

SECTION 205.195: KEEPING OF PIT BULL DOGS PROHIBITED

A. Prohibition--Definition. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Kearney, Missouri, any pit bull dog; provided, that pit bull dogs residing in the City on the date of passage of this Section may be kept within the City subject to the standards and requirements herein set forth. "Pit bull dog" is defined to mean:

1. The bull terrier breed of dog;
2. Staffordshire bull terrier breed of dog;
3. The American pit bull terrier breed of dog;
4. The American Staffordshire terrier breed of dog;
5. Dogs of mixed breed or other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
6. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers or a combination of any of these breeds.
7. A pit bull may be identified as any dog which exhibits those distinguishing characteristics that substantially conform to the standards established by the American Kennel Club or United Kennel Club as described in the identification checklist which is on file in the City offices. An identification using the above standards shall be prima facie proof and create a rebuttable presumption that a dog is a pit bull.

B. Standards For Keeping Already Resident Pit Bull Dogs. Pit bull dogs residing in the City of Kearney at the time of passage of this Section may be kept by their owners within the City, subject to the following standards:

1. Registration. Pit bull dogs residing in the City at the time of passage of this Section must be registered with the City by the owners within ten (10) days of the passage of this Section.
2. Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such a dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
3. Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
4. Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
5. Signs. All owners, keepers or harborers of pit bull dogs within the City shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog--Pit Bull". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
6. Insurance. All owners, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this Section provide proof to the City of Kearney of public liability insurance in a single incident amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the

ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the City of Kearney.

7. Identification photographs. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this Section provide to the Deputy City Clerk two (2) color photographs (two (2) different poses) of the animal clearly showing the color and approximate size of the animal.

8. Reporting requirements. All owners, keepers or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the Deputy City Clerk as required hereinafter:

- a. The removal from the City or death of a pit bull dog;
- b. The birth of offspring of a pit bull dog;
- c. The new address of a pit bull dog owner should the owner move within the corporate City limits.

9. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided, that the registered owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.

10. Animals born of pit bull dogs. All offspring born of pit bull dogs registered with the City must be removed from the City within six (6) weeks of the birth of such animal.

11. Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by this Article is in fact a dog subject to the requirements of this Section.

12. Failure to comply. It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Kearney to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

C. Penalty For Violation Of This Section Shall Be Provided In Section 205.160: Penalties. Any person found guilty of violating the provisions of this Section shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment not exceeding ninety (90) days or by both such fine and imprisonment. The court shall have the power to order the impoundment, release, removal from the City, return to the City or confinement by an individual of any animal seized, impounded or the subject of a violation charge under Sections 205.130, 205.140 and 205.150 after a preliminary or final hearing on the merits. Nothing herein shall in any way restrict the initial seizure or impoundment pursuant to Sections 205.130, 205.140 and 205.150. Nothing herein confers a right to any preliminary hearing before the court on any issue. The court shall have the power to assess the costs of boarding any dangerous animal boarded by the City upon any conviction and cause said assessment to be paid. (Ord. No. 1050-2006 §1, 8-9-06; Ord. No. 1078-2007 §1, 7-2-07)