

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 3 OF THE CITY CODE TO ADD A NEW SECTION TO PROHIBIT THE KEEPING OF PITBULL DOGS AND MAKING CERTAIN OTHER CHANGES TO CHAPTER 3 FOR CONSISTENCY OF ORDER AND DEFINITIONS.

WHEREAS, the City Council has determined that it is in the best interests of the City of Independence to amend the City Code related to restraint and control of dogs and prohibit the keeping of pit bull dogs; and,

WHEREAS, certain changes in Chapter 3 need to be made to maintain consistency;

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

SECTION 1. That Article 3 of Chapter 3 of the “Code of the City of Independence, Missouri,” be amended by adding a new Section 3.03.006 in the following words and provisions:

“SEC. 3.03.006. KEEPING OF PIT BULLS PROHIBITED.

A. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the City any pit bull.

B. Definitions.

A “*pit bull*,” for purposes of this Section, is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

A “*secure temporary enclosure*,” for purposes of this Section, is a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a “door” for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own or have the capacity to bite any person in close proximity to the enclosure.

C. Exceptions. The prohibition in subsection A. of this section shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to subsection E. of this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under subsection A.

1. The owner of a pit bull on or before the date of passage of the ordinance enacting this section, who has applied for and received a pit bull license in accordance with subsection D. of this section, and who maintains the pit bull at all times in compliance with the pit bull license requirements of subsection D. of this section and all other applicable requirements of this chapter, may keep the same pit bull within the City.

2. The City's Animal Shelter may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.

3. Except according to the provisions in paragraph H., below, any nonprofit animal welfare organization lawfully operating an animal shelter in the City may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long as it takes to contact the City's Animal Shelter and either turn the pit bull over to the City Animal Shelter employees or receive permission to destroy or have destroyed the pit bull pursuant to the provisions of subsection E.

4. A person may temporarily transport into and hold in the City a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the Director of Health, must obtain any other permits or licenses required by City ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the City to and from the place of exhibition, contest, or show, keep the pit bull confined in a "secure temporary enclosure" as defined in subdivision B.

5. Except as provided in subdivision 4., above, the owner of a pit bull may temporarily transport a pit bull continuously through the City, only if such pit bull is being transported either from a point outside the City directly to a destination outside the City, or from a point outside the City to an airport, train station or bus station within the City. During such transportation, the owner may only stop in the City where such stoppage is necessary and solely related to the continuing ability of the owner to continue said transportation, including, but not limited to the refueling or repair of a motor vehicle. The pit bull must be maintained at all times inside a secure temporary enclosure, as defined in subdivision B., which may include inside of the passenger compartment of a private motor vehicle, with all accessible windows closed; adequate shelter must be maintained for such pit bull confined in a motor vehicle.

D. The owner of any pit bull on or before the date of passage of the ordinance enacting this section shall be allowed to keep such pit bull within the city upon compliance with the terms of the exception contained in subdivision C.1. of this section only if the owner applies for and receives an annual pit bull license within sixty (60) days of the passage of the ordinance enacting this section. As a condition of issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:

1. The owner of the pit bull shall provide proof of continuous rabies vaccination, and shall pay the initial pit bull license fee of One Hundred and Fifty dollars (\$150.00) and annual renewal fee of One Hundred Dollars (\$100.00) thereafter.

2. The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag shall be attached to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a Twenty Dollar (\$20.00) fee.

3. The owner must be at least twenty-one (21) years of age.

4. The owner shall present to the Director proof that the owner has procured liability insurance in the amount of at least Three Hundred Thousand Dollars (\$300,000.00). At the time of subsequent registration the owner, keeper or harbinger must show proof of insurance for the present registration period and proof that there was insurance coverage throughout the period of the prior registration period.

5. The owner shall, at the owner's expense, have the pit bull spayed or neutered and shall present to the Director of Health documentary proof from a licensed veterinarian that this sterilization has been performed; provided, that an owner who is registered and licensed with the City as an "animal breeder" as of August 14, 2006, is excused from this requirement. Registered and licensed breeders must comply with the following requirements:

a. All offspring born of pit bull dogs registered with the City must be removed from the City within twelve (12) weeks of the birth of such dogs.

b. Breeders must obtain a background check on all prospective buyers of puppies, and must not transfer a pit bull dog to anyone having been convicted of a felony or of any crime related to animal abuse or neglect, fighting of animals, any conviction related to or of a violent nature, possession of illegal firearms, or for the use, sale, or distribution of drugs.

c. Any owner found to have violated this subsection must immediately have their pit bull dog spayed or neutered, pay a Five Hundred Dollars (\$500.00) fine, and in addition to such fine, may be ordered to serve up to sixty (60) days in jail.

d. In addition to the above penalties, a violation of this section by a registered and licensed breeder will result in the immediate revocation of their breeding license.

6. The owner shall bring the pit bull to the Director of Health where a person authorized by the Director of Health shall cause a registration number to be assigned by the department and a micro-chip shall be implanted in the pit bull. The Director of Health shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall, within five (5) days, notify the Director of Health of any change of address. The owner must provide to the Director of Health four (4) color photographs (front, rear, and both sides) of the dog clearly showing the color, markings and approximate size of the dog, such pictures may be digital. Owners of dogs registered prior to the dog's second birthday shall provide

updated photos upon annual renewal until such dog passes its second birthday. The cost of the above photographs and micro-chip implantation will be borne by the owner.

7. At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull “confined.” A dog is “confined” as the term is used in this section if such dog is securely confined in the owner’s residential structure or confined in a secure fully enclosed structure which meets the following requirements:

a. The enclosure must have no more than a single entrance, with secure sides and a secure top, or all sides must be at least six feet (6’) high and provide adequate shelter;

b. The enclosure must have a bottom permanently attached to the sides or sides embedded into the ground not less than two feet (2’); and

c. The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own; and

d. The enclosure used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure; and

e. The enclosure must be secured against the unauthorized entry by a minor on their own accord; and

f. A legible sign, as described in paragraph D.10. must be posted and continuously maintained on the enclosure; and

g. A pit bull dog shall not be kept on a porch, patio or any part of the house or structure that would allow the dog to exit such structure on its own volition. In addition, no such dog may be kept in a structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

h. No part of a property line fence shall be part of any enclosure, unless the entire line fence forms the enclosure and conforms in its entirety to the requirements of this section.

This section does not relieve the owner, possessor or keeper of a dog from the obligation to comply with any section of the municipal zoning code or building code concerning requirements for the placement or construction of fences or dog kennels.

8. At all times when the pit bull is away from the property of the owner, the owner shall keep the pit bull either securely attached to a leash not more than four feet (4’) in length of sufficient strength to control the pit bull dog and a secondary restraint attached to a prong training collar or choke collar, both securely held by a person of at least twenty-one (21) years of age who is capable of controlling the pit bull or in a “secure temporary enclosure,” as that term is defined in subdivision B. of this section. Pit bulls may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs outside the dog’s enclosure must be muzzled by a heavy leather or steel cage type muzzle sufficient to prevent such dog from biting persons, animals, or the muzzle.

9. No person shall sell, barter, or in any other way dispose of a pit bull registered with the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner and will then become the owner and will be subject to all of the provisions of this section. Provided, that the registered owner 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. The owner shall notify the city within forty-eight (48) hours in the event the pit bull is lost or stolen. The owner shall notify the City within five (5) days in the event that the pit bull is removed from the City, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Director of Health or 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 the ordinance, that is more than twelve (12) weeks old. Any pit bull puppies kept contrary to the provisions of this subdivision are subject to immediate impoundment and disposal pursuant to subsection E. of this section.

10. The owner shall post a conspicuous and clearly legible sign at each possible enclosure entrance where the pit bull is kept. Such sign must be rectangular with dimensions of twelve inches (12") in height by eighteen inches (18") in width, with lettering of not less than two inches (2") in height and proportional width that shall read as follows: "DOG ON PREMISES."

E. The Director of Health is authorized to immediately impound any pit bull found in the City which is not licensed under subsection D., above, and does not fall within the exceptions listed in subsection C., above. The municipal animal control agency may house or dispose of such pit bull in such manner as the Director of Health may deem appropriate, except as the procedures in subsection G., below, otherwise require.

F. When the Director of Health 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 Director for a hearing concerning such classification no later than seven (7) days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Director of Health will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. Where no written request from the owner for a hearing is received by the Director within seven (7) days of impoundment, the pit bull shall be destroyed. The hearing, if any, will be held before the Director of Health or a hearing officer designated by the Director of Health. Any facts which the petitioners wish to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. This may include veterinary papers, AKC papers, adoption papers from a shelter or other records that prove the dog is not a pit bull. The owner may also request a veterinary determination by a veterinary agreed to by both the owner and the Health Director. The Director of Health or hearing officer shall make a final determination whether the dog is a pit bull as defined in subsection B. of this section. Such final determination shall be considered a final order of the Director of Health subject to judicial review pursuant to the applicable rules of legal procedure. The procedures in this subsection F. 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 on a human being. In those instances, the dog shall be handled and the procedures governed by the provisions for dogs involved in a bite or attack.

G. If the dog is found not to be a pit bull, the dog shall be released to the owner. If the dog is found to be a pit bull, it shall be humanely destroyed, unless the owner voluntarily comes forward within seven (7) days after impoundment and

1. Fully complies with the provisions of 3.03.006(D), or

2. The owner produces credible evidence, deemed sufficient by the Director of Health, that the pit bull is to be permanently taken out of the City to a specified lawful location, and the pit bull will not return to the City illegally; and

a. The pit bull is micro-chipped, so as to permanently identify the pit bull as having been impounded by the Independence Animal Shelter; and

b. The owner and any proposed transferee of ownership and possession acknowledge that should the pit bull be found within the City in the future, in violation of this section, the pit bull will be destroyed; and

c. The pit bull is spayed or neutered before its release, unless a licensed veterinarian states in writing that a pit bull is unfit to undergo the required surgical procedure because of an extreme health condition of the animal. Such extreme health condition shall include, but not be limited to: Severe cardiovascular compromise; bleeding disorder; respiratory disease and hepatic disease. The old age of an animal shall not, of itself, constitute an extreme health condition for purposes of this section. The Director of Health may authorize the secured transportation of the pit bull to a licensed veterinarian to perform this procedure, if necessary; and

d. The pit bull has no known history of behavioral problems and does not display any problematic behavioral traits so as to warrant the Director of Health's confidence that the pit bull will not pose a danger or nuisance to the public's health, safety, or welfare; and

e. The owner pays all the costs of impoundment, micro-chipping, transportation, and all associated veterinarian costs, including sterilization.

H. The Director of Health shall establish written policies and procedures for the discretionary evaluation and placement of spayed and neutered abandoned pit bulls with established non-profit animal welfare organizations who have a Missouri Animal Care Facility License for the placement and adoption of individual pit bulls, under the following conditions:

1. The non-profit animal welfare organization must execute a written agreement to the terms and conditions for such placement of abandoned pit bulls for adoption by said organization, including the payment of costs to the City to offset its expenses for the impoundment, treatment, and care of the pit bull. The agreement shall also hold the City harmless regarding the evaluations, placement, and adoption of each and every pit bull.

2. The non-profit animal welfare organization must require that parties adopting a pit bull originating from the Independence Animal Shelter provide the Director of Health a legible and true copy of the adopting party's driver's license or state issued photo identification card. The adopting party must certify in writing that their sole purpose for

the adoption is to maintain the pit bull as a domesticated companion animal at their residence.

3. The non-profit animal welfare organization must agree not to transfer the possession or care of any pit bull to any other animal welfare organization without the pre-approval of the Director of Health and without the existence of an executed written agreement between the Director of Health and the secondary non-profit animal welfare organization.

4. The non-profit animal welfare organization must agree to at least one (1) follow up on-site inspection of the property where the adopted pit bull is being maintained, and the adopting party must agree to the inspection as a pre-requisite for the adoption. The non-profit animal welfare organization shall report to the Director of Health, as a result of their on-site inspection, any evidence or indications that the adopted pit bull no longer is kept or maintained on the property as previously stated by the adopting party, or that the pit bull, or any other animal on the property, is being mistreated as a result of insufficient food, water, shelter, veterinarian care, or acts of cruelty, including, but not limited to, any evidence that the pit bull is being or has been trained, encouraged, or used to fight or attack any other animal, human, or simulated target.

5. The non-profit animal welfare organization must obtain and forward to the Director of Health, a written statement signed by the adopting party acknowledging that the animal is a pit bull and that the unlawful possession of the pit bull within the City will result in the seizure and destruction of the pit bull by the Director of Health.

I. It shall be unlawful for the owner of a pit bull dog 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 immediately seized and impounded.

#### J. Penalties:

1. Upon conviction of a first offense of this section, the penalty shall be a fine of not less than Three Hundred Dollars (\$300.00) and not more than Five Hundred Dollars (\$500.00) and up to forty-five (45) days in jail.

2. Upon conviction of a second offense, the penalty shall be a fine of not less than Five Hundred Dollars (\$500.00) and up to ninety (90) days in jail. Imposition or execution of the sentence for a second offense may not be suspended unless the owner agrees to removal of the dog from the City or destruction of the dog.

3. Upon conviction of a third or subsequent offense, the penalty shall be a fine of Five Hundred Dollars (\$500.00) and not less than forty-five (45) days or more than one hundred eighty (180) days in jail. Imposition or execution of the sentence for a third or subsequent offense may not be suspended and the judge shall order the destruction of the pit bull dog.

4. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this section. For purposes of this section, proof of a prior violation shall not require proof that the same pit bull dog was involved. Each day of violation shall be a separate offense.

5. Notwithstanding the aforementioned section in its entirety, the Judge may order the destruction of a pit bull upon a finding of guilt for any offense under this section.

K. If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.”

SECTION 2. That Section 3.01.001 of the “Code of the City of Independence, Missouri” is hereby amended to read as follows:

“SEC. 3.01.001. DEFINITIONS.

In this chapter, unless the context requires otherwise:

**ADEQUATE CARE** means normal and prudent attention to the needs of an animal or fowl, including that care which is normally necessary to maintain good health in the specific species of animal or fowl.

**ADEQUATE FOOD** mean wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal or fowl considering its age and condition.

**ADEQUATE HEALTH CARE** means the provision to each healthy animal or fowl of all immunizations and preventative care required to maintain good health; space adequate to allow the animal or fowl rest and exercise sufficient to maintain good health; grooming as required so that they are free from dangerous matting which affects their health; and the provision to each sick, diseased, or injured animal or fowl of necessary veterinary care or humane death.

**ADEQUATE SHELTER** means a structurally sound, properly ventilated, safe, sanitary and weatherproof shelter suitable for the species, condition and age of the animal or fowl which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The area where animals or fowl are kept must be kept free from unsanitary conditions, vermin-harboring debris, rodents, refuse, or any dangerous protuberances which can provide an opportunity for injury or a danger to the health of the animal or fowl.

**ADEQUATE WATER** means a continual access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal or fowl in sufficient amounts to maintain good health in the animal or fowl. Such water will be provided in a secure manner so that the container cannot be overturned.

**ANIMAL** means any living vertebrate creature, domestic or wild, except fowl and human beings.

**ANIMAL CONTROL OFFICER** means any City staff assigned by the Director of Health to the duties of the Animal Control Officer. This designation includes, but is not limited to staff classified as Rabies Control Officers or Rabies Control Supervisor.

**AUCTIONS** means any place or facility where animals or fowl are regularly bought, sold, or traded, except for those facilities otherwise defined in this Article. This definition does not apply to individual sales of single animals or fowl by owners.

**CIRCUS** means a commercial variety show featuring animal acts for public entertainment.

**COMMERCIAL ANIMAL ESTABLISHMENT** means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel or any facility where small animals or fowl are raised for the purpose of sale.

DIRECTOR shall mean the duly appointed Director of Health or any designated representative.

DOG OBEDIENCE SCHOOL means any establishment maintained and operated for the purpose of training dogs to obey voice and hand commands or performing such training as service to the general public.

DOMESTIC ANIMAL means any animal domesticated by a person so as to live and breed in a tame condition.

EDUCATIONAL ANIMAL FACILITY means a facility designed as an extension to the regular program of study at an educational institution certified by the Missouri Department of Elementary and Secondary Education. The Educational Animal Facility may consist of some or all of the following areas: A lecture area, an animal housing area with cages of varying size and an outdoor area.

FOWL means chickens, ducks, geese, turkeys, doves, pigeons, cornish game hens or other fowl raised for profit, hobby or kept as pets.

GROOMING SHOP means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

HOBBYIST means any person who raises small animal, cats, or fowl for the principal purpose of avocation, exhibiting and/or improving the species.

LIVESTOCK means horses, mules, sheep, goats, cattle, swine and other domesticated animals, but excluding dogs, cats and small animals.

OWN means having the right of property or custody of an animal; or keeping or harboring an animal; or having the care or possession of an animal; or knowingly permitting an animal to remain in, on or about any premises occupied by or under the control of the owner of the animal.

~~OWNER means the person having the right of property or custody of an animal; or who keeps or harbors an animal; or who has an animal in his or her care or possession; or who knowingly permits an animal to remain in, or about any premises occupied by or under the control of that person.~~

OWNER, for purposes of this Chapter, is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal, or any person who knowingly permits an animal to remain in, or about any premises occupied by or under the control of that person.

PERFORMING ANIMAL EXHIBITION means any spectacle, display, act, or event other than circuses, in which performing animals are used.

PERSON means any person, firm, partnership, corporation or association.

PET means any animal or fowl kept for pleasure rather than utility.

PET SHOP means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animals or fowl.

PUBLIC NUISANCE means any animal or fowl which:

- (a) Molests passerby or passing vehicles
- (b) Attacks other animals
- (c) Trespasses on school grounds
- (d) Is repeatedly at large
- (e) Damages private or public property

(f) Barks, whines, howls, crows, cackles, or makes other such noise in an excessive, continuous or untimely fashion

RESIDENTIAL or RESIDENCE means any use permitted in a residential district under the zoning ordinance of Independence, Missouri.

RIDING SCHOOL or STABLE means any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro.

SMALL ANIMAL means any of various animals, excluding livestock, wild animals, dogs and cats, raised for profit or kept as pets, including but not limited to the chinchilla, mink, rabbit, hamster and gerbil.

STRUCTURE means a stable, barn, pen, coop, dove cote, rabbit hutch or other place for keeping animals and fowl.

TRESPASS means an act whereby a person breaches an established barrier on private property without express or implied consent of the owner. This definition shall not be construed to include children under twelve (12) years of age or persons whose purpose is the performance of public service or function.

VETERINARY HOSPITAL means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

WILD ANIMAL means any animal, fowl or reptile which can normally be found living in a state of nature and not ordinarily tame or domesticated, including but not limited to, a nonhuman primate, raccoon, skunk, fox, wolf, lion, leopard or snake.

WILDLIFE means all wild birds, mammals, fish and other aquatic and amphibious forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected.”

SECTION 3. That Section 3.03.001 of the “Code of the City of Independence, Missouri”, is hereby amended to read as follows:

“SEC. 3.03.001. DEFINITIONS.

In this Article, in addition to the definitions in Article 1, unless the context requires otherwise:

CAT means one or more male or female cats (genus felis).

DOG means one or more male or female dogs (genus canis).

INOCULATION, VACCINATION, OR VACCINATION FOR RABIES means the inoculation of a dog or cat by a licensed veterinarian with an approved vaccine for use in the prevention of rabies within the past 12 months.

KENNEL means the house, store, yard, enclosure or space where four or more dogs or cats over the age of six months are harbored or kept.

~~OWN means having the right of property or custody of a dog or cat; or keeping or harboring a dog or cat; or having the care or possession of a dog or cat; or knowingly permitting a dog or cat to remain in, on or about any premises occupied by or under the control of the owner of the dog or cat.~~

~~OWNER means the person having the right of property or custody of a dog or cat; or who keeps or harbors a dog or cat; or who has a dog or cat in his or her care or possession; or who knowingly permits a dog or cat to remain in, on or about any premises occupied by or under the control of that person.~~

RESTRAINT - A dog is under restraint if it is within a fully enclosed or fenced area from which it cannot escape, or on a leash or tether of sufficient strength to confine the dog to the yard or premises of the owner, or is securely fastened to a leash not more than eight feet (8') in length and of sufficient strength to control the dog and such leash is securely held by a person capable of controlling the dog."

SECTION 4. That the following Sections of Article 3 of the "Code of the City of Independence, Missouri", are renumbered and reordered as follows, with no changes to any provisions contained therein:

SEC. 3.03.002 PREVENTION OF RABIES is changed to SEC. 3.03.003.

SEC. 3.03.003 RESTRAINT AND CONTROL REQUIRED is changed to SEC. 3.03.002.

SEC. 3.03.004 BARKING DOGS is changed to SEC. 3.03.011.

SEC. 3.03.006 SUSPICION OF RABIES – PROCEDURE is changed to SEC. 3.03.004.

SEC. 3.03.011 PENALTY is changed to SEC. 3.03.012.

SECTION 5. That all other parts and provisions of the City Code not in conflict herewith shall remain in full force and effect unless previously or subsequently amended or repealed.

SECTION 6. That this ordinance shall be in full force and effect from and after its date of passage.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
Of the City of Independence, Missouri

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager

NOTE: Text being eliminated by this ordinance is lined through and text being added by this ordinance is shaded.