

AN ORDINANCE REPEALING THE PIT BULL PROHIBITION, SECTION 205.065 OF THE MUNICIPAL CODE OF THE CITY OF TROY, AND VARIOUS OTHER DELETIONS AND AMENDMENTS RELATED TO THE PIT BULL REPEAL.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TROY, MISSOURI AS FOLLOWS:

SECTION 1: Section 205.065 entitled KEEPING OF PIT BULLS PROHIBITED is hereby repealed.

SECTION 2: Section 205.010(15) entitled PIT BULL DOG and Section 205.010(19) entitled VICIOUS DOG are hereby amended by deleting the language indicated in strikethrough as set forth in Exhibit 1, which is attached hereto and incorporated herein by reference.

SECTION 3: Section 205.060 entitled VICIOUS DOGS PROHIBITED-EXCEPTIONS is hereby amended by deleting the language indicated in strikethrough as set forth in Exhibit 2, which is attached hereto and incorporated herein by reference.

SECTION 4: Section 205.090 entitled QUARANTINE OF DOGS is hereby amended by adding the language underlined as set forth in Exhibit 3, which is attached hereto and incorporated herein by reference.

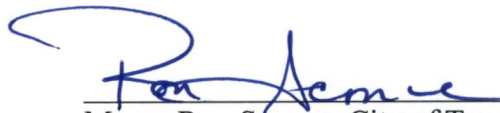
SECTION 5: Section 205.100 entitled DOGS RUNNING AT LARGE is hereby amended by adding the language underlined as set forth in Exhibit 4, which is attached hereto and incorporated herein by reference.

SECTION 6: Conflicts: All ordinances or parts of ordinances in conflict herewith are hereby repealed but shall otherwise remain in full force and effect.

SECTION 7: Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 8: Effective Date: This Ordinance shall be in full force and effect after its passage and approval as provided by law.

PASSED AND APPROVED THIS 16th DAY OF October, 2023.

A handwritten signature in blue ink, appearing to read "Ron Sconce", written over a horizontal line.

Mayor Ron Sconce, City of Troy

ATTEST:

A handwritten signature in blue ink, appearing to read "Tonya Hawkins", written over a horizontal line.

Tonya Hawkins, City Clerk

1st Reading: October 16, 2023

2nd Reading: October 16, 2023

EXHIBIT 1
Section 205.010. Definitions.

Chapter 205. Animal Regulations

Article I. Generally

Section 205.010. Definitions.

[R.O. 2006 §205.010; CC 1980 §420.010; Ord. No. 489, 4-19-1965; Ord. No. 526-A, 5-19-1980; Ord. No. 616, 11-21-1977; Ord. No. 1091, 4-20-2009]

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

ADEQUATE CONTROL

To reasonably restrain, govern or control an animal so that the animal does not injure itself, any person, any other animal, or property.

[Ord. No. 1218 §1, 11-16-2015]

AFFECTED WITH RABIES

Infected with the rabies virus as determined by standard laboratory testing.

ANIMAL

Any living animal, domestic, farm or wild, excepting birds, fish, amphibians and farm animals.

[Ord. No. 1218 §1, 11-16-2015]

AT LARGE

When an animal is on any street, alley, or any other public place in the City and is not attached to a leash, the other end of which is securely held by a competent person, or when such animal is on private property within the City and either not attached to a leash, the other end of which is securely held by a competent person, or not so confined by a fence or restrained by an electronic fence meeting the requirements of this Chapter so as to prevent its straying from the premises.

An animal which shall remain in an adequate enclosure or other confinement or restraint on the property of its owner without leash shall not be deemed to be running at large within the meaning of this definition.

[Ord. No. 1218 §1, 11-16-2015]

CAT

Any male or female member of the domestic feline family.

[Ord. No. 1218 §1, 11-16-2015]

COMPETENT PERSON

A person that is capable of restraining, controlling and governing a dog, cat or other domestic animal in his or her possession at the time of the event in question or to whose commands the dog, cat or animal is obedient.

[Ord. No. 1218 §1, 11-16-2015]

CONTROLLING PARTY

Any person or persons controlling, harboring, possessing, feeding, or having the management or care, in whole or in part, of any dog, cat, or other domestic animal at the time of the suspected offense.

[Ord. No. 1218 §1, 11-16-2015]

DOGS

Includes both male and female over six (6) months of age, except as otherwise herein specifically mentioned.

DOMESTIC ANIMAL

Animals that are normally considered to be household pets and are legal to be owned as pets in the City. This includes dogs, cats, birds, fish, rabbits, hamsters, ferrets, small rodents, other common pocket pets and non-poisonous reptiles under six (6) feet in total length.

[Ord. No. 1218 §1, 11-16-2015]

EXPOSED TO RABIES

When bitten by, or fought with, or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing.

FAILURE TO CONTROL

Failure on the part of an owner, competent person or controlling party to exercise adequate control over or properly govern the behavior of an animal to the point that the animal bites, attacks or injures a person or other domestic animal or exhibits an unprovoked threat of attacking or biting a person, domestic animal or farm animal. This can occur anywhere in the City, including the owner's curtilage, unless the animal is protecting the owner.

[Ord. No. 1218 §1, 11-16-2015]

FARM ANIMAL

An animal normally raised on a farm or ranch and used or intended for use in farm or ranch production or as food or fiber.

[Ord. No. 1218 §1, 11-16-2015]

HARBORING

Any person or persons providing food or shelter for three (3) or more consecutive days for any animal.

[Ord. No. 1218 §1, 11-16-2015]

OWNER

In addition to its ordinary meaning of having proof of ownership, owner includes any person who keeps or harbors an animal or professes to be owning, keeping or harboring an animal.

[Ord. No. 1218 §1, 11-16-2015]

PIT BULL DOG

Any and all of the following dogs:

~~1.~~

~~The Staffordshire Bull Terrier breed of dogs.~~

~~2.~~

~~The American Staffordshire Terrier breed of dogs.~~

~~3.~~

~~The American Pit Bull Terrier breed of dogs.~~

~~4.~~

~~Dogs which have the appearance and characteristics of being predominately of the breeds of the dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.~~

PUBLIC NUISANCE

Any animal that habitually barks, howls, whines, or makes other sounds that disturb a reasonable person's peace, or causes a foul or obnoxious odor to be emitted from the premises or damages the property of a person or entity which is not owned by the owner of the animal.

[Ord. No. 1218 §1, 11-16-2015]

PUPPIES

Any dog, either female or male, under the age of six (6) months.

RABIES

Hydrophobia.

VICIOUS DOG

Any of the following dogs:

1.

Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.

2.

Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.

3.

Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.

4.

Any dog that has killed or caused serious injury to another dog, cat or other domestic animal without provocation

5.

Pit bull dog.

EXHIBIT 2
Section 205.060. Vicious Dogs Prohibited.

Chapter 205. Animal Regulations

Article I. Generally

Section 205.060. Vicious Dogs Prohibited — Exceptions.

A.

It shall be unlawful to own, keep or harbor a vicious dog in the City of Troy, ~~except in~~ accordance with the following provisions:

1.

Leash and muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious 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 or buildings. In addition, all vicious dogs on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

2.

Confinement. All vicious 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 vicious dogs must be locked with a key or combination lock when such dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also, such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

3.

Confinement indoors. No vicious dog may be kept on a porch, patio or 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.

4.

Signs. All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Dog*". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

EXHIBIT 3
Section 205.090. Quarantine of Dogs.

Chapter 205. Animal Regulations

Article I. Generally

Section 205.090. Quarantine of Dogs.

[R.O. 2006 §205.100; CC 1980 §420.100; Ord. No. 489, 4-19-1965]

Owners or keepers of a dog or dogs which have bitten a person, or which acts in a suspicious manner suggesting rabies, or is viciously inclined, either outside or within his/her respective family, either on the public streets or any private property, shall, upon receipt of written notice from the proper authorities, impound and quarantine the dog or dogs for a period of ten (10) days for rabies observation, and the dog or dogs impounded shall be kept in such a manner that neither human beings nor animals can be bitten during such period of observation. If the dog owner falls to quarantine, the City may arrange for quarantine at a local veterinary clinic and the owner shall be liable for all costs associated thereto.

EXHIBIT 4
Section 205.100. Dogs Running At Large

Section 205.100. Dogs Running At Large.

[R.O. 2006 §§205.050, 205.110; CC 1980 §§420.050, 420.110; Ord. No. 515, 5-20-1968]

A.

The running at large by dogs is prohibited. No dog shall be permitted to run at large within the limits of this City.

B.

The restrictions imposed in Subsection (A), shall not prohibit the appearance of any dog upon the streets or public places, if the dog is on a leash and is kept under the control of the accompanying person.

C.

If a dog owner has been cited three (3) times in a six (6) months period for a dog running at large, the dog must be removed from the City within 14 days or the dog will be confiscated.