CITY OF NORBORNE

BILL NO. 06-2021 ORDINANCE NO. 665

AN ORDINANCE REGARDING DANGEROUS ANIMAL.

WHEREAS, the Board of Aldermen of the City of Norborne, Missouri, has determined that it is in the best interests of said City to adopt an ordinance to regarding dangerous animal.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NORBORNE, MISSOURI, A MUNICIPAL CORPORATION, AS FOLLOWS:

SECTION I – Dangerous Animal.

A. It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. However, this shall not apply to an attack by a dog under the control of an on-duty Law Enforcement Officer or to an attack upon an uninvited intruder who has entered the owner's property with criminal intent.

B. A dangerous animal is an animal:

1. That has inflicted a severe or fatal injury on a human being ("severe injury" means any physical injury resulting directly from an animal's bite that results in broken bones, lacerations requiring stitches or inpatient hospitalization. A victim who receives severe injuries must provide the City Hall 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. That has killed a dog, cat or other domestic animal without provocation while off the owner's property;

3. That is owned or harbored primarily or in part for animal fighting;

4. That has bitten a human being without provocation on public or private property;

5. That, when unprovoked, chases or approaches a person upon streets, sidewalks or any public grounds or private property other than the property of the owner in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by such animal; or

6. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings and domestic animals.

C. The Code Enforcement Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence that the animal meets any of the criteria for a dangerous animal set forth in Subsection (B) above. When such a designation is made, at least one (1)

owner of the animal, if known, shall be served a summons notifying the person of the designation and informing him or her of his or her right to appeal such designation by appearing in court. Pending a disposition by the court, the animal must be confined in such a manner as determined by the Code Enforcement Officer. The Code Enforcement Officer shall be authorized to require confinement of the animal by permitting the owner to have the animal confined at a veterinary facility or kennel, or by permitting the animal to be confined on the owner's premises in such secure facilities as are approved by the Code Enforcement Officer. If the animal is deemed dangerous by the court, the court shall issue the order to have the animal euthanized or removed from the City of Norborne. If removal is authorized by the court, the animal shall be placed in the custody of the Code Enforcement Officer while the owner makes immediate arrangements to have the animal removed from the City of Norborne. If the animal is not removed within twenty-four (24) hours, Code Enforcement Office shall make arrangements for humane euthanization.

D. Exceptions to dangerous animal classification:

1. With the exception of Subsection (B) (1) above, no animal may be declared to be dangerous if the injury, damage or threat 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 animal; was teasing, tormenting, abusing or assaulting the animal; has in the past been observed or reported to have teased, tormented, abused or assaulted the animal; or was committing or attempting to commit a crime.

2. With the exception of Subsection (B) (1) above, the Code Enforcement Office may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. However, the owner may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidents. This, however, does not exempt the owner from being cited for other animal control ordinance violations.

E. Any owner of an animal declared to be a dangerous animal shall, upon conviction for violation of any provision or requirement imposed pursuant to Subsection (C) above, be subject to a fine of not less than two hundred fifty dollars ($250.00) and not more than five hundred dollars ($500.00) for each violation, to imprisonment of up to ninety (90) days or both. In addition, the dangerous animal shall be subject to immediate seizure and impoundment.

SECTION II– Repeal of Conflicting Ordinances or Parts Thereof.

All ordinances or parts of ordinances in conflict with this ordinance are hereby amended and/or repealed to correspond herewith.

SECTION III – Effective Date.

This ordinance shall in full force and effect from and after December 14, 2021.

Read three (3) times and duly ADOPTED AND PASSED by the Board of Aldermen of the

City of Norborne, Missouri, this 14th day of December, 2021, at a meeting duly called and convened and at which a quorum of said Board was present.

Mayor

**[SEAL]**

ATTEST:

Carol Coats
City Clerk

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APPROVED by the Mayor this 14 day of December, 2021.

Mayor

**[SEAL]**

ATTEST:

Carol Coats
City Clerk

CERTIFICATE

I, Carol Coats, being the duly elected, acting and constituted City Clerk of the City of Norborne, Missouri, a municipal corporation of the fourth class of the State of Missouri, do hereby certify that the above and foregoing is a true and complete copy of Ordinance No. 665, as duly adopted at a meeting of the Board of Aldermen of such city, duly called, convened and held on December 14, 2021, at which time 3 of the 4 members of the Board of Aldermen were present and voting.

I do hereby further certify that said Ordinance is still in full force and effect and has not been rescinded, altered or amended as of this date.

Dated at Norborne, Missouri, this 14th day of December, 2021.

**[SEAL]**

Carol Coats
Carol Coats, City Clerk