

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council  
**FROM:** Mari E. Macomber, City Manager <sup>MEM</sup>  
**SESSION DATE:** March 7, 2011  
**TIME:** 4:30 pm  
**PLACE:** Second Floor Conference Room

We will meet in the second floor conference room of City Hall at 4:30 pm. The City Council will adjourn at 5:45 pm to attend the City Council Meeting at 6:00 pm in the Council Chambers of City Hall.

## AGENDA:

- REVIEW FIRE TRUCK SPECIFICATIONS
- UPDATE ON NARROW BAND COMPLIANCE
- REVIEW STUDY SESSION TOPICS
- DANGEROUS ANIMAL ORDINANCE
- REVIEW NEWSLETTER – March 4, 2011

## REVIEW FIRE TRUCK SPECIFICATIONS

In 2007 when the citizens were asked to reapprove the ¼ cent capital improvement sales tax, an allocation plan was developed. The allocation plan consists of 4 categories: 1) Equipment; 2) Projects; 3) Community Needs; and 4) Fund Balance.

**Category 1. Equipment** – funds are required to be budgeted each year as transfers to fund 10 and 87 in each of the following categories in the amount shown to the left.

<u>Annual Allocation</u>	<u>Ongoing Capital</u>
\$200,000	<b>Capital Equipment</b> – police cars, street equipment and vehicles for general fund operations streets, engineering, codes, fire and community services
\$100,000	<b>Fire Trucks</b> – aerial ladder truck purchased first with estimated cost of \$900,000 – will take nine plus years to pay-off (we purchased a used ladder truck taking 4 years to pay-off)
\$50,000	<b>Airport Capital</b> – city match for projects, airport improvements and equipment purchases to reduce subsidy from General Fund

**Category 2. Projects** - funds are required to be budgeted to allow for the completion of specific maintenance and improvement projects and capital such as computers and communications equipment. Some projects may require more or less than the annual allocations show on an annual basis. It is the intent of the City Council to average the allocations to allow for the continued use of funds as opposed to delaying projects until the desired amount of funds are saved for each respective project.

Annual	
<u>Allocations</u>	<u>Project Specific</u>
\$60,000	<b>Parks and Recreation</b> – fields, parks, trails, shelters, recreation venues (skate parks, soccer fields), and facility maintenance
\$50,000	<b>Storm Drainage</b> – drainage improvement projects
\$50,000	<b>Other Capital</b> – roof repairs, building maintenance, communications equipment, computer enhancements

**Category 3. – Community Needs** – funds are required to be budgeted annually in the amounts shown for the completion of specific community requested projects. The amount of funds will be limited to the annual allocation. Funds not used at year end will go into the fund balance to be used for projects and equipment found in category 1

Annual	
<u>Allocations</u>	
<u>No Carryover</u>	<u>Based On Need and Interest</u>
\$25,000	<b>Housing Rehabilitation and Housing Demolition</b>
\$25,000	<b>Sidewalk Replacement</b> – 50/50 program residential and business
\$15,000	<b>Business Improvement Loan</b> – downtown facades

**Category 4 – Fund Balance** – funds are required to be budgeted in the fund balance in the amount shown each year. The minimum fund balance should be set at \$100,000 to insure funds available should the City experience a failure in a necessary component of operations including but not limited to facility maintenance or equipment replacement.

\$25,000      Fund Balance – could be used toward grant matches and to fund other projects

**\$600,000      Annual Collection**

In addition, the citizens were asked to consider this tax as a permanent tax, as opposed to one that would require reauthorization every year. The citizens approved the renewal and the City has followed that allocation plan ever since.

The purchase of our 1996 E-One 105' platform truck was our first major purchase from the Capital Improvement Sales Tax. The truck cost \$362,200 and was purchased through a lease purchase program allocating \$100,000 each year. The truck will be paid off this fall giving us the ability to purchase our next truck.

Engine 504 is the next truck in line for replacement. This is the Department's everyday pumper truck and is expected to cost around \$500,000.

A fire truck committee was formed with the purpose of developing bid specifications. Since we do not purchase trucks on a regular basis, it is important to know that each truck is custom manufactured. Trucks are designed not only to meet the wear and tear of responding to emergency situations, but there is a tremendous amount of equipment that is outfitted on each truck.

Included with this Study Session Memorandum is a Staff Report from Randy Behrens that outlines some of the major components of the truck. Also included is a schematic of a truck that will give you an idea of the complexity of a fire truck. Finally, there are two

pictures, one of our current truck and a second showing a new truck to give you an idea of what we plan to bid.

Bidding a fire truck is an extensive process. The truck committee will finish their work, bids will be sent out. Received bids will be evaluated. This evaluation may require some travel to the company location. Finally, once a recommendation is ready, financing will need to be obtained. The truck purchase and subsequent financing will all come before the City Council for consideration.

**Recommended Action –**

The meeting on Monday will give the City Council an opportunity to learn more about the use of this fire truck and ask questions regarding the proposed specifications.

**UPDATE ON NARROW BAND COMPLIANCE**

Last October, the City Council learned about the Federal Communication Commission (FCC) established January 1, 2013 deadline for licensees to migrate to narrowband compliant equipment.

We have been working since that time to get a better handle on the requirements and needs of the City in order to achieve compliance. Fire Chief Behrens was given authority to work with Kirk Bleich, from Command One (a private consultant/vendor who attended the meeting last fall and has been working with the Region B Homeland Security Oversight Committee) on identifying our needs and developing a plan to replace the equipment.

We will visit with the City Council on Monday on what we have learned. In addition to the narrow banding compliance, there are a few other factors to consider. When the radios are upgraded, we would have the ability to trunk our system allowing us to maximize the use of our radio frequencies during significant situations like the tornado, or the airplane crash. In doing this there would be additional expense. There is also an opportunity with the new radios to upgrade to allow better interaction with the State and other emergency agencies.

The budget includes \$60,000 lease payment for this project, the available funds coupled with the overall value of adding these upgrades will determine whether or not we proceed. The trunking system would be a direct benefit to the community but expanding that capability beyond the city relies on others (ambulance, county, Truman department of public safety) doing the same.

One thing to note is the savings to our budget due to the elimination of redundancy with the telephone system. We expect to save about \$14,000. This savings coupled with the new review for the tower lease will almost cover the \$60,000 allocation placed in the budget.

**Recommended Action:**

We would like to visit with the Council about what has been learned and move forward with the bid process.

### **REVIEW STUDY SESSION TOPICS**

In a previous Council Study Session, the Council received a list of potential Study Session topics. This list has been updated and additional topics have been added. The list may appear to limit flexibility, but the reality is that if we need to add items we will do that, or move topics to other Study Session dates.

What I am really interested in knowing if there are any topics of interest that Council members would like to have added to the list.

#### Recommended Action:

Review the list adding topics of interest.

### **DANGEROUS ANIMAL ORDINANCE**

The ordinance has been modified to address the City Council's last discussions. Included with this Study Session Memorandum is a proposed final draft. This is a clean copy, meaning no mark-ups. Copies with the mark-ups will be available on Monday if anyone needs to review it.

The ordinance was revised to address the following:

- Triggering date is noted as April 1, 2011
- Added language stating determination for exceptions will be made within 30 days from the date of the application
- Changed wording in the section on exceptions by replacing approving application to approving the request for exception or exception throughout the paragraph
- Modified the section on Leash/Muzzle and Confinement General by deleting muzzle requirement when dog is on leash, kennel and pen requirement removed, fence height minimum of 60 inches added.
- Moved AKC certification program toward the end of this section to then also allow for exemptions from fencing and insurance if the certification is current
- Added language under Seizure and Impoundment that states if a dog is running lose and does not cause harm then it will not be seized and impounded
- Removed reference to Humane Society replacing it with city's contract shelter.

Clarification needed: Was it the Council's intent to require a kennel within a fenced yard if the dog did not have the AKC CGC certificate. The note did not make sense with the other notes taken regarding the fencing.

Recommended Action:

The ordinance should be close to completion. We would like to have it finalized in time for the March 21 Council agenda.

**NEWSLETTER** – March 4, 2011

Attachments

- Staff Report Fire Truck Specifications
- Staff Report Narrow Band Compliance
- Study Session List
- Dangerous Animal Ordinance

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT: Update on Purchase of new Fire Truck**

**STUDY SESSION MEETING DATE: March 7, 2011**

**CITY DEPARTMENT: Fire Department**

**PREPARED BY: Randy Behrens**

**Fire Department Rescue Pumper / Multi – Functional Vehicle**

**Engine 504 is the most utilized apparatus in the Fire Department's fleet. 504 is the work horse of the fire department responding to all medical calls, vehicle wrecks and inspections. 504 has served the department well but has had several mechanical issues over the years due to its size and when it was built, most notable was shortening the wheel base and length. This has caused this truck to ride rough and has caused numerous issues with leaf springs and framework.**

**The Fire Department's Truck Committee has met with several vendors and completed specifications for review by the City Manager and I to replace Engine 504.**

**The current funding for the Fire Department's Pumper/Truck replacement is \$100,000 per year. The last purchased apparatus (ladder truck) will be paid off in October 2011.**

**I plan on submitting the specifications for bid March 15, 2011 with an opening date of April 26, 2011. The department plans a review time of 30 days after opening bids to award the bid, and anticipate a delivery date sometime after the first of the year.**

**Some of the major components of the specifications:**

**Light Tower**

**Hydraulic generator that can also power rescue equipment**

**Compartment space**

**Brackets to hold equipment**

**500 gallon tank**

**1500 gallon per minute pump**

**Diesel Engine**

**Automatic Transmission**

**33' in length**

**30 gallon foam tank**

**Ground Ladders**

**Pike Poles, Axes  
Brackets for equipment  
Four Man Cab  
Event Data Recorder  
Air Bags  
Mobile Camera**

**Cost estimates when talking to dealers have ranged from \$475,000 to \$600,000.**





**Kirksville Fire Department 504 (Current)**



**Proposed Fire Truck Purchase (Similar Style)**

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Emergency Communications Narrow Band Upgrade

**STUDY SESSION MEETING DATE:** March 7, 2011

**CITY DEPARTMENT:** Fire Department

**PREPARED BY:** Randy Behrens

### **Narrow Band Upgrade Radio Specifications**

The City's emergency communication systems – is old 30 plus years and has served us well.

With the deadline of narrow band compliance; coming up December 31, 2012, a committee of Fire/Police/Public Works/911 along with Region B's consultant have been working together to put together radio specifications to address narrow band compliance.

The proposed specifications address making all equipment narrow band compliant to include base radios, mobile radios, portable radios, repeaters, voted receivers, and existing consoles. Utilizing these specifications, all equipment would be P25 CAI (Common Air Interface) compliant enabling the radios be digital over the air. This allows all radios that are P25 CAI to be able to talk to each other regardless of manufacture.

The proposed emergency communications specifications addresses both the narrow band compliance and also provides an option to move to a future P25 trunked system when the state and other emergency services do so. A trunked system would allow departments to use all 3 channels to create private talk-groups, and set priorities as the system assign channels based on priority and availability.

There are three city channels available (Police, Fire and Public Works) which creates a disadvantage during an incident or emergency. One channel is overloaded while the other two may have little to no traffic. The trunked option allows all departments to utilize all three channels at the same time automatically picking the channel with the least traffic to transmit and receive on.

In addition, this system would have interface capability with the State radio system, allowing connectivity to almost any agency dealing with an emergency. When talking with other E-911 partners, specifically the Adair Count Sheriff, Adair County Ambulance, and Truman Public Safety, all agencies have expressed the desire to pursue a trunked system in Adair County, realizing their agencies would incur costs to current systems to be trunked.

- Even though the narrow banding is a federal requirement, the city will be able to eliminate communication lines going to the current towers at a cost savings of \$13,825 annually.
- The estimated cost for the system for the narrow band and P25 CAI is \$185,000.
- The estimated cost to allow for a P25 trunked system capability for the existing City channels will be an additional \$85,000.
- An additional \$149,000 will be needed in order to make the radios, which will already be upgraded to narrow band and P25 CAI compliant using the \$185,000, to trunked capability.
- This figure factors in the new radios to be purchased and the upgrade of existing narrow band compliant radios.

## **Radio System Upgrade - General Specifications – City of Kirksville**

### Current Design

The Kirksville Fire Department and Kirksville Police Department utilize repeater systems that consist of a transmit/receive site with 2 additional voted receiver sites. The Kirksville Public Works Department currently utilizes a single site repeater.

### Upgrade Project – Scope of Work

The upgrade project is intended to bring all three channels and their respective equipment 'narrowband' compliant, as well as have all three channels voted to optimal portable coverage on all channels.

Additionally, all three channels are to support P25 CAI in conventional mode. All three channels are to be able to operate in mixed mode configuration, supporting either analog narrowband or digital P25 transmissions, including voting in both modes.

All sites to be linked via 4.9 GHz microwave network infrastructure. A link to the 911 dispatch center in City Hall to allow connectivity to existing console equipment will need to be included.

The proposal should include an option to upgrade the channels from P25 Conventional to P25 Trunked.

### Sites and Equipment

All sites are either water towers or existing antenna structures with antenna equipment to be mounted as appropriate, with all equipment to be mounted inside the lower part of the structure or equipment building. Vendor must approve complete system mounting and installation with public utilities and/or property managers.

- A. PD Receive/Transmit Site: Water Tower on Jefferson Street.
- B. Fire Receive/Transmit Site: City Tower at 1215 W Burton St.

- C. Public Works Receive/Transmit Site: City Tower at 1215 W Burton St.
- D. North Receive Only Site, all 3 channels: Water Tower on West Brewington Avenue.
- E. South Receive Only Site, all 3 channels: Water Tower on East Shepherd Avenue.

All sites include existing antenna and filtering equipment which should be utilized when possible.

Vendor to install all equipment and handle all license upgrades.

Each site to have a UPS system to provide at least 4 hours of operation without main AC power.

All equipment to be installed in locked 19inch rack cabinet.

Baseline - System component specifications:

Qty (3) 100 watt continuously duty repeater (repeater/transmitter):

- a. Transmitter Technical Spec (to meet or exceed)
  - Audio Distortion: <3%
  - Transmit Rise Time: <2.5ms
  - Transmit Power @100% duty: 100watt
  - Hum and Noise: 12.5khz -50db; 25khz -55db
  - Spurious Emissions: >100db
- b. Lighting Protection: Appropriate protection for coax, Ethernet, and power connections.
- c. IP based remote system monitoring for antenna SWR, PA temp, power supply voltage.

Qty (6) Receive only base stations:

- c. Receiver Technical Spec (to meet or exceed)
  - Sensitivity: Analog -119.5dbm (<0.25microvolts)
  - Sensitivity: Digital -120.5dbm (.021microvolts) @ 5% BER
  - Intermod: <80db
  - Selectivity: 90db Wide, 85db Narrow
- d. Lighting Protection: Appropriate protection for coax, ethernet, and 110AC connections.

Individual IP Microwave Links (one to each site, plus 911 Dispatch)

- a. IP Radios should be self-contained PoE (power over Ethernet) units with integrated panel antenna (separate antenna is optional if needed)
- b. All ethernet cable exposed to the elements should be rated for outdoor conditions including UV exposure.
- c. 1 year warranty of install and equipment minimum

Battery backup:

- a. Each site to have at least 4 hours of battery backup via UPS
- b. UPS must have IP enable remote monitoring capability.

Optional - P25 Trunking Capability

The City of Kirksville also asks vendors to include in their proposal an option to upgrade the system to P25 Trunked.

The resulting P25 Trunked system should meet the following specifications:

- o The system shall be compliant to TIA-102 standards and capable of operating with any vendor's CAI compliant P25 radio. (vendor neutral)
- o The system shall provide an integral ISSI for connections to other networks.
- o The bidder's offering must be completely P25 standard compliant. Any feature required in the system specification must function with all TIA-102 P25 compliant subscriber units regardless of manufacturer in order to be considered compliant. Manufacturers must declare any feature included which is based on a proprietary interface. No manufacturer specific feature will be permitted if it limits, disables or defeats multi-vendor interoperability unless declared by the manufacturer and written acceptance has been provided in advance by the City of Kirksville.
- o The respondent's proposed system shall be provided with documentation showing verification in a recognized Compliance Assessment Program (CAP) lab and listed on the website <http://www.rkb.us>. Respondents shall provide information on where and when the testing took place to verify their P25 Trunked System.
- o At this time the City anticipates needing approximately 40 new portable subscriber units and 30 mobile subscriber units. Additionally, the City has 35 Portables and 18 mobiles that will need to be upgraded to P25 Trunked. Respondent should include the new radios and upgrades in their proposal as an option.
- o Respondent shall not require separate software licensing for subscriber units or talk groups on the system. The system shall be software based and shall readily accept software enhancements for technology updates. Updates may include performance enhancements as well as new and optional features.

Existing Channel information:

<u>System/Channel Name</u>	<u>RX Freq</u>	<u>TX Freq</u>	<u>PL/DCS</u>	<u>License</u>
Kirksville Police	155.130	159.030	141.3	KAB805
Kirksville Fire	154.400	153.890	141.3	KA0723
Kirksville Public Works	158.745	153.785	141.3	KUZ888

*Additional changes will be made in the Vicious Animal ordinance to increase the insurance requirement to mirror the dangerous animal ordinance by requiring \$100,000 insurance coverage. In addition a change will be made to the City's water ordinance requiring the moving of the meter to the front or accessible side of the yard.*

## DANGEROUS AND RESTRICTED ANIMALS ORDINANCE

### 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 any person, 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 be ordered 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 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) Any person who is cited or given a ticket and ordered to remove a dangerous animal from the City of Kirksville may plead their case in Municipal Court. However, the animal shall be removed from the City until such time as the order may be reversed by the Municipal Court Judge. A finding of Guilty in Municipal Court may be appealed to the Adair County Circuit Court, if the appeal is filed within 10 days of the finding in Municipal Court.
  - (4) If the original removal 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 Municipal Court arraignment, or appeal to the circuit court. If the order to remove the animal is affirmed upon conviction, or on conviction after appeal to the circuit court, then at the end of the impoundment period, law enforcement personnel or his designee may allow 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.
  - (5) 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) Dangerous animals residing in the city on or after April 1, 2011 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 within thirty (30) days of receipt of the application whether the request for exception is approved or denied based on the above criteria. There is no appeal of their decision. If the exception is approved, additional safety confinements or rules may be imposed that are in addition to that used for Pit Bull dogs. Insurance and registration or other standards may be required, and if so, will be stated in the permit that would be issued.

#### Section 5-20. Restricted Animals.

a) Defined. “Restricted animal” means:

(1) Pit Bull dogs four (4) months of age or older

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 or after April 1, 2011, may only be kept by their owners within the city, subject to the following standards:

- (1) Registration. Pit bull dogs residing in the city must be registered with the city by the owner(s) within sixty (60) days of April 1, 2011 Annual registration of any Pit Bull dog is required. Any Pit Bull dog four (4) months old of age or older must be registered.
- (2) Leash. No person shall permit a Pit Bull dog to go outside of a securely enclosed fenced yard 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 it’s a securely enclosed fenced yard 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.
- (3) Confinement Outdoors. All Pit Bull dogs shall be confined in a securely enclosed fenced yard, except when leashed as provided in section 5-20 (b) (2) of this section. Such fence must have secure sides and be at least sixty inches (60”) in

height. All fenced yards used to confine Pit Bull dogs must be locked with a key or combination lock when such animals are within the fenced area. All fencing erected to house Pit Bull dogs must comply with all zoning and building regulations of the city.

- (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 harbinger 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) Certification. Owners of Pit Bull dogs, whose dogs are registered as required in section 5-20 (b) (1) of this ordinance, who can show proof of current certification for their Pit Bull dogs from the American Kennel Club Canine Good Citizen (AKC CGC) Program to the Kirksville Police Department will be exempted for so long as the AKC CGC Certification remains valid from 5-20 (b) (3) and 5-20 (b) (5).
  - (7) 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 City's contract shelter 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 shelter.
  - (2) 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 any person or other animals. The city shall not have a duty to notify the owner of such animal prior to its destruction.

- (3) If it is determined that the restricted animal identified in Section 5-20 d) (1) did not cause harm to any person or damage to any property, that restricted animal will not be removed from its home as outlined in Section 5-20 d) (1).
- (4) 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 be ordered to safely remove such animal from the city, or the animal shall be taken to the City's contract shelter for adoption, or the animal shall be 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 shelter. 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.
- (5) Any person who is cited or given a ticket and ordered to remove a restricted animal from the City of Kirksville may plead their case in Municipal Court. However, the animal shall be removed from the City until such time as the order may be reversed by the Municipal Court Judge. A finding of Guilty in Municipal Court may be appealed to the Adair County Circuit Court, if the appeal is filed within 10 days of the finding in Municipal Court.
- (6) If the original removal 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 Municipal Court arraignment, or appeal to the circuit court. If the order to remove the animal is affirmed upon conviction or on conviction after appeal to the circuit court, then at the end of the impoundment period, law enforcement personnel or his designee may allow the City's contract shelter 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 7 days, a law enforcement officer or his designee may allow the City's contract shelter 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, the owner will be cited for an ordinance violation, and then may appeal the animal's classification by purchasing a DNA test from the City of Kirksville. The owner will be required to pay the fee up front for the DNA test. The owner will need to bring the dog to the police department or provide access for law enforcement to do a swab sample of the dog. The results will be sent to an approved lab and results sent back. If the animal has any of the breeds in its lineage that are defined as Pit Bull dogs, it is a Pit Bull dog. If results show that the animal does not have Pit Bull dog lineage, the dog would not have to be removed from the city under the Restricted Animal ordinance. If the owner disputes the results of the DNA testing of the animal, they have the right to contest any citation received, in the Kirksville Municipal Court. 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) 2 above.

#### Section 5-21. 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.

## 2011 LIST OF CITY COUNCIL STUDY SESSION TOPICS

### January 3<sup>rd</sup>

DISCUSS DANGEROUS ANIMAL ORDINANCE WITH ACHS  
TOUR TCRC AND DISCUSS BUILDING IDEAS

### January 17<sup>th</sup>

No Council Meeting - holiday

### February 7<sup>th</sup>

DISCUSS ATSU STUDENT SERVICE PROJECT – DISASTER PREPAREDNESS DAY  
DISCUSS BUSINESS LICENSE ORDINANCE  
SNOW EVENT DEBRIEFING  
REVIEW NEWSLETTERS – January 10, 17 and 29

### February 21<sup>st</sup>

No Council Meeting – holiday

### March 7<sup>th</sup>

REVIEW FIRE TRUCK SPECIFICATIONS  
UPDATE ON NARROW BAND COMPLIANCE  
REVIEW STUDY SESSION TOPICS  
DANGEROUS ANIMAL ORDINANCE

### March 21<sup>st</sup>

WATER TREATMENT PLANT UPDATE  
TMDL – for Bear Creek, Chariton River, Hazel Creek and Forest Lake  
SNOW STORM POLICIES  
POLICE DEPARTMENT ACCREDITATION

### April 4<sup>th</sup>

PERFORMANCE CONTRACTING ASSESSMENT  
FRAUD POLICY  
DESIGN STANDARDS FOR STREETS  
REPORT ON TCRC

### April 18<sup>th</sup>

2011 STREET PROGRAM  
GRANTS – city role when applying for others  
LWCF GRANT UPDATE  
MFH GRANT UPDATE

### May 2<sup>nd</sup>

FIRE TRUCK RECOMMENDATIONS

COMPLETE STREETS POLICY  
WATER ORDINANCE REVISIONS

**May 16<sup>th</sup>**

SUMMER PROGRAMS  
NIMS TRAINING (required)

**June 6<sup>th</sup>**

BUSINESS LICENSE COMPLIANCE  
LIQUOR LICENSE REPORT

**June 20<sup>th</sup>**

GIS PROGRAM  
SIREN TEST  
ECONOMIC DEVELOPMENT SUPPORT

**July 4<sup>th</sup>**

No Meeting

**July 18<sup>th</sup>**

COMPREHENSIVE ANNUAL FINANCIAL REPORT  
COMMUNICATIONS PLAN – Facebook, Twitter, Google Apps, HootSuite, etc.  
SIGN CODE REVIEW  
SIGN MANAGEMENT AND 2009 MUTCD

**August 1<sup>st</sup>**

AIR SHOW  
AIRPORT PROJECTS

**August 15**

MS4 PERMIT  
SURFACE WATER TREATMENT RULES  
STORM WATER MANAGEMENT ORDINANCE  
BEAR CREEK 9 CDBG UPDATE

**September 5**

No Meeting

**September 19**

COUNCIL PLANNING RETREAT  
PERFORMANCE MEASURES

**October 3**

COMPETENCY TESTING FOR NEW CONTRACTORS  
LANDSCAPING ORDINANCE FOR COMMERCIAL BUSINESS  
HOUSEHOLD HAZARDOUS WASTE PROGRAM

**October 17**

INSURANCE PROGRAM  
WELLNESS UPDATE  
UTILITY RATE REVIEW

**November 7**

CAPE AIR UPDATE  
SPECIAL EVENT POLICY REVIEW

**November 21**

ISO UPDATE  
WATERSHED MANAGEMENT COMMISSION UPDATE

**December 5**

DEVELOPING A "GREEN" INFRASTRUCTURE POLICY

**December 19**

SPECIAL MEETINGS

- Tour Water Treatment Plant and Wastewater Treatment Plant
- Meet with Major Employers
- Meet with Partners (School Board, County, ASTU and Truman)