pit bull dog.
 - c. The birth of offspring from a pit bull dog.
 - d. The new address of a pit bull dog owner should the owner move within the corporate city limits.
- (9) Sale or transfer of ownership prohibited. No person shall sell, barter or in any way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may **sell** or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the city.
- (10) Offspring. All offspring born of pit bull dogs registered with the city must be removed from the city within ten (10) weeks of the birth of such animal or animals.
- (11) Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited under the definition of "pit bull dogs" is in fact a dog subject to the requirements of this section.
- (12) Failure to comply. It shall be unlawful for the owner, keeper, or harborer 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 ~~subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal, resulting in the immediate removal of the animal from the city.~~ **considered a dangerous animal and subject to all the provisions of Section 5-19.**

(b) Other dangerous animals residing in the city on [**Insert Date Here**] may, ~~in a rare instance,~~ be considered for an exception of the prohibition, similar to **that provided herein for pit bull dogs** . 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 animals 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. Signs, identification requirements, insurance, sale or transfer of ownership, and/or other standards ~~will~~ **may** be required **and would be stated in the permit that would be issued.** ~~Other stipulations for keeping of the dangerous animal may be stated in the permit that is issued.~~

DEPARTMENT RESPONSIBILITIES

The responsibility of enforcement and record keeping of the proposed ordinance will be as follows:

Kirksville Police Department and the Animal Control Officer responsible for:

1. Responding to complaints of loose dogs, or dogs or other dangerous animals living in the city without the proper permit.
2. Investigation of complaints and to determine if complaints about a particular dog meets the description of a “pit bull dog”. (See Section 5-19 (f) (8))
3. Seizure or impoundment of animals found loose or living in the city without the proper permit for keeping or harboring a “pit bull dog”.

Kirksville Codes Department responsible for:

1. Collection of annual fees and issuance of the permit for “Pit Bull dogs”, or other animals.
2. Annual inspections of the pen or kennel of each pit bull dog registered with the city.
3. Annual inspection to be sure the proper signs are posted on the property and on the pen or kennel of each registered dog.
4. Collecting and filing of copies of the insurance required of each owner for the pit bull dogs in his possession and that a policy is issued for each dog owned, and that the insurance copy is updated annually.
5. Collecting and filing of the two color photographs or tattoo pictures or chip information of each dog to be registered within the city.
6. Maintaining a file on each animal registered in the city until the removal from the City of the dog, or until the death of the dog.
7. Tracking any address changes in the City of the owner of “pit bull dogs”, or changes in ownership as provided in Section 5-20 (a) (9).
8. Monitor animal seizures and any appeal process that takes place.