

Bill No. 155

ORDINANCE NO. 15-5

ORDINANCE AUTHORIZING THE REGULATION OF DOGS

WHEREAS, the Board of Trustees of the Village of Oakwood has recognized the need to regulate the control of dogs within the Village of Oakwood,

WHEREAS, the Board of Trustees of the Village of Oakwood has hereby determined it is necessary to regulate and control dogs within the Village of Oakwood,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF OAKWOOD, AS FOLLOWS:

SECTION 1 DEFINITIONS: As used in this Ordinance, the following terms mean:

OWNER: Any person, group of persons or corporation, owning, keeping or harboring a dog.

KEEPER: Any person entrusted by owner to keep and bear responsibility for an owner's dog(s).

DANGEROUS ACTIVITY:

(1) The term "dangerous activity" means:

- a. Any dog, except one assisting a peace officer in law enforcement duties, which when unprovoked, in a threatening or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or other public grounds or places, or upon any private property not owned by the owner of such dog;
- b. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- c. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property;
- d. Any dog owned or harbored primarily or in part for the purpose of fighting or any animal bred or trained for fighting.

(2) Notwithstanding the definition of dangerous activity in subsection (1)a.—d. of this definition, no dog may be declared dangerous if:

- a. An injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.
- b. The animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

DOG: Means all domesticated animals of the canine species, both male and female, unless otherwise specified.

RESTRAINT: A dog is under restraint if it is:

- (1) Within a fully enclosed or fenced area;
- (2) On a handheld leash by a responsible person physically capable of controlling such dog; or
- (3) On a leash or chain confining such dog to the yard of its owner or keeper.

ANIMAL CONTROL OFFICER: Any member of the Board of Trustees of the Village of Oakwood (Board) or an agent designated by the Board to work under the supervision of the Board.

EXPOSED TO RABIES: A dog has been exposed to rabies within the meaning of this ordinance if it has been bitten by, fought with or come in close contact with any animal known or reasonably suspected to be infected with rabies, or has bitten a human being.

SECTION 2 - DOG BEHAVIOR: It is unlawful for any dog to engage in Dangerous Activity in the Village of Oakwood.

SECTION 3 - RESTRAINT: A dog owner or keeper shall keep such owner's or keeper's dog under restraint at all times.

SECTION 4 - CARE OF DOGS AND OTHER ANIMALS; BARKING, HOWLING, ETC., PROHIBITED: The owner of a dog shall provide it with humane shelter from weather elements and shall give it adequate food and water to keep the dog in good health and comfort. Shelter shall be soundly constructed, dry and provided with bedding as necessary. All dogs must be given opportunity for vigorous daily exercise and all dogs must be provided by their owners with veterinary care when needed to prevent suffering. No owner or keeper shall permit a dog to habitually bark, howl or in other ways be a public nuisance. No owner shall permit its animal to deposit feces on public property or the private property of another without immediate removal of such feces from such property.

SECTION 5 - VACCINATION: No person shall own, keep or harbor any dog within the limits of the Village of Oakwood unless such dog shall have been certified of immunization against rabies obtained through a licensed veterinarian. The certificate of immunization shall be kept current as required in order to protect all persons and other animals from rabies.

SECTION 6 - LIMITATION ON THE NUMBER OF DOGS: Except for short-term breeding purposes, no owner shall own, keep, or harbor more than four dogs over the age of four months.

SECTION 7 - IMPOUNDMENT AND DISPOSAL:

(a) Any dog maintained or kept in violation of this chapter, including, but not limited to, dogs not licensed pursuant to this chapter or found not under restraint or abandoned, may be seized and impounded by any public safety officer or animal control officer so designated by the Board. Upon receipt of a signed complaint by any persons that a dog is running at large and causing damage to persons or property or constitutes a public nuisance, any public safety officer, animal

control officer or agent of the Board may take possession of and impound such animal. Impoundment shall be in any animal shelter designated by the Board.

(b) If an impounded dog wears a license tag or if the owner can be identified and located by reasonable means, the owner shall, within 48 hours of impoundment, be notified that the owner's dog has been impounded.

(c) If the owner of an impounded dog is notified that such dog has been impounded, the owner shall redeem it after paying all expenses incurred by the Village of Oakwood or its agent as a result of the impoundment, including any medical treatment rendered to the dog. If the owner does not redeem the dog within seven days after receiving notice of impoundment or if the owner cannot be identified within seven days after impoundment, the dog may be disposed of by using an approved, humane method; provided, however, that the dog may be disposed of immediately, if, in the opinion of the human officer, it is suffering beyond recovery or in any way endangers the health of other impounded animals or fowl.

(d) An owner redeeming a dog from impoundment shall pay, before release, an impoundment fee plus a daily boarding charge as specified in the adopted schedule of fees and charges, for each 24 hours or fraction thereof that the dog has been impounded. Such fees shall be delivered to the village clerk.


SECTION 8 - ENFORCEMENT: For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any public safety officer or agent authorized by the Board is empowered to enter upon any premises upon which a dog is kept or harbored.

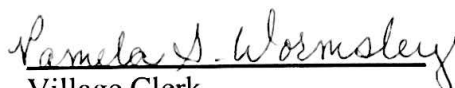
SECTION 9 - PENALTIES: Any person violating any section of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) but not more than Five Hundred Dollars (\$500.00). If such violation be continuing, each day's violation shall be a separate offense.

SECTION 10 - VIOLATIONS: Violations will be heard before the Clay County Circuit Court sitting for the Village of Oakwood. Notice of Ordinance violations shall provide the time and place of the Court proceeding, either at the time of the violation or within a reasonable time thereafter.

PASSED, SIGNED AND MADE EFFECTIVE BY THE BOARD OF TRUSTEES OF THE VILLAGE OF OAKWOOD, MISSOURI this 5<sup>th</sup> day of Nov, 2012.

THE VILLAGE OF OAKWOOD  
A Municipal Corporation

  
By \_\_\_\_\_  
Chairman, Board of Trustees

  
Village Clerk