

AGENDA ITEM
August 6, 2013

Subject: Dogs at Large

Department: Administration

This ordinance enacts changes to Sections 5-25 and 5-26(c) per the City Council's instructions to clarify the laws relating to dogs running at large in the City of Nevada.

**A SPECIAL ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEVADA,
MISSOURI AMENDING CHAPTER 5, ARTICLE II “DOGS” OF THE NEVADA,
MISSOURI CITY CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI,
THAT:**

Section 1. The City Council desires to amend Chapter 5, Article II “Dogs” to clarify the laws relating to dogs running at large in the City of Nevada.

Section 2. Section 5-25 “Definitions” is hereby amended to add two additional definitions to read as follows:

Competent Person means a person that is capable of restraining, controlling and governing a dog in their possession at the time of the event in question or to whose commands the dog is obedient.

Controlling Party means any person(s) owning, controlling, harboring, possessing, or having the management or care, in whole or in part, of any dog at the time of the suspected offense.

Section 3. Section 5-26(c) “Dogs at Large” is hereby repealed and amended to add new subsection (c) to read as follows:

5-26(c) Dogs at large

- (1) Owners or Controlling Parties are accountable for proper restraint and containment of their dogs. It shall be unlawful for any Controlling Party of any dog, to permit or allow, whether intentionally or accidentally, such dog to run at large.
- (2) For the purpose of this article a dog is “at large” when on any street, alley or any other public place in the City or when on private property within the City, which is not:
 - a. Attached to a leash that is held by a competent person; or
 - b. In an area that has a properly installed and maintained physical fence; or
 - c. Properly tethered so as to contain the dog upon the premises; or

- d. In the yard of a residence upon which the dog is controlled by a properly operating electronic fence.
- (3) Dogs found running at large will be collected by an Animal Control Officer and:
- a. If the owner can be determined, the dog may be returned to the owner and enforcement action taken at the discretion of the Animal Control Officer; or
 - b. Impounded at the City animal shelter.
- (4) Dogs found running at large that are suspected of having rabies or that are, or display qualities of, dangerous, fierce or vicious dogs shall be handled as set forth in Section 5-27.
- (5) In any prosecution charging a violation of the provisions of Section 5-26, proof that a dog was running at large in violation of this section, together with proof that the defendant named in the complaint was, at the time of the violation, the Controlling Party of such dog, shall constitute a prima facie presumption that the defendant was the person that permitted or allowed such dog to run at large.
- (6) If a dog was impounded under this section, then all costs and fees associated with the care and impoundment of the dog incurred by the City animal shelter ("impoundment fees") shall be paid in addition to any fines imposed by the court.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada, Missouri, this _____ day of _____, 2013.

(seal)
ATTEST:

Seth Barrett, Mayor

Bev Baker, City Clerk