

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF LAKE SAINT LOUIS, TITLE II: PUBLIC HEALTH SAFETY AND WELFARE, CHAPTER 210: ANIMAL REGULATIONS, ARTICLE I. DOMESTIC AND DANGEROUS ANIMALS, DELETING ARTICLE I IN ITS ENTIRETY AND ENACTING A NEW ARTICLE I ON THE SAME SUBJECT.

Be it ordained by the Board of Aldermen for the City of Lake Saint Louis, Missouri

SECTION 1. The Municipal Code of the City of Lake Saint Louis, Title II: Public Health Safety and Welfare, Chapter 210: Animal Regulations, Article I. Domestic and Dangerous Animals shall be deleted in its entirety and replaced with the following:

SECTION 210.010: DEFINITIONS OF TERMS

As used in this Article, unless the context otherwise indicates, the following shall apply:

AFFECTED WITH RABIES: Infected with the rabies virus as determined by standard laboratory testing.

ANIMAL: Any living animal, domestic or wild.

AT LARGE: Not under the control of the owner or custodian or either by leash, cord, chain or fence.

ATTACK: Aggressive physical contact initiated by the animal.

CAT: Both male and female members of the feline family.

CONTROL: Not at large and not in violation of Section 210.190.

CUSTODIAN: A human being that is capable of controlling and governing the animal in question or to whose commands the animal is obedient.

DANGEROUS ANIMAL: Any animal which, without justification, attacks a person or domestic animal causing physical injury or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one (1) or more persons or domestic animals.

DESTROYED: Euthanized; put down.

DOG: Both male and female members of the canine family.

DOMESTIC ANIMAL: Any animal maintained as a pet by nature including, but not limited to, dogs, cats, birds, guinea pigs, rabbits, hamsters, horses, ponies and other similar animals by nature; and any other animals commonly kept for companion or commercial purposes.

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.

INVISIBLE FENCE: A properly installed and maintained animal containment system consisting of a buried antenna wire capable of transmitting the appropriate signals to a receiver worn by a domestic animal which has the effect of restricting its movements to the property of its owner.

OWNER: Any person or persons, firm, association or corporation owning, keeping or harboring, possessing, having management or care of a domestic animal.

SERIOUS PHYSICAL INJURY: "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

VICIOUS ANIMAL: Any animal which has inflicted a serious or fatal injury on a human, whether upon public or private property, provided that the victim has provided the municipal court a signed physician's statement documenting the injury and its treatment, and qualifying the injury as a serious or fatal injury.

SECTION 210.020: LICENSING REQUIREMENTS

Every person, firm, corporation or association which owns, controls, manages or possesses in whole or in part any dog, cat or other animal, or who permits a dog, cat or other animal to come or remain in or about any home, place, business or other premises owned or controlled by such person, firm, corporation or association in the City of Lake Saint Louis, shall procure a St. Charles County license for each such dog, cat or other animal as required by this Article. When a license tag is procured, the owner shall keep the same securely fastened by means of a collar about the neck of the dog, cat or other animal at all times. In addition, if the tag does not contain the owner's name and address, the owner shall fasten another tag with this information thereon.

SECTION 210.030: REGISTRATION REQUIREMENTS

It shall be the duty of the owner of every dog, cat or other animal kept within the City to obtain a St. Charles County current rabies vaccination certification tag which states the fact that it is from St. Charles County, the type of rabies vaccine and the number of the tag. Such tag shall be attached to a permanent collar to be worn by said animal. St. Charles County through its centralized information system shall provide the City of Lake Saint Louis with the necessary status to aid in enforcing existing rabies control ordinances within the City.

SECTION 210.040: LEASHING REQUIREMENTS

It shall be unlawful for any person or persons owning, controlling, harboring, possessing or having the management or care, in whole or in part, of any dog, cat or other animal to permit such dog, cat or other animal to run at large. For the purpose of this Article, every dog, cat or other animal, when on any street or other public place in the City of Lake Saint Louis, which is not attached to a leash, the other end of which is securely held by a competent person, or when on private property within said City, which is either not attached to a leash, the other end of which is securely held by a competent person, or which is not so confined as to prevent its straying from the premises, shall be deemed running at large; provided, however, that a dog, cat or other animal bearing an identification tag containing the name and address of its owner and a current license tag securely fastened to a collar about the neck of such animal, may remain in an enclosure on the property of its owner without leash or other confinement.

SECTION 210.050: INVISIBLE FENCES

A. Invisible fences should be located as far as possible from lanes of pedestrian travel to minimize threats to individual safety, but in no case should such fences be located closer than ten (10) feet from property lines/right-of-way lines where properties abut public or private roads, and in no case should be located closer than ten (10) feet from any pedestrian pathway. Invisible fences on private property shall be installed at the peril of the property owner, and said property shall be posted with identification signs affixed in proximity to the electrical meter box to alert utility companies and others. Said signs shall be six (6) square inches in size.

B. Invisible fences are not a positive means of control and are not necessarily the level of security intended if the animal is found to be in violation of any other provision of this Chapter.

SECTION 210.060: ANIMAL WASTE

It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any animal, whether licensed or not, to allow or permit such animal to defecate upon any property, whether private or public, owned by another, unless such person shall immediately remove all feces so deposited by such animal. Every person walking such animal on a leash shall carry in his/her possession a device or container sufficient enough to remove all feces deposited by such animal. Failure to do so shall be determined to be a public nuisance.

SECTION 210.070: PUBLIC NUISANCE AS DEFINED HEREIN OR ELSEWHERE

No owner shall fail to exercise proper care and control of his/her animals to prevent them from becoming a public nuisance. "*Public nuisance*" includes, but is not limited to, the following: molesting passersby or passing vehicles; attacking other animals or persons; damaging private or public property in any way including, but not limited to, digging, disturbing ground in unpaved or grassy areas; causing unsanitary or dangerous conditions; barking, whining, howling or making other loud audible noises in a continuous or untimely manner.

SECTION 210.080: ENFORCEMENT OFFICIALS

The Board of Aldermen does hereby create the office of Impounding Officer, to which said position the Mayor may appoint a suitable person; provided, however, that the Board of Aldermen may, in its discretion and in lieu of the creation of the office of City Impounding Officer, enter into a contract with any person, firm, corporation, organization or agency for the control, pickup and disposition of any animals which are found in violation of this Article within the City of Lake Saint Louis. Such contract shall be in writing and shall fix the compensation to be paid and shall be for such period and upon such terms and conditions, as the Board of Aldermen may impose. The person, firm, corporation, organization or agency so selected shall perform all the duties and be subject to all the requirements of this Article applicable to the City Impounding Officer in addition to the duties imposed by such contract. In addition, the Police Department may pick up and restrain animals found within the City in violation of this Chapter.

SECTION 210.090: IMPOUNDING -- GENERALLY

The Impounding Officer, Police Officer or any person or entity designated by the Board of Aldermen shall have the power to catch, confine and impound dogs, cats or other animals as follows:

1. All dogs, cats or other animals which are required to have licenses and which are without a license displayed in the manner provided herein; and all dogs, cats or other animals running off the owner's premises and not securely led by leash.
2. All female dogs, cats or other animals, licensed or unlicensed, not securely confined in an enclosed place while in heat.
3. All dogs, cats or other animals affected with rabies and all dogs, cats and other animals suspected of being exposed to, or infected with rabies, including dogs, cats and other animals known to have been bitten by a rabid animal, whether such dog, cat or other animal is running at large or on a leash and whether it is licensed or unlicensed.
4. All dogs, cats or other animals with vicious propensities.

5. Dogs, cats or other animals impounded in accordance with this Article shall be impounded in a place designated by, and under the supervision of, the Board of Aldermen.

6. The Impounding Officer shall notify the animal's owner, providing the animal is wearing identification tags, and shall post a notice within twenty-four (24) hours after impounding in the lobby of the City Hall, describing every dog, cat or other animal caught and impounded. Like notice shall be given to the Police Department.

SECTION 210.100: INTERFERENCE WITH ENFORCEMENT OFFICIALS

Any person who shall interfere with or obstruct a City Official in the reasonable performance of his/her duty in apprehending any dog, cat or other animal for impounding or investigation under this Article, or any person who shall refuse to deliver up his/her dog, cat or other animal upon request by a proper City Official, whenever such official has reasonable cause to believe that such dog, cat or other animal is unlicensed or has not been inoculated against rabies within a period of one (1) year, or such dog, cat or other animal is running at large in violation of this Article, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as hereinafter provided.

SECTION 210.110: RABID DOGS, CATS OR OTHER ANIMALS TO BE CONFINED

A. No person, firm, corporation or association owning or having custody or control of any dog, cat or other animal affected with rabies or any dog, cat or other animal which has been exposed to rabies or which shows symptoms or indication of having rabies shall permit such dog, cat or other animal to be upon any street, alley, public place or private property within the City other than the property of the owner or custodian of such dog, cat or other animal, and then only if such dog, cat or other animal is so confined as to prevent its straying from the premises.

B. Every person, firm, corporation or association owning or having custody or control of any dog, cat or other animal which has bitten a person or which acts in a manner suggesting that it is, or may be, affected with rabies, shall impound such dog, cat or other animal in the facility designated by the City of Lake Saint Louis for a period of ten (10) days for observation. If such person, firm, association or corporation shall fail to have such dog, cat or other animal impounded as herein required, the official or officials charged with the enforcement of this Article shall impound such dog, cat or other animal as herein provided.

SECTION 210.120: ORDER OF QUARANTINE -- GENERALLY

The Board of Aldermen or the Mayor or Mayor Pro Tempore shall have the power and authority at any time it shall deem it necessary for the protection of the public peace, health, welfare and safety against the disease known as rabies to issue an order to quarantine, and it shall be the duty of any person who owns, controls, possesses or has in custody any animal subject to rabies to comply strictly with such quarantine order. Notice of such quarantine order shall be given by posting copies thereof in at least six (6) public places within the City, or by publication in some newspaper published within the City; provided, however, that the Mayor or Board of Aldermen shall have power and authority at any time to cancel and recall such quarantine order. During the time any quarantine order enacted by the Mayor or Board of Aldermen pursuant to this Section shall be and remain in force, all persons residing within the City owning dogs, cats or other animals are hereby required to keep such dogs, cats or other animals confined upon their premises, unless such dog, cat or other animal shall be attached to a leash not more than six (6) feet long held by a competent person.

SECTION 210.130: NOTIFICATION OF DESTRUCTION OF RABID ANIMAL

Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the Chief of Police, or his/her designee, and shall provide the Chief of Police with all pertinent information respecting persons bitten or suspected of being bitten by such animal and, also, with all pertinent information respecting any other animal exposed to the animal destroyed.

SECTION 210.140: REPORTING ANIMAL BITES

Every physician practicing within the City shall report to the Chief of Police pertinent information concerning any resident of the City of Lake Saint Louis who has been bitten by an animal suspected of being rabid, and every veterinarian practicing within the City shall report all pertinent information concerning rabid animals under his/her care.

SECTION 210.150: REDEMPTION OF ANIMALS

Any dog, cat or other animal captured and impounded as authorized by this Article may be redeemed by the owner or other person having right of possession of the animal in accordance with the provisions set by St. Charles County Department of Animal Control or other impounding agency.

SECTION 210.160: RESERVED

SECTION 210.170: EXAMINATION AND DISPOSAL OF RABID ANIMALS

The City may dispose of any dog, cat or other animal infected with rabies and shall have the power to examine and impound any animal bitten by or exposed to any animal infected with rabies.

SECTION 210.180: CARE OF ANIMALS

The owner and/or custodian of a dog, cat or other animal shall provide humane shelter from heat, cold, rain, snow or other conditions that could be harmful to the animal and they shall provide the animal adequate food and drink to maintain the animal in good health and shall not treat such animal in a cruel and inhumane manner. Violations of this Section shall constitute a public nuisance.

SECTION 210.190: BARKING, THREATENING, ANNOYING DOGS

No person who owns, controls, manages or possesses any dog, cat or other animal shall own, keep or harbor upon his/her premises any dog, cat or animal that, by frequently and habitually yelping or howling or presents immediate threat of attacking or biting, causes fear or annoyance to the person or persons in the immediate area. Violations of this Section shall constitute a public nuisance.

SECTION 210.195: DANGEROUS ANIMALS

A. No owner or competent person shall keep or harbor upon his/her premises within the City of Lake Saint Louis any dangerous animal in violation of the provisions of this Section and Chapter, nor shall any owner or competent person fail to control his or her dangerous animal as required by the provisions of this Chapter. Violation of this provision shall be subject to the penalties set forth by the municipal court.

B. No animal may be declared dangerous under the following conditions:

1. If the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault.

2. If, at the time, the person was committing a crime or offense on the property of the owner or custodian of the animal.

3. If the person was teasing, tormenting, abusing or assaulting the animal or in the past had teased, tormented, abused or assaulted the animal.

4. If the animal was attacked or menaced by another animal or another animal entered the property of the owner or custodian of the animal.

5. If the animal was responding to pain or injury or protecting itself, its kennels or its offspring.

6. If the person or domestic animal was disturbing the animal's natural functions such as sleeping or eating.

Neither growling nor barking, nor both, shall alone constitute grounds upon which to find an animal to be dangerous.

C. Any person may make a complaint of an alleged dangerous animal, as that term is defined herein, to a Police Officer or to a Code Enforcement Officer of this municipality or to any Animal Control Officer acting within the scope of his or her duties. Any person making such a complaint shall make said complaint under oath or affirmation. Any Police Officer or Code Enforcement Officer of this municipality receiving such sworn or affirmed complaint may issue a summons to the animal's owner requiring him/her to appear before the judge of the Lake Saint Louis Municipal Court when a determination will be made pursuant to clear and convincing evidence as to whether the animal is or is not deemed dangerous as defined herein. Any Police Officer or Code Enforcement Officer of this municipality or any Animal Control Officer of St. Charles County may seize and impound any animal alleged to be dangerous as defined herein until the owner of the animal appears before the Municipal Court and the judge makes a determination based on the evidence as to whether the animal is or is not dangerous as defined herein.

D. In addition, the Municipal Judge may require any or all of the following or other measures deemed appropriate by the court to ensure safety:

1. Indoors, when not alone, the animal must be under the control of a person eighteen (18) years of age or older and appropriate provisions for the animal to be outdoors must also be made.

2. The animal is prohibited from being outdoors unattended.

3. When outdoors, the animal must be attended and kept on a leash no longer than six (6) feet and under the constant control of a person eighteen (18) years of age or older.

4. When outdoors, the animal must be attended and muzzled. Such muzzle shall not cause injury to the animal or interfere with its vision or respiration, but shall prevent the animal from biting any person or animal.

5. Attendance by the animal and its owner/custodian at training sessions conducted by a certified applied animal behaviorist, board certified veterinary behaviorist or other recognized expert in the field and the completion of training or any other treatment as deemed appropriate by such expert. The owner(s) of the animal shall be responsible for all costs associated with the evaluation, training and treatment ordered under this Section.

6. Neutering or spaying of the animal at the owner's expense, unless medically contraindicated.

7. The animal be permanently identified by tattooing or injecting an identification microchip using standard veterinarian procedures and practices, and such identification number, and the identification of the person performing the procedure, be registered with this municipality.

8. The procurement of liability insurance in an amount to be determined by the judge, but in no case in an amount less than fifty thousand dollars (\$50,000.00), covering the medical and veterinary costs resulting from future actions of the animal.

9. If any of the above conditions ordered by the judge are not complied with, the owner shall be subject to a fine of not more than five hundred dollars (\$500.00).

10. If further incident of attack occurs under such circumstance that the animal has been duly determined to be dangerous, the judge may impose or re-impose any applicable directives listed above. Additionally, the humane destruction of the animal may be ordered where the further incident or attack results in serious injury to a person or domestic animal.

SECTION 210.200: RESERVED

SECTION 210.210: NUMBER OF DOGS AND/OR CATS ALLOWED PER RESIDENCE

Any residence or dwelling unit in any residential area of Lake Saint Louis may own, harbor, house or keep up to an aggregate total of three (3) dogs and/or cats over the age of six (6) months in any combination at any one given time. Exceptions shall be granted for visiting guests with pets.

SECTION 210.215: HARBORING VICIOUS ANIMALS

A. No owner or competent person shall keep within the City of Lake Saint Louis any vicious animal in violation of the provisions of this Section and Chapter.

B. This Section shall not apply to:

1. Dogs of the Canine Corps of any law enforcement agency or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes.
2. Kennels operating under licenses issued by St. Charles County and approved by the City of Lake Saint Louis,

- C. If the court decrees the animal to be vicious, the Municipal Judge may require the vicious animal to be removed from the City limits or euthanized.
- D. Violation of this provision shall be subject to the penalties set forth by the Municipal Court.

SECTION 2. All other sections and portions of Section Chapter 10 shall remain in full force and effect.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

Michael Potter, Mayor

ATTEST: _____
Donna F. Daniel, City Clerk

APPROVED AS TO FORM: _____
Jay A. Summerville, City Attorney