

AN ORDINANCE AMENDING SECTION 2.105.060 OF THE MUNICIPAL CODE OF THE CITY OF GLADSTONE, MISSOURI, REGARDING DANGEROUS ANIMALS.

WHEREAS, the City Council of the City of Gladstone, Missouri, (the "City") has previously enacted ordinances setting forth the process for the determination of whether an animal is dangerous under the Municipal Code of the City of Gladstone, Missouri (the "City Code"); and

WHEREAS, the City desires to provide for a process which ensures for adequate notice and an opportunity to be heard by the necessary parties, while also safeguarding the public health, safety, and welfare of the citizens of the City of the Gladstone.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

Section 1. That Subsections (e), (f), and (g) of Section 2.105.060 of the City Code of the City of Gladstone, Missouri be amended to read as follows:

- (e) *Dangerous Animal Hearing.* Persons aggrieved or threatened by a dangerous animal may file a formal, written complaint, on a form provided upon request by the city, with the animal control officer requesting an order declaring the animal to be a dangerous animal. Upon receipt of the formal, written complaint the animal control officer shall investigate the allegations contained in the complaint. After completing the investigation, the animal control officer shall send their findings to the appropriate division commander of Gladstone Public Safety. The appropriate division commander of Gladstone Public Safety shall, based on the written complaint and the investigation completed by the animal control officer determine if a hearing is necessary to determine if the animal is a dangerous animal under the provisions of this chapter. If the appropriate division commander determines that a hearing is necessary, the animal control officer shall provide 10-day advanced written notice via first class mail (postage prepaid) and certified mail (postage prepaid) return receipt requested, of the hearing to the owner of the allegedly dangerous animal and the aggrieved person who filed the written complaint. If an owner or aggrieved person cannot be reasonably located, notice of the complaint and the date of the hearing shall be given by publication once a week for one week in a newspaper of general circulation within the city. The division commander or their designee shall hold a hearing and shall hear evidence relevant to the determination of whether the subject animal is a dangerous animal under this chapter. At the hearing, the owner of the allegedly dangerous animal and the aggrieved person may be represented by legal counsel. After the hearing the division commander or their designee shall issue findings of fact and conclusions of law and an appropriate order, based upon competent and substantial evidence. If the division commander or their designee issues an order declaring the animal to be dangerous the order shall also:
- (1) Require the owner of the dangerous animal to keep the animal as required by subsection (c) of this section; or
 - (2) Require that the owner permanently remove the animal from the corporate limits of the City of Gladstone, Missouri; or

- (3) Require the animal be immediately destroyed, in which case the order shall direct the appropriate city personnel to capture and impound the animal pending any appeal of the order; and
- (4) Any animal declared dangerous shall be prevented from reproducing by spaying or neutering of the animal. The owner of such animal shall provide proof of such sterilization of the animal to the animal control officer within 30 days of the notification date of the need for this sterilization.
- (f) *Appeals from Dangerous Animal Process.* Any person aggrieved by any order or determination made under subsection (e) of this section may request a conference with the director of Gladstone Public Safety to discuss the appropriateness of the order or determination. This official shall have the authority, through the exercise of his or her reasonable discretion, to withdraw the order or to modify its terms and conditions, based on the competent and substantial evidence presented during the conference.
- (g) Upon conviction in municipal court for a violation of this section, the court shall fine the owner of the dangerous animal the following:
 - (1) Three Hundred Dollars (\$300) for the first offense.
 - (2) Five Hundred Dollars (\$500) for the second offense.All such fines shall be a minimum fine. In addition to the fines referenced above, the municipal judge may sentence the owner to jail for a term not to exceed ninety (90) days.

Section 2. That Subsections (h) and (i) of Section 2.105.060 of the City Code of the City of Gladstone, Missouri are hereby deleted in their entirety.

Section 3. That this Ordinance shall be in full force and effect from and after its passage.

Section 4. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 10th DAY OF SEPTEMBER 2018.



Mayor Bill Garnos

ATTEST:



Ruth E. Bocchino, City Clerk

FIRST READING: September 10, 2018

SECOND READING: September 10, 2018



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 18-38

ORD # 4.445

Date: 9/10/2018

Department: Public Safety

Meeting Date Requested: 9/10/2018

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Dangerous Animal Determination Ordinance Amendment

Background: The City Council was previously presented information regarding a potential amendment to the provisions of the Dangerous Animal Ordinance, specifically the process for making a determination of whether an animal is deemed dangerous and the disposition of the animal at the City Council Study Session on Monday, August 13, 2018. The current Dangerous Animal Determination Ordinance was adopted by the City Council in 2007.

Budget Discussion: Funds are budgeted in the amount of \$ from the Fund. Ongoing costs are estimated to be \$ annually. Previous years' funding was \$

Public/Board/Staff Input: The Ordinance before the City Council provides for a more streamlined, administrative process that will cover both the determination of whether the animal is deemed dangerous and the disposition of those animals. The Ordinance conforms to the concepts presented to the City Council at the above-referenced Study Session.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Mike Hasty
Department Director/Administrator


City Attorney


City Manager