Amending Chapter 14, Code of Ordinances, relating to Animal Control by enacting one new Section 14-60 pertaining to pit bull dogs.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 14, Code of Ordinances of the City of Kansas City, Missouri, relating to Animal Control is hereby amended by enacting one new section pertaining to pit bull dogs to read as follows:

Sec. 14-60. Pit bulls.

- (a) Definition.
- (1) "Pit bull" means any pit bull that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any pit bull displaying the physical traits of any one or more of the above breeds, or any pit bull exhibiting those distinguishing characteristics that conform to the standards established by the American Kennel Club ("AKC") or United Kennel Club ("UKC") for any of the above breeds.
- (2) If an owner, keeper or harborer is unsure as to whether an unspayed and unneutered dog is a pit bull, then the owner, keeper or harborer of the dog may make an appointment with the supervisor of animal health and public safety for the purpose of the supervisor making a determination as to whether or not such dog is a pit bull. If the pit bull owner, keeper or harborer wishes to appeal the determination that the dog is a pit bull, then within five business days of the supervisor's determination such owner, keeper or harborer may request a hearing before the director of neighborhood and community services. The hearing shall be held no more than thirty days after the supervisor or animal health and public safety receives the request. The hearing may be informal and the rules of evidence not strictly observed. The decision of the director is final.
- (b) Mandatory spaying and neutering of pit bulls; exceptions.
- (1) No person may own, keep, or harbor any pit bull that the person in possession knew, or should have known, was a pit bull that has not been spayed or neutered unless:
 - a. The pit bull is under eight weeks of age;
 - b. The pit bull cannot be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to a physical abnormality. A veterinarian must certify such a condition and determine the time frame after which the pit bull can be spayed or neutered. Within thirty days of the operative date of this ordinance,

or within thirty days of taking possession or ownership of an unspayed or unneutered pit bull, the owner, keeper or harborer must submit such documentation to be verified by the supervisor of animal health and public safety;

- c. The pit bull has been present in the City for less than thirty days;
- d. The owner, keeper or harborer has obtained, or has submitted an application for a commercial animal establishment permit;
- e. The determination of the breed is under appeal pursuant to subsection (a) above; or
- (c) Penalties for failure to spay or neuter. Any person who violates the provisions of this section requiring that a pit bull be spayed or neutered shall be subject to the following:
 - (1) A first violation shall be an infraction punishable by a fine not to exceed \$500 and the impoundment of the pit bull by the supervisor of animal health and public safety. In order for the owner, keeper or harborer to reclaim the pit bull from the supervisor of animal health and public safety, in addition to paying the other charges and fees set out in this chapter, one of the following must occur:
 - a. The supervisor of animal health and public safety shall have a veterinarian spay or neuter the pit bull. The pit bull owner, keeper or harborer shall pay a deposit of \$100 prior to the procedure and will be charged the fee for such services consisting of the actual expense incurred as established by the supervisor of animal health and public safety.
 - b. In the alternative, the owner, keeper or harborer shall arrange for another veterinarian within the City to spay or neuter and shall pay the supervisor of animal health and public safety a fee of \$60, which shall cover the Supervisor's costs of delivering the pit bull to a veterinarian of the owner's, keeper's or harborer's choosing. The supervisor of animal health and public safety shall deliver the pit bull to the veterinarian, and the veterinarian shall release the pit bull to the owner, keeper or harborer only after the spaying or neutering is complete.
 - c. At the discretion of the supervisor of animal health and public safety, the supervisor may release the pit bull to the owner, keeper or harborer provided that the owner, keeper or harborer signs an affidavit swearing or affirming that such owner, keeper or harborer will have the pit bull spayed or neutered within two weeks and will provide documentation verifying that the spaying or neutering occurred upon completion. If the owner, keeper or harborer fails to

have his or her pit bull spayed or neutered as agreed in the affidavit, the supervisor of animal health and public safety shall have the authority to impound the dog, and the owner, keeper or harborer may be charged with a second violation of this section.

- d. In the event that the supervisor of animal health and public safety determines that payment of any fees by the owner, keeper or harborer of a pit bull which is impounded or otherwise taken into custody would cause extreme financial difficulty to the owner, keeper or harborer, then the supervisor may, at his or her discretion, waive all or part of the fees necessary for compliance with this section.
- (2) A second violation of this section by the owner, keeper or harborer, shall be a misdemeanor punishable by imprisonment for a period not to exceed six months or by a fine not to exceed \$1,000, or by both such fine and imprisonment. In addition, a second violation shall result in the supervisor of animal health and public safety impounding the pit bull and disposing of the pit bull in accordance with the provisions of this chapter.
- (d) Permit for the breeding and transfer of pit bull offspring.
- (1) No person shall cause or allow any pit bull to breed or give birth without first obtaining a permit as described in this section.
- (2) Keeping an unaltered male adult pit bull together with a female pit bull in heat in the same pit bull run, pen, room, or any other space where the two dogs are allowed contact with one another that would allow the pit bulls to breed is considered prima facie evidence of an owner, keeper or harborer's intent to allow the pit bulls to breed.
- (e) Granting or denying a permit.
- (1) Requirements of permit. An owner or keeper of a pit bull may annually obtain a nontransferable permit. If more than one owner, keeper or harborer is involved in the breeding process, each party must apply for and be granted a breeding permit. The permit may be obtained from the supervisor of animal health and public safety if all of the following conditions are met:
 - a. The applicant has submitted the appropriate forms and fees required by the supervisor of animal health and public safety in order to seek consideration for a breeding permit.
 - b. The applicant has a space in which to breed pit bulls and raise the offspring that the supervisor of animal health and public safety is satisfied will contain the animals as well as provide them with safe.

- sanitary, and humane conditions, appropriate for breeding pit bulls, which satisfies all applicable provisions of this chapter.
- c. The supervisor of animal health and public safety has evaluated and reached a positive conclusion regarding the suitability of the particular pit bulls to be bred, including consideration of their lineage, age and health condition. The supervisor of animal health and public safety shall utilize the following guidelines in making a determination:
 - 1. The owner, keeper or guardian shall provide verification that any pit bull to be bred is registered as an American Pit Bull Terrier, an American Staffordshire Terrier, or a Staffordshire Bull Terrier, with the appropriate registry for its breed (American Kennel Club, United Kennel Club, American Dog Breeders Association ("ADBA")) or any other valid registry as determined by the supervisor of animal health and public safety.
 - 2. Any pit bull to be bred must meet the pit bull breed standard, as defined by the appropriate registration agency (AK, UKC, or ADBA), for physical conformation as well as temperament.
 - 3. The registered pit bull has participated in at least one approved pit bull show during the previous 365 day period or the owner, keeper or harborer has given written notice to one of the pit bull registries listed above stating his or her intention that the pit bull will participate in an approved pit bull show. A pit bull show is defined as an event that is sanctioned in writing by one or more of the pit bull registries listed above.
 - 4. Any pit bull to be bred shall have the appropriate health screenings for its breed. For pit bulls this is, at a minimum, the following health tests: Orthopedic Foundation for Animals ("OFA") or University of Pennsylvania Hip Improvement Program ("PennHIP") certification on hips, OFA on heart by a certified cardiologist and must have passed the American Temperament Testing Society temperament test.
- d. Breeders shall not allow female pit bulls to have more than one litter per year.
- e. Upon approval of an application, the applicant must pay the \$100 permit fee.

- (2) *Permit denial.* The supervisor of animal health and public safety shall automatically deny the permit if one or more of the following occurs and the supervisor's decision shall be final:
 - a. The applicant fails to pay the permit fee within two weeks of notification that the application has been approved. The applicant may reapply for a permit after ten months.
 - b. The applicant has a history of allowing dogs to run loose or escape, has otherwise been found to be neglectful, has a pit bull identified as a nuisance, or has previously been determined to have violated provisions of this chapter.
 - c. The applicant has applied for a permit within the last ten months.
- (3) *Inspections of the premises.*
 - a. The supervisor of animal health and public safety may on one or more occasions for up to one year after issuing the permit, perform an inspection of the pit bull's living quarters to ensure that the standards required to receive a permit are met. The supervisor of animal health and public safety will give the owner, keeper or harborer a twenty-four hour notice and will conduct such inspection at a reasonable time when the owner, keeper or harborer is present. The owner, keeper or harborer shall allow the supervisor of animal health and public safety access to conduct the inspection.
 - b. If the property does not meet the required standards, or the owner, keeper or harborer cannot be contacted for an inspection within two weeks of the supervisor's initial attempt or the owner, keeper or harborer fails or refuses to allow an inspection, then the supervisor of animal health and public safety shall not issue a permit.

(f) Revoking a permit.

(1) The supervisor of animal health and public safety may, after conducting a hearing, revoke a breeding permit for a violation of the provisions of this section. Within five days of the supervisor's knowledge of any such violation, a hearing officer designated by the supervisor shall give notice to the owner, keeper or harborer of the pit bull in writing that such owner, keeper or harborer is in violation of this section and is subject to the revocation of his or her breeding permit. Unless the hearing is waived by the owner, keeper or harborer of the pit bull, or the hearing is scheduled on an agreed-upon date, the hearing officer shall fix a time not less than ten or more than thirty days from the date of the violation notice. The hearing officer shall fix a place for said hearing and cause all parties to be notified, not less than five days before the date of such hearing. The hearing may be

informal and the rules of evidence not strictly observed. Within fifteen days following the hearing, the hearing officer shall issue his or her decision to all parties. The decision of the hearing officer is final. Upon a finding of a violation, the hearing officer may revoke the permit. Any violation of this section may also be considered in future permitting decisions.

- (2) After the supervisor of animal health and public safety has issued a permit, such permit may be revoked pursuant to procedures set forth in this section if a subsequent inspection of the premises reveals the area to be below the standards required for the permit, or if the owner, keeper or harborer cannot be contacted for an inspection within two weeks of the Department's initial attempt, or if the owner, keeper or harborer refuses the supervisor of animal health and public safety access for an inspection. If the pit bull is already pregnant or the pit bull's offspring is born, the supervisor of animal health and public safety may, pending a hearing, impound the pit bull or its offspring in accordance with the provisions of this chapter. After a hearing, the supervisor of animal health and public safety may permanently confiscate the pit bull's offspring and dispose of them in accordance with this chapter.
- (g) Transferring or selling the offspring of a pit bull.
- (1) Any owner, keeper or harborer who offers any pit bull offspring under six months old for sale, trade, or adoption, shall prominently post such owner's, keeper's or harborer's valid breeding permit number with any offer of sale, trade, or adoption. The permit number shall also be supplied in writing to the person, corporation or entity that acquires such pit bull's offspring. The provisions of this subdivision shall not apply to the supervisor of animal health and public safety or to a not for profit animal welfare and rescue organization that seeks adoptive homes for pit bulls
- (2) The breeder shall not remove a pit bull's offspring from the litter until such offspring are at least eight weeks of age, are fully weaned, have their first set of vaccinations, have been de-wormed and are in good general health.
- (3) Within three weeks of the time that the litter is whelped, the breeder shall give notice in writing to the supervisor of animal health and public safety of the number of offspring that were born alive. Within three weeks after the breeder transfers physical possession of each of the pit bull's offspring, the breeder shall notify the supervisor of animal health and public safety of the name, address, and telephone number of the new owner, keeper or harborer of each such offspring.
- (h) Penalties for failure to permit, post or report.

- (1) Any person owning, keeping or harboring a pit bull without a required permit in violation of this section and who has not been previously been found to have committed such violation shall be deemed to have committed an infraction punishable by a fine not to exceed \$500.
- (2) Any person owning, keeping or harboring a pit bull without a required permit in violation of this section and who has previously been found to have committed an infraction for the same such offense shall be deemed to have committed a misdemeanor punishable by imprisonment not to exceed six months or by a fine not to exceed \$1,000 or by both imprisonment and fine. No person shall be charged with a misdemeanor pursuant to this subsection until at least thirty days have passed since any previous similar infraction or misdemeanor charge was levied.
- (3) Any person owning, keeping or harboring a pit bull who fails to include a prominently posted permit number when transferring pit bull offspring pursuant to this section shall be deemed to have committed an infraction punishable by a fine of \$100 for the first violation, \$200 for a second violation within a year of the first offense, and a \$500 fine upon the third and any subsequent violations within a year of the second offense.
- (4) Any person owning, keeping or harboring a pit bull who fails to provide the supervisor of animal health and public safety with notice of the number of offspring born and information about a new owner, keeper or harborer of each offspring pursuant to this section shall be deemed to have committed an infraction punishable by a \$100 fine for the first violation, a \$200 fine upon a second violation within one year of the first offense, and fine of \$500 for the third and subsequent violations within one year of the second offense.

Section 2. The provisions of this section shall take effect beginning on the date that is thirty days from the effective date of this ordinance

Approved as to form and legality:

Authenticated as Passed

BNES Mayor

Alan L. Holtkamp

Assistant City Attorney

DATE PASSED AUG 17 2006