

**AN ORDINANCE FOR THE PREVENTION, REGULATION, AND PROCEDURE OF A DANGEROUS ANIMALS.**

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BIG LAKE AS FOLLOWS:

A. Dangerous animal. Any animal that:

1. Has a known propensity, tendency or disposition to attack when unprovoked, upon the streets, sidewalks, or any public grounds or places or upon the property of another, to cause injury or otherwise endanger the safety of human beings or domestic animals or approaches a person in a menacing fashion or apparent attitude of attack:

2. Bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on private or public property: or

3. Is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

B. Dog. Any member of the species canis familiaris.

C. Owner. Any person possessing, harboring, keeping or having control or custody of a dog or a city resident who has a financial interest in any dog.

D. Severe injury. Any physical injury that results in broken bones or lacerations requiring either doctor visit, multiple stitches, or cosmetic surgery.

E. Unprovoked. Action by the dog not in response to being tormented, abused or assaulted by any person, or if the dog's action was not in response to pain or injury or to protect itself, its kennel or its offspring.

**Procedure when person or domestic animal has been bitten or scratched by animal.**

A. The owner of any dog or cat or other domestic pet that, through biting or scratching, breaks, or abrades the skin of any person, or domestic animal, must show proof that the animal has been vaccinated for rabies. If the animal has not be vaccinated or no proof can be shown the owner shall be required to place the animal in a veterinary clinic for a period of ten days following the evening of the day of the bite for clinical observation.

B. If animal has to be hospitalized all expenses shall be borne by the owner of the animal. If the dog develops symptoms of rabies and the authorized representatives determine that an immediate examination of the animal is proper, in order to provide for adequate protection of human life or safety, then the animal may be euthanized for purposes of examination before the lapse of the ten days. If at the end of the ten-day period, if the animal is alive and in good health, it may be released to its owner.

**Pursuit and impoundment of animals suspected of having bitten or scratched a person.**

A. **Pursuit.** Whenever a report has been filed with the Village of Big Lake Board and reasonable grounds to believe that a person or domestic animal has been bitten or scratched by a dog or domestic pet, and shall have reasonable grounds to believe that a particular dog or animal is guilty of having inflicted the bite or scratch, then the Board of Trustees shall notify the owner of the dog or animal. If for some reason the owner can not be found and the officer feels that a particular dog or animal is guilty of having inflicted the bite or scratch, then such officer shall authorize himself or an officer of the County Sheriff Department to enter any place, building or property of another when the officer has reasonable grounds to believe that such dog or animal is thereon or therein for the purpose of taking up such animal and impounding the animal. If the dog or animal has to be impounded any expenses shall be borne by the owner of the animal. It will be the duty of the Board of Trustees of Village of Big Lake to notify the owner and shall be the duty of such owner to comply with the provisions of this ordinance.

B. **Search Warrant.** Whenever the Board of Trustees of the Village of Big Lake, Missouri, shall have probable cause to believe that an animal has bitten or scratched a person or domestic animal, such officer may, in addition to other remedies provided in this Section, request that a warrant be issued to search for and seize such animal pursuant to the provisions of this Ordinance.

**Acquisition of dangerous dog prohibited.**

A. No person shall knowingly sell, offer for sale, breed, buy or attempt to buy or give away to any other resident any dangerous dog or animal within the Village of Big Lake.

B. No person shall knowingly own, harbor, sell or offer for sale any dog or animal that is to be used for the purpose of dog fighting or to be trained, tormented, badgered, baited for the purpose of causing or encouraging the dog to attack human beings or domestic animals when not provoked.

**Adjudication as dangerous dog.**

A. Upon receipt of a written complaint by a person, the Board of Trustees of the Village of Big Lake, after reviewing the facts of the complaint, may conduct a hearing to determine if such a dog or animal is dangerous. Such a hearing will be held on the regular meeting night on the second Tuesday of each month or if the Board of Trustees feel that the situation call for a special hearing, notice will be given to the owner of the dog or animal, either in person or by mail and to the complainant by mail or in person of the date, time and location of the hearing. At such hearing, all interested persons shall be given the opportunity to present evidence on the issue of the animal's dangerousness. In the event the dog or animal has caused injury to any person, the Board of Trustees may impound the dog or animal with a veterinarian at the owner's expense, pending the hearing and determination of the complaint. If the Board of Trustees cannot, with due diligence, locate the owner of the dog that has been seized pursuant to this paragraph, said dog or animal shall be impounded for no fewer that three days. If, after no fewer that three days, no person appears to claim that he/she is the dog's owner, or is an authorized agent of the owner,

the Board of Trustees is hereby designated as an authorized agent of the owner and may cause said dog or animal to be humanely destroyed.

**Sanctions against dangerous dogs.**

Upon conclusion of a hearing as set forth in the previous section, and upon a determination that the dog or animal is dangerous at said hearing, the Board of Trustees, may order the owner of the dog to comply with one or more of the following, or any combination thereof:

A. **Register Dog** The owner of a dangerous dog or animal may be ordered to register such dog or animal with the Village of Big Lake for a fee of \$100.00. The application for such registration shall contain the name and address of the owner, home phone number, work number, and a third number of a friend or family, the breed, age, sex, color and other identifying marks of the dog or animal. The owner will receive a copy of the application when sufficient evidence that the owner has complied with all orders as prescribed at the determination hearing.

B. **Confinement**. The Board of Trustees may order the owner of a dangerous dog or animal to confine the dog or animal at all times either indoors, or if outdoors, in a proper enclosure for a dangerous dog or animal. A securely enclosed and locked pen or structure and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and prevent the dog or animal from digging his way out through the bottom. The pen or structure also shall provide the dog or animal with protection from the elements. The owner also shall conspicuously, display signs designed with a warning approved by the Board of Trustees that indicates to both children and adults the presence of a dangerous dog or animal, on the pen or structure, and on or near the entrances to the residence with the dog is kept. If such dog or animal is not in the pen or structure the dog or animal must be on a leash with that owner or a leash the is securely anchored to the ground of structure or owners property.

C. **Liability Insurance**. The Village of Big Lake may order the owner of a dangerous dog or animal that has caused a sever injury to any person to maintain in full force and effect, a liability insurance policy in the amount of \$100,000.00 for coverage against personal injury or death of any person, resulting from an attack from such dangerous dog or animal, or to provide such proof of financial responsibility for personal injury or death of any person resulting from an attack from such dangerous dog or animal as the Village of Big Lake, Board of Trustees shall deem satisfactory and acceptable. Such proof of financial responsibility may include, but is not limited to, a bond or pledge or property.

**Seizure and/or confinement of dangerous dogs.**

A. In the event the owner of a dangerous dog or animal violates any order of the Village of Big Lake, Board of Trustees, as provided at the determination hearing, such dangerous dog or animal may be seized and impounded at the owners expense.

B. In the event a previously declared dangerous dog or animal has been seized by the Village of Big Lake, Board of Trustees, after such dog or animal bites or attacks a person, the Board of Trustees shall conduct a hearing to determine if the dog or animal should be returned to the

owner or forfeited. Such hearing shall be conducted no sooner than eight days from the date of seizure, and the Board of Trustees shall provide written notice of such hearing either in person or by certified mail, return receipt requested, to the owner of the dog or animal. After such hearing has been conducted, the Board of Trustees may either order that the dog or animal be returned to the owner, or that the dog or animal must be removed from the Village limits or that the dog or animal has been forfeited.

**Excused Behavior.** No dog or animal shall be declared dangerous pursuant to any section of this Ordinance if the threat, injury or damage caused by such dog or animal 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 animal, or was tormenting, abusing or assaulting the dog or animal, or has in the past been observed or reported to have tormented, abused or assaulted the dog or animal, or was committing or attempting to commit a crime. Nor shall any dog or animal be declared dangerous if it was responding to pain or injury, or was protecting itself, its kennel or its offspring.

**Enforcement, search and seizure.**

A. The Village of Big Lake, Board of Trustees and/or any member of the Holt County Sheriff Department, and other persons designated by the Big Lake Village Board of Trustees shall be empowered to enforce the provisions of this Ordinance, or any rule or regulation promulgated hereunder.

B. Persons authorized to enforce the provisions of this Ordinance, or any rule or regulation promulgated hereunder, shall have the authority to seek and execute search and seizure warrants as is determined necessary.

This Ordinance shall be in full force and effect from and after its passage and approval.

Read two times, passed and approved this 9<sup>th</sup> day of December 2008.

Mark Bruner  
Chairman  
Gandy Baker  
Co-Chairman

ATTEST:

Liana Phillips  
Village Clerk