



## LAUBER MUNICIPAL LAW, LLC

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### **Memo**

**To:** City Council  
**Through:** Jeremiah Cover  
**From:** Ryan Head  
**Date:** 6/23/2023  
**Re:** Dangerous dog ordinance

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We have been asked to conduct a review of sections 3.03.007, 008, and 009 of the city code relating to aggressive dogs, dangerous dogs, and vicious dogs respectively. After the City Council voted to remove the breed specific “Pit Bull Ban” from the City code, the City Council and City staff have put forward suggestions and concerns regarding the remaining sections of the dog code. The goal was not to add a new ordinance or additional sections, rather we have endeavored to include the suggestions that can fit into the sections of the current code.

Much of the focus of the suggestions we have received has been on responsible dog ownership and steps to either prevent or punish reckless dog owners. After a review of the current code, it is the conclusion of the legal department that the code already provides for many of the measures that have been suggested. Therefore, we have found little need to add much to the sections we have reviewed. It is our opinion that the addition of a separate “Reckless Owner” section would be duplicative of many of the provisions already in the code. This would require a more comprehensive overhaul of the current code, as repeated and/or conflicting sections would have to be removed. Again, it is our understanding that, at this time, an overhaul of the existing code is not what the City is asking for. For that reason, we have provided a draft of the code which includes only those suggestions that compliment or enhance the sections of the code that remain after the Pit Bull Ban was removed. City staff and the Legal department have read the suggestions offered for consideration. A copy of those suggestions along with comments from the City are provided here as well.

There was offered for consideration a section from the Liberty Mo. Code of ordinances: “Sec. 4-2. - Minimum fine for certain violations; reckless owners.” It is the opinion of the legal department that the Independence city code already imposes similar penalties for violation of its dog ordinances. Therefore, this draft has made no additions or changes to the current code regarding penalties for violations of the ordinance. As with all ordinances, the effectiveness of these penalties will correspond directly to the City’s ability to enforce the code it already has.