

One-rdg. _____
P. Hrngs. _____
Pgs. 10
Filed: 11-21-17

Sponsored by: Referendum Petition

First Reading: _____

Second Reading: _____

COUNCIL BILL 2017- 286

GENERAL ORDINANCE _____

AN ORDINANCE

1 REPEALING General Ordinance No. 6397, said ordinance being entitled, "Amending
2 the Springfield City Code, Chapter 18, 'Animals,' Article II, 'Dogs, Cats
3 and Ferrets,' Division 3, 'Prohibition of Pit Bull Dogs,' by amending
4 Section 18-98, 'Additional Regulations,' through the addition of
5 language to said section establishing a future ban upon the possession
6 of new pit bull dogs within the City limits; and designating an effective
7 date for said amendments."
8 _____
9

10 WHEREAS, on the 2nd day of October, 2017, City Council passed General
11 Ordinance No. 6397; and
12

13 WHEREAS, General Ordinance No. 6397 amended the City Code through the
14 addition of language to Section 18-98 establishing a future ban upon the possession of
15 new pit bull dogs within the City limits; and
16

17 WHEREAS, a referendum petition requesting repeal of General Ordinance No.
18 6397 was filed with the City Clerk on the 31st day of October 2017; and
19

20 WHEREAS, the City Clerk determined the petition was signed by a sufficient
21 number of qualified electors on the 20th day of November, 2017, and did certify the
22 results to City Council; and
23

24 WHEREAS, pursuant to Springfield City Charter Section 14.7, City Council must
25 vote upon the question whether General Ordinance No. 6397 should be repealed.
26

27 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
28 SPRINGFIELD, MISSOURI, as follows, that:
29

30 Section 1 – General Ordinance No. 6397, attached hereto as "Exhibit A," is
31 hereby repealed in its entirety.
32

EXPLANATION TO COUNCIL BILL 2017- 286

FILED: 11-21-17

ORIGINATING DEPARTMENT: Law Department

PURPOSE: Repealing General Ordinance No. 6397, said ordinance being entitled, "Amending the Springfield City Code, Chapter 18, 'Animals,' Article II, 'Dogs, Cats and Ferrets,' Division 3, 'Prohibition of Pit Bull Dogs,' by amending Section 18-98, 'Additional Regulations,' through the addition of language to said section establishing a future ban upon the possession of new pit bull dogs within the City limits; and designating an effective date for said amendments."

BACKGROUND INFORMATION: General Ordinance No. 6397 was approved by City Council on October 2, 2017. On October 31, 2017, the City Clerk received a referendum petition asking City Council to repeal General Ordinance No. 6397 in its entirety. On Monday, November 20, 2017, the City Clerk determined the petition was signed by a sufficient number of qualified electors and certified the results to City Council.

When a referendum petition is signed by a sufficient number of qualified electors, City Council must vote whether to repeal the ordinance specified in the petition. If City Council does not repeal the ordinance, an election must be called to submit to the qualified voters a question of whether or not to approve the ordinance. This Council bill would repeal General Ordinance No. 6397. A Council bill calling an election for public vote will also be submitted to City Council for first reading and public comment at the November 27, 2017, meeting. City Council can choose to repeal General Ordinance No. 6397 or to call an election for public vote.

Submitted by:



Frank Romines, City Attorney

Authorized by:



Greg Burris, City Manager

One-Rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 09-12-17

Sponsored by: Hosmer, Fisk and Fishel

First Reading: September 18, 2017

Second Reading: October 2, 2017

COUNCIL BILL 2017-230C

GENERAL ORDINANCE 6397

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 18, 'Animals,' Article II, 'Dogs, Cats
2 and Ferrets,' Division 3, 'Prohibition of Pit Bull Dogs,' by amending
3 Section 18-98, 'Additional Regulations,' through the addition of language
4 to said section establishing a future ban upon the possession of new pit
5 bull dogs within the City limits; and designating an effective date for said
6 amendments.

7 _____
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9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
10 MISSOURI, as follows, that:

11
12 Note: Language to be added is underlined and language being removed is ~~stricken~~.

13
14 Section 1 - Chapter 18 of the Springfield City Code, 'Animals,' Section 18-98,
15 'Additional Regulations,' set out below, is hereby repealed and a new Section 18-98 is
16 enacted in lieu thereof, to read as follows:

17
18 Sec. 18-98. - Additional regulations.

19
20 (a) The current owner of any pit bull or any person who acquires valid ownership
21 of a pit bull shall be allowed to keep such pit bull within the city only if the
22 owner registers the pit bull with the city and receives a valid registration.
23 Further, any person owning a pit bull who relocates his or her residence to
24 the city shall, within 30 days of relocating their residence to the city, register
25 their pit bull and comply with all provisions of this chapter regarding
26 ownership of such animal. As a condition of registration of a pit bull, the
27 owner shall at the time of application comply with or otherwise provide
28 sufficient evidence that the owner is in compliance with all of the following
29 regulations:

30
31 1) The owner of the pit bull shall provide proof of rabies vaccination and

32 shall pay the annual pit bull registration fee of \$50.00.

- 33
- 34 2) The owner of the pit bull shall keep current the registration for such pit
35 bull through annual renewal. Such registration is not transferable and
36 shall be renewable only by the holder of the registration or by a
37 member of the holder's immediate family. A pit bull registration tag will
38 be issued to the owner at the time of issuance of the registration. Such
39 registration tag shall be attached to the pit bull by means of a collar or
40 harness and shall not be attached to any pit bull other than the pit bull
41 for which the registration was issued. If the pit bull tag is lost or
42 destroyed, a duplicate tag may be issued upon the payment of a \$2.00
43 fee.
- 44
- 45 3) The owner shall, at the owner's own expense, have the pit bull spayed
46 or neutered and shall present to the city manager or his authorized
47 representative documentary proof from a licensed veterinarian that this
48 sterilization has been performed. This subsection shall not apply to
49 any pit bull which is registered as an active participant in a dog
50 exhibition or skills association or organization for which the owner must
51 present a certificate of registration from the American Kennel Club
52 and/or the United Kennel Club and a signed and notarized affidavit
53 that the animal has or will be used a show dog or is a registered
54 service animal. The exception contained in this subsection does not
55 apply to any pit bull which has not actively participated in any such
56 shows in the previous 12 months.
- 57
- 58 4) The owner shall bring the pit bull along with the documentary proof
59 that all of the above conditions have been met to the city animal
60 shelter. The city animal shelter shall issue a registration and
61 registration tag if all conditions have been met and upon receipt of the
62 registration fee. The owner shall allow a person authorized by the city
63 manager to implant a microchip or at the owner's option have the
64 microchip implanted by a veterinarian. The city animal shelter shall
65 maintain a file containing the registration numbers and names of the
66 pit bulls and the names and addresses of the owners. The owner shall
67 notify the city animal shelter of any change of address.
- 68
- 69 5) At all times when a pit bull is at the property of the owner, the owner
70 shall keep the pit bull "confined", as that term is defined in subsection
71 18-59.1(d)(3). At all times when a pit bull is away from the property of
72 the owner, the owner shall keep the pit bull securely leashed and
73 either muzzled or wearing head gear that provides equal protection as
74 if muzzled or in a "secure temporary enclosure", as that term is defined
75 in section 18-96.
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6) An owner of a pit bull shall notify the city manager or authorized representative within five days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the city animal shelter for destruction or permanently remove the puppies from the city and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep in the city a pit bull puppy born after the date of publication of this ordinance, that is more than eight weeks old. Any pit bull puppies kept contrary to the provisions of this subdivision are subject to immediate impoundment and disposal pursuant to this section.

7) The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by ten inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two inches in height.

(b) ~~(e)~~ Notwithstanding the provisions of this chapter, the city manager or his authorized representative is authorized to immediately impound any pit bull found in the city which does not fall within the exceptions listed in section 18-97, and the municipal animal shelter may house or dispose of such pit bull in such manner as the city manager or his authorized representative may deem appropriate, except as the procedures in subsection (c) ~~(f)~~, otherwise require.

(c) ~~(f)~~ When the city manager or his authorized representative has impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the city manager or his authorized representative for an administrative hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The city manager or his authorized representative will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten days prior to the date of the hearing. Where no written request from the owner for a hearing is received by the city manager or his authorized representative within seven days of impoundment, the pit bull shall be destroyed.

(d) The administrative hearing, if any, will be held before the city municipal court. Any facts which the petitioners wish to be considered shall be submitted at the hearing. Municipal court shall make a final determination whether the dog is a pit bull as defined in section 18-96. Such final determination shall be considered a final order of the city manager or his authorized representative subject to review under RSMo ch. 536.

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(e) If the dog is found to be a pit bull, it shall be destroyed, unless the owner produces evidence deemed sufficient by the city manager or his authorized representative that the pit bull is to be permanently taken out of the city and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner. The procedures in this subsection shall not apply and the owner is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite and has been deemed a "vicious or restricted dog" under section 18-59.1 or 18-60 or if the owner is a "reckless owner" pursuant to section 18-2.

(f) Effective on and after January 1, 2018, the City shall no longer accept any new pit bull dog registrations, and all pit bull dog registrations on and after said date shall only be renewals of existing current pit bull dog registrations. Except for pit bull dogs registered before January 1, 2018, no pit bull dogs shall reside in, and no pit bull dogs shall be bred (regardless of when registered), within the City limits. Possession or ownership of an unregistered pit bull dog within the City limits shall be prohibited, and such unregistered dogs may be seized and disposed of pursuant to subsections (b) through (e), inclusive, of this section.

(g) Notwithstanding the terms of subsection (f) in this section, if an unregistered pit bull dog is impounded at the municipal animal shelter from January 1, 2018, until January 1, 2019, a temperament test shall be conducted at the municipal animal shelter, and if such dog is deemed to pass such test it shall be eligible for adoption within or outside Springfield's city limits. The ownership and keeping of such dogs shall be subject to all requirements and conditions contained in this section and in the City Code. The terms of this subsection (g) shall not apply from and after January 1, 2019.

Section 2 - This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: October 2, 2017


Mayor

Attest: , City Clerk

Filed as Ordinance: October 2, 2017

Approved as to form: , Assistant City Attorney

167 Approved for Council action: , City Manager

SUPPLEMENTAL EXPLANATION TO COUNCIL BILL 2017-230

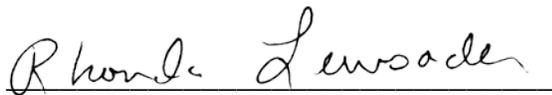
REMARKS: At the October 2, 2017, City Council Meeting, Councilman Fishel moved to amend Council Bill 2017-230 by adding the phrase “including but not limited to a jail sentence as authorized by section 1-7” after the word “penalties” on line 172 and line 186 of the Bill as originally filed. City Council adopted the motion.

In addition, Councilman Hosmer moved to divide the consideration of Council Bill 2017-230 so as to consider separately the question of amending section 18-99 of the City Code and the question of approving the changes to the text of section 18-98 of the City Code found between lines 118 and 124 of the Bill as originally filed. City Council adopted the motion.

The adoption of the motion meant three separate votes were made on Council Bill 2017-230. The first vote approved the amendment of section 18-99 of the City Code in Council Bill 2017-230 as amended by Councilman Fishel’s motion. The second vote approved the changes to the text of section 18-98 of the City Code found between lines 118 and 124 of the Bill as originally filed. The third vote approved adoption of the remainder of the revisions to section 18-98 set out in Council Bill 2017-230 as originally filed.

The division of the consideration of Council Bill 2017-230 required amendment of Council Bill 2017-230 into three ordinances: General Ordinance 6395 (2017-230-A) – amending section 18-99 of the City Code; General Ordinance 6396 (2017-230-B) – approving changes to the text of section 18-98 of the City Code found between lines 118 and 124 of the Bill as originally filed, and General Ordinance 6397 (2017-230-C), adopting the remainder of the revisions to section 18-98 set out in Council Bill 2017-230 as originally filed.

Submitted by:



Rhonda Lewsader, Asst. City Attorney

EXPLANATION TO AMENDED COUNCIL BILL 2017-231

FILED: 09-26-17

ORIGINATING DEPARTMENT: Health Department

PURPOSE: To authorize the Director of Health to amend the Dog Rescue, Release and Waiver of Liability agreements (“DRRWLA”) used to contract with animal rescue organizations, to reflect changes to Chapter 18, Section 18-99 of the City Code.

BACKGROUND INFORMATION: Resolution 10210, a copy of which is attached hereto and incorporated herein as “Exhibit 1,” authorized the Director of Health to contract with CARE and Halfway Home to adopt eligible dogs. Resolution 10299, a copy of which is attached hereto and incorporated herein as “Exhibit 2,” authorized the Director of Health to contract with additional animal rescue organizations, the primary purpose of which was to facilitate the adoption of eligible pit bulls. The Plans and Policies Committee has recommended, with certain exceptions, ceasing new registrations of pit bulls in Springfield’s city limits based upon pit bull attacks against persons in Springfield’s city limits.

The Director of Health seeks approval to update the language of the DRRWLA to reflect this change in City Code.

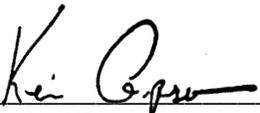
REMARKS: At the September 18, 2017 City Council meeting a motion was approved to reduce the amount of insurance required in paragraph 7 of exhibit 3 from one million dollars (\$1,000,000.00) to one hundred thousand dollars to reflect the recommendation from the Plans and Policies Committee on August 17, 2017. New language, found in 3(c) of the proposed standard agreement, requires assurances from animal rescue organizations that, consistent with the new registration restrictions, they will not adopt out pit bull dogs to persons residing in the city limits of Springfield, Missouri, after October 1, 2017, in accordance with Chapter 18. Section 18-99.

Submitted by:



Karen McKinnis,
Public Health Resource Manager

Recommended by:



Kevin Gipson,
Director of Public Health and Welfare

Approved by:



Greg Burris,
City Manager