

Sec. 18-14. Dangerous dogs or other animals.

(a) No person shall own, keep, harbor or allow to be in or upon his premises any dangerous dog or other animal unless it is confined in accordance with the provisions of this section. A dog or other animal shall be considered dangerous by virtue of:

(1) Having inflicted a severe or fatal injury on a human being on public or private property. "Severe injury" means any physical injury resulting directly from an animal's bite or strike which results in death, broken bones, lacerations requiring stitches or hospitalization. The victim receiving severe injuries must provide the supervisor of animal control with a signed physician's statement documenting injury and treatment qualifying such as a severe injury, or sign an authorization for release of such statement.

(2) Having killed a domestic animal, livestock or poultry without provocation, while off the owner's property.

(3) Owning or harboring primarily or in part for the purpose of fighting, or any animal trained for fighting.

(4) Having bitten in an aggressive manner a human being, without provocation, on public or private property other than the property of the owner.

(5) Having bitten in an aggressive manner while on the owner's property without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept; excluding dog bites under subsection (f)(9) of this section.

(6) When unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds, or private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by the animal.

(7) Possessing a known propensity, tendency or disposition to attack unprovoked, in the opinion of the animal warden or police officer, to cause injury or to otherwise threaten the safety of human beings or domestic animals.

(b) A dog or other animal may be declared dangerous if:

(1) A written complaint (citation) is signed by the individual attacked or their legal guardian or by the director of public health and welfare or his representative; and

(2) A conviction of or plea of guilty by the owner of the dangerous dog or other animal occurs in the municipal court of the city.

(c) Any dog or other animal having a dangerous complaint initiated against such animal shall be securely impounded pursuant to article IV of this chapter at the Joplin Humane Society or other approved location by the director until determination of guilt occurs in the municipal court. The owner of such dog or other animal shall be responsible for all costs incurred per section 18-144 while such animal is impounded. Any animal not

reclaimed (if allowed) by its owner within seven days after judicial action is completed shall be disposed of pursuant to section 18-146.

(d) Any person charged with a violation of this section who, having been duly notified, fails to appear in municipal court shall upon order of the court waive their right to redeem their dog or other animal. The dog or other animal shall be disposed of pursuant to section 18-146.

(e) Any dog or other animal deemed dangerous pursuant to this chapter shall not be sold or given away without the permission of the director of public health and welfare.

(f) Upon conclusion of the determination of dangerous by the court the following sanctions may be imposed upon the owner of such dog:

(1) Dangerous animals shall be securely confined indoors or in a securely enclosed and locked kennel or cage. The kennel or cage shall be of a size suitable for the species, age and condition of the animal kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply. The kennel or cage must have secure sides and a secure top, such as heavy gauge chain link fence material, attached to the sides. Such kennel or cage must have a secure bottom or floor (concrete or asphalt) attached to the sides. The kennel or cage must be locked with a key or combination lock when such animals are within the structure. Any such kennel or cage must be located at least ten feet from any property lines and must comply with all zoning and building regulations of the city. Kennels for dangerous dogs must be sufficient for the breed.

(2) When confined indoors, no dangerous animal may be kept on a porch, patio or in any part of a house, building or structure that would allow the animal to exit such building on its own volition. No such animal may be kept in a house, building or structure when the windows are open. No dangerous dog may be kept in a house, building or structure when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(3) No person shall permit a dangerous animal to go outside its kennel, cage or secure structure unless that person has the animal securely leashed on a leash no longer than four feet in length and that person has physical control of the leash. Such animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Additionally, all such animals on a leash outside the animals' kennel, cage or secure structure must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(4) A sign shall be conspicuously posted upon the kennel or cage of any dangerous animal with letters in English at least two inches high containing a warning to "beware of the dangerous animal" or words of similar impact.

(5) All owners, keepers or harborers of any dangerous animal must maintain in effect public liability insurance amount of \$100,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any person which may result from the ownership, keeping or maintenance of such animal. All owners, keepers or harborers of dangerous animals shall present to the animal

warden a statement certifying that they have the required insurance policy in effect. Such insurance policy shall provide that no cancellation of the policy will be made unless 30 days' written notice is first given to the health department.

(6) The owner of such dangerous dog or other animal must register such animal with the health department. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and identifying marks of the animal, the location of where the animal will be kept and other such information as the director may require. A registration number for future identification will be issued. Photographs will be taken of the animal for identification purposes. A microchip identification device properly implanted according to manufacturer's guidelines, by a licensed veterinarian, may be required at the owner's expense.

(7) The owner of such dog or other animal shall arrange for the spaying or neutering of such animal at the owner's expense. This sanction may be imposed to help relieve the aggressive nature of the animal, the desire to wander and to prevent future offspring with dangerous tendencies.

(8) Any dog or other animal that inflicts a severe or fatal injury on a human being on any public or private property may be deemed an imminent threat to the public and ordered humanly euthanized by the court.

(9) No dog shall be declared dangerous pursuant to any part of the section if the threat, injury or damage caused by such dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or was tormenting, abusing or assaulting the dog or has in the past been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. Nor shall any dog be declared dangerous if it was responding to pain or injury, or was protecting itself, its kennel or offspring. Dogs utilized as part of a K-9 police dog program by a police official are exempted while performing duty.

(10) Upon conviction of or plea of guilty of any person of a violation of the requirements of these sanctions, the municipal judge may, in addition to the usual judgment, order the animal warden to forthwith take up and humanely euthanize such animal.

(11) Upon conviction or plea of guilty by the owner of any animal being dangerous, a penalty as provided in section 1-5 may be imposed in addition to any sanctions set forth in this section.

(12) Sanctions imposed by the court are to be implemented to the animal warden's satisfaction within seven days after the court ruling or the dog or other animal may not be reclaimed and may be disposed of pursuant to section 18-146.

(Code 1977, § 8-32; Ord. No. 97-092, § 7, 6-2-97; Ord. No. 2007-247, § 1, 12-3-07)