



LYDA KREWSON
Mayor



FREDRICK L. ECHOLS, MD
Director of Health

City of St. Louis Department of Health

SUMMARY BOARD BILL NUMBER 140

INTRODUCED BY ALDERWOMAN CHRISTINE INGRASSIA, ALDERMAN JACK COATAR, ALDERWOMAN PAMELA BOYD, ALDERWOMAN CAROL HOWARD

REVISIONS TO TITLE 10 - ANIMALS

OVERALL PURPOSE/REASON FOR BILL; WHAT BILL WILL DO; MAIN PROVISIONS & IMPACT FOR COMMUNITY

1. Extreme heat/cold; Food, Water & Shelter.
This bill addresses concerns raised by several alderpersons and the public who requested that the code regarding outdoor conditions for animals outdoors be reviewed and updated to provide for tighter regulations during periods of extreme weather. Meetings with concerned citizens and alderpersons resulted in recommendations to add language that would establish temperatures at which time pet owners would be required to provide appropriate additional protection for animals. It is proposed that at any time the temperature is less than 32 degrees Fahrenheit or above 93 degrees Fahrenheit pet owners would be prohibited from leaving dogs or domesticated cats out of doors. In addition, leaving dogs and cats outdoors for longer than 30 minutes without adequate food, water, and shelter would be prohibited.
2. An opportunity for the City to allow an innovative dog park and restaurant bar has encouraged the Department of Health to request the ability to allow variances to regulations established by the Board of Aldermen regarding private dog parks. Permitting of private dog parks is contingent upon the sponsors of the dog park meeting certain requirements to protect human health and safety, the environment, and the safety and health of pets. Allowing the dog park sponsors to propose alternate options to the regulations would be assessed by the Department of Health and variances would be allowed based on thorough assessment that these variances would not negatively impact human health and safety, the environment, and the safety and health of pets. Such variances are allowed in other code requirements, such as the code for recreational water facilities.
3. The practice of declawing cats has been viewed as a cruel and inhumane treatment by the American Veterinary Medical Association. Other municipalities, such as Denver, Colorado, have enacted regulations prohibiting this practice except in extreme circumstances. Animal Care and Control is aware that most veterinary practices in our region do not recommend this treatment for domesticated cats. The proposed regulation would prohibit the practice except in limited medical necessity circumstances.
4. By adding a definition of “domesticated cat”, this legislation would clarify the responsibilities owners/guardians have toward their domesticated cats, rather than toward feral cats.
5. The requirements for dangerous dog signs to be posted at residences where such dogs reside that were adopted in Ordinance 70889 required two-inch letters, which would have resulted in impractical, excessively large signage. The proposed regulation would reduce the size of the letters to one inch high.

Reviewed: 9/27/19

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**BOARD BILL NUMBER 140 INTRODUCED BY: ALDERWOMAN CHRISTINE
INGRASSIA/ALDERMAN JACK COATAR/ ALDERWOMAN PAMELA BOYD /
ALDERWOMAN CAROL HOWARD /**

1 An Ordinance amending Ordinance 67799 (Attachment A), Section Two, to be
2 codified as subsection 10.04.285.E. of the Revised Code of the City of St. Louis, regulating
3 the conditions of animals kept outdoors; amending Ordinance 66595 (Attachment B), Section
4 Six, to be codified at subsection 10.04.220.E.16.j. of the Revised Code of the City of St.
5 Louis, regarding the establishment and use of dog parks, allowing for waivers of certain
6 requirements; repealing Section 10.04.010 of Ordinance 67799 (Attachment A) and enacting
7 in lieu thereof a new Section 10.04.010 to be codified in the Revised Code of the City of St.
8 Louis, pertaining to definitions; enacting a new Code Section 10.12.070 to the Revised Code
9 of the City of St. Louis – prohibiting declawing of cats; and amending Ordinance 70889
10 (Attachment C) Section Three II. B. 1 adjusting the requirements for a dangerous dog posted
11 notice.

12 **WHEREAS**, when outdoor temperatures reach extreme levels, freezing or heat,
13 accepted humane practices recommend that all domesticated cats, as defined below and
14 codified in the Revised Code of the City of St. Louis §10.04.010, and dogs must be moved
15 indoors or to an area that provides heat in the winter and cooling in the summer, as well as
16 shelter from the weather;

17 **WHEREAS**, the safekeeping of all animals, including providing adequate food, water
18 and shelter, is necessary to protect the welfare of animals, to prevent danger to the public, and
19 to keep our City neighborhoods clean and prevent spread of disease;

1 **WHEREAS**, opportunities exist for citizens to enjoy pets in dog parks that provide for
2 safe and healthy interactions between dogs and humans;

3 **WHEREAS**, it is important to recognize that dogs and domesticated cats are social
4 animals. However, in order to help address the feral (non-socialized) cat problem, the City
5 has certain provisions for trapping, neutering and returning the feral cats to their colony; the
6 responsibilities for these cats differ from the responsibilities of an owner/guardian for their
7 domesticated cat; and

8 **WHEREAS**, the American Veterinary Medical Association states that: “Declawing
9 of domestic cats should be considered only after attempts have been made to prevent the cat
10 from using its claws destructively or when its clawing presents a zoonotic [i.e. infectious
11 disease passed between animals and humans] risk for its owner(s).”

12 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

13 **SECTION ONE** Section 10.04.010 of Ordinance 67799 is hereby repealed and enacted
14 in lieu thereof is the following, which shall have the meaning given herein:

15 10.04.010 Definitions. For the purpose of this chapter the following words or phrases shall
16 have the meaning given herein.

17 A. "Animal agency" means any corporation, association, individual, partnership, or
18 entity of any kind under contract with the City of St. Louis to perform services under
19 this chapter.

1 B. "Appropriate shelter" means a cover or protection from the elements containing
2 adequate and appropriate bedding such as straw, hay, or wood shavings, which is
3 small enough to allow the dog or cat to retain its body heat but is large enough to
4 allow the animal to stand, turn around, and lie down.

5 C. "Cat" means all members of the *Felis domesticus*, either male or female, four
6 months of age or older.

7 D. "City" means the City of St. Louis, Missouri.

8 E. "Collar" means a leather or nylon strap to be appropriately fitted around the
9 animal's neck which is not so tight as to restrict breathing, but not so loose as to allow
10 the animal to escape. This collar should never be of the choke, pinch, prong, or spiked
11 variety, and should never be attached to a tethering device by a padlock.

12 F. "Commercial breeder" means a person, other than a hobby or show breeder,
13 engaged in the business of breeding animals for sale or for exchange in return for a
14 consideration, and who harbors more than one (1) intact female for the primary
15 purpose of breeding animals for sale.

16 G. "Commissioner of Health" means the Health Commissioner of the City of St.
17 Louis, Missouri, in the Department of Health and Hospitals, the Director of Health, or
18 the Commissioner's or Director's designee.

19 H. "Dangerous dog" means any dog that, according to the records of the
20 Commissioner of Health, (1) has inflicted severe injury on a human being without
21 provocation on public or private property, (2) has killed a domestic animal without

1 provocation while off the owner/guardian's property, (3) has been previously found to
2 be potentially dangerous, the owner/guardian having received notice of such and the
3 dog again aggressively bites, attacks, or endangers the safety of humans or domestic
4 animals; or (4) the Director of Health or Commissioner of Health or his/her designee
5 has reasonable cause to declare a dog dangerous because there are actions of the dog
6 witnessed by any Animal Control Officer of Department of Health representative, or
7 law enforcement officer, giving rise to probably cause that the dog is dangerous.

8 I. "Dog" means *Canis familiaris*, either male or female, four (4) months of age or
9 older.

10 J. "Domesticated Cat" means a cat that is socialized to humans and is appropriate as a
11 companion to humans. The responsibilities of owners of domesticated cats are set
12 forth in Ordinances 67799, 66384, 62941, and 62853 as Codified in Chapter 10 of the
13 Revised Code of the City of St. Louis.

14 K. "Federal Laboratory Animal Welfare Act" means Public Law 89-544, as amended
15 (7 U.S.C. 2131), and all regulations issued pursuant thereto.

16 L. "Harness" means a combination of leather or nylon straps and buckles which, when
17 fitted around the neck and torso of the dog or cat, helps to distribute the pulling force
18 more evenly across the shoulders.

19 M. "Health officer or agent" means any individual employed by, contracted with, or
20 appointed by the City or the Commissioner of Health for the purpose of aiding in the
21 enforcement of this chapter or any other law or ordinance relating to the regulation or

1 licensure of animals, control of animals, or seizure and impoundment of animals, and
2 including any state or local law enforcement officer or other employee whose duties in
3 whole or in part include assignments that involve the seizure and impoundment of any
4 animal.

5 N. "Hobby or show breeder" means a non-commercial breeder who breeds dogs or
6 cats with the primary purpose of exhibiting or showing dogs or cats, improving the
7 breed or selling the dogs or cats, and having no more than ten (10) intact females.
8 These breeders shall be classified as hobby or show breeders if they sell only to other
9 breeders or to individuals.

10 O. "Kitten" means all members of the *Felis domesticus* under four (4) months of age.

11 P. "Maliciously" means imposing intentionally with malice or bad motive.

12 Q. "Owner/guardian" means a person who possesses an animal, has title to or an
13 interest in an animal, harbors or has control of an animal, or has custody or possession
14 of an animal, **and** who is responsible for an animal's safety and well-being.

15 R. "Potentially dangerous dog" means any dog that when unprovoked; (1) inflicts bites
16 on a human or domestic animal either on public or private property; (2) chases or
17 approaches a person upon the streets, sidewalks, or any public grounds in a menacing
18 fashion or apparent attitude of attack, or any dog with a known propensity, tendency,
19 or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to
20 threaten the safety of humans or domestic animals; (3) has been found running or
21 being at large and collected by the City twice in any eighteen (18) month period; or (4)

1 has been found running or being at large with a group of three (3) or more at large
2 dogs.

3 S. "Private practitioner" means a graduate veterinarian licensed by the State of
4 Missouri to practice medicine.

5 T. "Property enclosure of a dangerous dog" means, while on the owner/guardian's
6 property, a dangerous dog shall be securely confined indoors or in a securely enclosed
7 and locked pen or structure, suitable to prevent the entry of young children and
8 designed to prevent the animal from escaping. Such pen or structure shall have secure
9 sides and a secure top, and shall also provide protection from the elements for the dog.

10 U. "Puppy" means *Canis familiaris*, either male or female, under four (4) months of
11 age.

12 V. "Severe injury" means any physical injury that results in broken bones or
13 disfiguring lacerations requiring multiple sutures or cosmetic surgery or breaking of
14 skin.

15 W. "Spay or neuter" means to alter surgically, chemically or by any other methods
16 approved by the Commissioner of Health a dog or cat for the purpose of rendering
17 such animal incapable of reproduction.

18 X. "Tethering" means attaching a dog or cat to a stationary object or pulley run by
19 means of a chain, rope, tether, cable, or similar restraint. "Tethering" does not include
20 the use of a leash to walk a dog.

1 Y. "Veterinarian" means a graduate of an accredited veterinary college who is
2 approved by the Commissioner of Health to perform certain rabies control functions.
3 (Ord. 66384 § 1 (part), 2004: prior: Ord. 65206 § 1 (part), 2001.)

4 **SECTION TWO** Section 10.04.285.E. is amended to read as follows:

5 E. No owner/guardian or other person controlling or possessing any dog or **domesticated** cat
6 shall fail to provide the dog or **domesticated** cat with sanitary living conditions including
7 shelter proper for the species and sufficient to protect the animal from extreme temperatures,
8 wind, rain, snow and sun. **No owner/guardian or other person controlling or possessing**
9 **any dog or domesticated cat shall leave that dog or domesticated cat outside and**
10 **unattended:**

11 **1. In the case of severe weather warning conditions, during weather or when a**
12 **heat advisory or cold advisory has been issued by a local or state authority or**
13 **jurisdiction, or where temperatures and/or heat and cold indices fall below**
14 **thirty-two degrees Fahrenheit (32° F) or above ninety-three degrees Fahrenheit**
15 **(93° F) including, but not limited to, confinement in garages and basements**
16 **without temperature control or enclosed vehicles;**

17 **2. If the dog or domesticated cat is younger than six (6) months of age;**

18 **3. For longer than thirty (30) minutes without adequate food, water and shelter,**
19 **as required by this Chapter.**

1 Each violation of each of the numbered paragraphs of this Section of the Revised Code of the
2 City of St. Louis §10.04.285.E. constitutes a separate violation of this Chapter for the purpose
3 of assessing a penalty.

4 **SECTION THREE.** Section six of Ordinance 66595, approved February 7, 2005, codified
5 as subsection 10.04.220.E.16 of the Revised Code of the City of St. Louis, is hereby amended
6 to add a paragraph j. under 10.04.220.E.16:

7 **j. Private property dog parks shall be constructed, remodeled, or**
8 **operated in compliance with the provisions of this section, except that an**
9 **applicant may request, and the Department of Health may grant, a**
10 **variance in those cases where it is determined that strict compliance**
11 **would cause unusual difficulties or hardships and that the variance would**
12 **not affect the healthful operation of the dog park. Before granting a**
13 **variance, the Health Division shall require adequate proof from the**
14 **applicant that the requested variance will comply with the basic intent of**
15 **these regulations for health and safety and that no health hazard would be**
16 **created if the variance is granted.**

17 **SECTION FOUR.** A new subsection 10.12.270 is hereby added to the Revised Code of the
18 City of St. Louis – Declawing of cats prohibited, to be and read as follows:

19 **10.12.270 - Declawing of cats prohibited.**

20 **A. Except as provided in subsection B. of this section, it shall be unlawful for any person**
21 **to declaw a cat.**

1 **B. Notwithstanding the restrictions set forth in subsection A. of this section, a person may**
2 **declaw a cat only if:**

3 **1. The person performing the procedure is a licensed veterinarian;**

4 **2. Anesthesia is administered to the cat during the procedure; and**

5 **3. The procedure is medically necessary.**

6 **C. As used in this section:**

7 **1. Declaw means to surgically remove or alter the claw or claws of a cat by a**
8 **surgical procedure such as onychectomy or tendonectomy, in order to prevent**
9 **their normal functioning.**

10 **2. Medically necessary means that a procedure is necessary to treat or relieve**
11 **physical illness, infection, disease, or injury, or to correct a congenital abnormality**
12 **that is causing or will cause the cat physical harm or pain, or the animal presents**
13 **the potential for transfer of zoonotic disease. Medical necessity does not include**
14 **cosmetic or aesthetic reasons or reasons of convenience in keeping or handling the**
15 **cat.**

16 **SECTION FIVE.** Section Three II. B. 1 of Ordinance 70889 is amended to read as follows:
17 A proper enclosure to confine a dangerous dog and the posting of a notice conspicuously
18 visible to the public at each entrance to the premises and on each side of the proper enclosure,
19 reading in letters not less than one ~~two~~ inches high, "A DANGEROUS DOG IS PRESENT
20 ON THIS PROPERTY AND IS NOT ALLOWED OUT OF HOUSE OR PEN WITHOUT
21 LEASH AND MUZZLE. REPORT VIOLATIONS TO 314-657-1500." In addition each

1 such notice shall conspicuously display a warning symbol that informs children of the
2 presence of a dangerous dog. If the dangerous dog is kept in a multi-resident dwelling, a
3 notice shall be posted at the entrance to the building as well as the entrance to the dwelling
4 unit.

5 **SECTION SIX.** Effective Date. This ordinance shall be in full force and effect from and
6 after the date of its passage and approval by the Mayor and shall remain in effect until
7 amended or repealed by the Board of Aldermen.

8 **SECTION SEVEN.** Emergency Clause. This being an Ordinance necessary for the
9 immediate preservation of public peace, health and safety, it is hereby declared to be an
10 emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of
11 the City of St. Louis and therefore this Ordinance shall become effective immediately upon its
12 passage and approval by the Mayor.

ORDINANCE #67799
Board Bill No. 378

An ordinance pertaining to the tethering, confinement and treatment of dogs and cats, amending Ordinance 66384, approved July 31, 2004, by repealing Section 10.04.010 of Ordinance 66384 of said Ordinance pertaining to the definitions and enacting in lieu thereof a new section pertaining to the same subject matter; also repealing Section 10.04.285 of Ordinance 66384 of said Ordinance pertaining to enforcement of this provision and enacting in lieu thereof a new section on the same subject matter; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Section 10.04.010 of Ordinance 66384 is hereby repealed and enacted in lieu thereof is the following:

10.04.010 Definitions. For the purpose of this chapter the following words or phrases shall have the meaning given herein.

- A. "Animal agency" means any corporation, association, individual, partnership, or entity of any kind under contract with the City of St. Louis to perform services under this chapter.
- B. "Appropriate shelter" means a cover or protection from the elements containing adequate and appropriate bedding such as straw, hay, or wood shavings, which is small enough to allow the dog or cat to retain its body heat but is large enough to allow the animal to stand, turn around, and lie down.
- C. "Cat" means all members of the *Felis domesticus*, either male or female, four months of age or older.
- D. "City" means the City of St. Louis, Missouri.
- E. "Collar" means a leather or nylon strap to be appropriately fitted around the animal's neck which is not so tight as to restrict breathing, but not so loose as to allow the animal to escape. This collar should never be of the choke, pinch, prong, spiked variety, and should never be attached to a tethering device by a padlock.
- F. "Commercial breeder" means a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than one (1) intact female for the primary purpose of breeding animals for sale.
- G. "Commissioner of Health" means the Health Commissioner of the City of St. Louis, Missouri, in the Department of Health and Hospitals, or the Commissioner's designee.
- H. "Dangerous dog" means any dog that, according to the records of the Commissioner of Health,
 - (1) has inflicted severe injury on a human being without provocation on public or private property,
 - (2) has killed a domestic animal without provocation while off the owner/guardian's property,
 - (3) has been previously found to be potentially dangerous, the owner/guardian having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- I. "Dog" means *Canis familiaris*, either male or female, four (4) months of age or older.
- J. "Federal Laboratory Animal Welfare Act" means Public Law 89-544, as amended (7 U.S.C. 2131), and all regulations issued pursuant thereto.
- K. "Harness" means a combination of leather or nylon straps and buckles which, when fitted around the neck and torso of the dog or cat, helps to distribute the pulling force more evenly across the shoulders.
- L. "Health officer or agent" means any individual employed by, contracted with, or appointed by the City or the

Commissioner of Health for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the regulation or licensure of animals, control of animals, or seizure and impoundment of animals, and including any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

M. "Hobby or show breeder" means a non-commercial breeder who breeds dogs or cats with the primary purpose of exhibiting or showing dogs or cats, improving the breed or selling the dogs or cats, and having no more than ten (10) intact females. These breeders shall be classified as hobby or show breeders if they sell only to other breeders or to individuals.

N. "Kitten" means all members of the *Felis domesticus* under four (4) months of age.

O. "Maliciously" means imposing intentionally with malice or bad motive.

P. "Owner/guardian" means a person who possesses, has title to or an interest in, harbors or has control, custody or possession of an animal and who is responsible for an animal's safety and well being.

Q. "Potentially dangerous dog" means any dog that when unprovoked; (1) inflicts bites on a human or domestic animal either on public or private property; (2) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals; (3) has been found running or being at large and collected by the City twice in any eighteen (18) month period; or (4) has been found running or being at large with a group of three (3) or more at large dogs.

R. "Private practitioner" means a graduate veterinarian licensed by the state of Missouri to practice medicine.

S. "Property enclosure of a dangerous dog" means, while on the owner/guardian's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

T. "Puppy" means *Canis familiaris*, either male or female, under four (4) months of age.

U. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or breaking of skin.

V. "Spay or neuter" means to alter surgically, chemically or by any other methods approved by the Commissioner of Health a dog or cat for the purpose of rendering such animal incapable of reproduction.

W. "Tethering" means attaching a dog or cat to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. "Tethering" does not include the use of a leash to walk a dog.

X. "Veterinarian" means a graduate of an accredited veterinary college who is approved by the Commissioner of Health to perform certain rabies control functions. (Ord. 66384 § 1 (part), 2004: prior: Ord. 65206 § 1 (part), 2001.)

SECTION TWO. Section 10.04.285 of Ordinance 66384 is hereby repealed and enacted in lieu thereof is the following:

10.04.285 Tethering, confinement and treatment of dogs and cats on owner/guardian's property.

A. No owner/guardian or other person controlling or possessing any dog or cat shall leave a dog or cat tethered outdoors for ten (10) continuous hours or for a total of twelve (12) hours in a twenty-four-hour period.

B. No owner/guardian or other person controlling or possessing any dog or cat shall tether a dog or cat except by means of a properly fitting harness or collar of nylon or leather construction and a tether in proportion to the size of the animal. The tether must be at least fifteen (15) feet in length with a swivel at both ends.

C. No owner/guardian or other person controlling or possessing any dog or cat shall tether a dog or cat outdoors under conditions where the animal or tether can become entangled on the tether, another animal, or some other object or where the

tether can restrict the animal's access to suitable, edible, and sufficient food, clean water (cool in summer and unfrozen in winter), and appropriate shelter.

D. No owner/guardian or other person controlling or possessing any dog or cat shall tether a dog or cat outdoors in unsafe or unsanitary conditions or when said tether does not allow the animal to defecate or urinate in an area separate from the areas where it must eat, drink, or lie down.

E. No owner/guardian or other person controlling or possessing any dog or cat shall fail to provide the dog or cat with sanitary living conditions including shelter proper for the species and sufficient to protect the animal from extreme temperatures, wind, rain, snow and sun.

F. No owner/guardian or other person controlling or possessing any dog or cat shall maliciously and knowingly restrain a dog or cat using a metal chain, tether, or metal wire grossly in excess of the size necessary to restrain a dog or cat safely.

G. All dogs and cats shall be treated humanely and shall not be beaten, tormented, overworked, neglected or cruelly treated, except that reasonable force may be used to drive off vicious animals. No animal shall be induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices which may cause physical injury or suffering.

SECTION THREE. This Ordinance, being deemed necessary for the immediate preservation of public health, safety and welfare, is hereby declared to be an emergency measure and shall become effective immediately upon its approval by the Mayor.

Approved: December 17, 2007

ORDINANCE #66595
Board Bill No. 403
Committee Substitute

An ordinance pertaining to dogs and dog parks; establishing rules and regulations for the leashing of dogs and the establishment and use of dog parks; amending Ordinance 65206, approved June 21, 2001, by repealing Section 10.04.220 of Section One of said Ordinance and enacting in lieu thereof a new ordinance pertaining to the leashing of dogs and dog parks, and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS.

SECTION ONE. Section 10.04.220 of SECTION ONE of Ordinance 65206 is hereby repealed and enacted in lieu thereof are the following sections:

SECTION TWO. Leashing of dogs. No person owning, having a proprietary interest in, harboring or having the care, charge, control, custody or possession of a dog, shall permit such dog to be in or upon any public street, park or other public place unless such dog is upon a secure leash not more than six feet long held continuously in the hands of a responsible person capable of controlling the dog, or unless the dog is securely confined within an automobile, or in or upon any enclosed lot or premises; provided, however, that this section shall not apply to any such person who is in possession or operating within the terms of a valid, unrevoked permit from the city for the conduct of obedience or other types of trial or show of dogs in or upon any public place

SECTION THREE. SECTION TWO shall not apply to dogs under the control of a competent person in a designated fenced dog exercise area in a city park or portion of a city park or other city-owned property approved and designated for that purpose by the Director of Parks, Recreation and Forestry or by ordinance.

SECTION FOUR. The following regulations and limitations shall apply to all dog exercise areas:

1. Unless designated by ordinance, the Director of Parks, Recreation and Forestry shall designate city owned property as a dog exercise area and shall issue revokable permits to a dog exercise sponsor. The City shall provide the dog exercise area. The sponsor shall provide, as a minimum, perimeter fence and double pedestrian gates and fence and gate maintenance with the expectation of reasonable user behavior. The sponsor shall register users, provide education aimed at teaching basic obedience to users, insure the overall cleanliness of the area on a day to day basis, the proper disposal of all waste, repair and seeding of bare areas and filling of holes caused by the users, general maintenance, including turf maintenance and weed control, and fence and gate maintenance which is beyond reasonable user behavior.

2. A neighborhood or a nonprofit organization must sponsor a dog exercise area.

3. Dog exercise area will be open from 6 o'clock a.m. to one hour after sunset. There shall be no lights in the exercise area except as provided in the permit. If lighting is permitted, the dog exercise area shall close at 10:00p.m.

4. As a condition of admission to such dog exercise area, the owner of such dog(s) must use a suitable container or instrument to remove dog feces from the designated area and dispose of it in the sponsor-provided waste containers. The sponsor shall provide suitable containers and shall dispose of materials in the containers in a manner that is consistent with federal, state and local ordinances and regulations.

5. Aggressive, sick dogs, and/or dogs with any external parasites are not permitted in the exercise area. Owners are legally responsible for any injury caused by their dog.

6. All dogs must be under visual and voice control by owners at all times. Excessively barking or uncontrollable dogs must be removed immediately.

7. Dogs shall not be left unattended in the exercise area. No person may bring more than three dogs into the exercise area at any one time.

8. Dogs under four (4) months old are not permitted in the exercise area.

9. All dogs shall have been vaccinated and legally licensed prior to using the facility and shall wear license and ownership tags.

- 10. Female dogs in estrus (heat) are not permitted in the exercise area.
- 11. Professional dog trainers may not use the facilities in the conduct of their business.
- 12. Children under 14 shall be accompanied by an adult while in the exercise area and be not permitted to run, shout, scream, wave their arms, or otherwise excite or antagonize dogs in the exercise area.
- 13. Bicycles, roller blades, roller skates, skateboards and strollers, and the like, are not permitted in the exercise area. Wheelchairs are permitted.
- 14. Choke, prong, pinch and spiked collars on dogs are not permitted in the exercise area.
- 15. The owner of any dog using the designated exercise areas must have in his possession at all times that the dog is in the exercise areas, a leash for such dog which shall be worn by the dog at all times that the dog is not in the exercise area.
- 16. Owners shall otherwise comply with all rules governing the parks and relevant parking regulations. No food shall be permitted in the dog exercise area.
- 17. Use of dog exercise areas by any dog shall constitute implied consent of the dog's owner to all of the conditions stated in this section and the permit and shall constitute a waiver of liability to the City of St. Louis and an agreement and undertaking to protect, indemnify, defend and hold the City of St. Louis harmless for any injury or damage caused by such dog during any time the dog is in an exercise area.
- 18. The dog exercise area sponsor shall provide to the Director of Parks, Recreation & Forestry, on an annual basis, a liability insurance policy in the amount of \$1,000,000.00 The policy shall name the City of St. Louis as additional insured.
- 19. Dog exercise area sponsor may charge an annual usage fee and limit use of exercise area to those dog owners who are current in payment of the usage fee for the purpose of maintaining and improving the dog exercise area. Said fees shall be reasonable and inline with the same type of fee as set by other dog exercise areas within the City and of St. Louis County.

SECTION FIVE. The Director of Parks, Recreation and Forestry may promulgate additional rules and regulations concerning the use of the dog exercise areas but not limited to the following:

- 1. Application Process: sponsoring group submits the following to director of PRF:
 - a. Letter of support from Alderperson
 - b. Letter of endorsement from applicable Neighborhood Association(s)
- 2. Sponsorship information: Name, address and phone numbers of primary contact person and four board members (Primary contact will have his/her number posted on the dog park for questions and complaints);
- 3. Petition signed by 25 residents of the City of St. Louis who are potential dog park users with name, address, and phone number for verification.
- 4. The applicant must demonstrate the ability to fund the construction and maintenance of the dog park.
- 5. The sponsoring group must adhere to the following dog park conditions:
 - a. Size: No dog park will be more than 50,000 s. ft. and no more than 1/4th of total park acreage – an average of 500 sq. ft. per dog.
 - b. Fence height: 60 inches minimum
 - c. Gates: must be double entry
 - d. Surface: stone dust or grass. If grass, it must be irrigated and reseeded in the fall and spring –

understanding that some of the area will have to be cordoned off during the reseeding process.

- e. Water: must have a viable water source for the area
- f. Rules: Dog Park rules must be posted with the telephone number for complaints. The Animal Regulation Division of the Health Department will be the final arbitrator of complaints.
- g. All construction must conform to all existing City regulations and codes and final plans must be approved by the City.

Failure to comply with all the above rules and the rules promulgated by the Director may result in the revocation of said permit.

SECTION SIX: Private property Dog Parks fall under the jurisdiction of the Animal Regulation Division of the Health Department. The owner of the property must obtain an annual permit for the use of the property as a dog park. The Division may refuse to issue an annual permit if there have been violations of the rules and regulations for the use of the dog park. The property cannot be used for any other purpose other than a dog park. Listed below are the minimum rules and regulations and the Division may promulgate other rules and regulations:

1. All dogs shall be currently rabies vaccinated, registered and wearing the appropriate tag and/or held by the owner while in the park.
2. No female dogs in estrus (heat) are allowed.
3. Aggressive, sick dogs and/or dogs with any external parasites are not permitted in the dog park. Any/all dogs showing aggressive behavior towards people or other dogs must be removed immediately. Owners are responsible for any injury caused by their dog.
4. Any attack to any person or animal must be immediately reported the Animal Regulation Center.
5. All dogs must be held on a leash no longer than 6 feet in length by a responsible person so as to effectively prevent it from biting any person or animal until entry into the dog exercise area.
6. The park can only be open from 6:00 a.m. to one hour after sunset.
7. As a condition of admission to such dog park, the owner of such dog(s) must use a suitable container or instrument to remove dog feces from the designated area and dispose of it in a sponsor-provided waste container. The sponsor must provide suitable containers and shall dispose of materials in the containers in a manner that is consistent with federal, state and local laws and regulations.
8. Dogs shall not be left unattended in the dog park. No person may bring or have in the dog park more than three dogs at any one time.
9. Dogs under four (4) months old are not permitted in the dog park.
10. Professional dog trainers may not use the facilities in the conduct of their business.
11. Children under 14 shall be accompanied by an adult while in the exercise area and are not permitted to run, shout, scream, wave their arms or otherwise excite or antagonize dogs in the dog park.
12. Bicycles, roller blades, rollers skates, skateboards and strollers and similar devices are not permitted in the dog park. Wheelchairs are permitted.
13. Choke, prong, pinch and spiked collars are not permitted in the dog park.
14. No food shall be permitted in the dog park.

15. The dog park sponsor may charge an annual usage fee and limit the use of the dog park to those dog owners who are current in the payment of the usage fee which shall be used for the purpose of maintaining and improving the dog park. Said fees shall be inline with the same amount of fee as charged for the use of other dog parks and dog exercise areas with in City and St. Louis County.

16. Dog park applications and qualifications:

- a. The applicant must submit to the Division a neighborhood petition signed by a majority of person residing and a majority of person doing business within a petition circle, which is defined as an area, circular in shape, with a radius of three hundred fifty (350) feet drawn from the center of the front of the dog park project to the street. A person shall be considered to reside within the petition circle if: (1) his domicile is within the petition circle and (2) he is registered to vote from an address within the petition circle on the date the application is filed with the Division.
- b. The applicant must submit to the Division with the application the name, address and phone numbers of three contact persons. The primary contact person must have his name and number posted on the dog park for questions and complaints.
- c. The applicant must submit to the Division a drawing showing the location and size of the dog park. There shall be no less than 500 square feet for each dog in the dog park. The number of allowable dogs must be posted on the dog park gate. The applicant must demonstrate they have the ability to fund the construction and maintenance of the dog park.
- d. The dog park must be surrounded by a fence of at least five feet but no more than 8 feet.
- e. The gate must be double entry and the dog park rules must be posted on the exterior gate at all times.
- f. The surface must be stone dust or grass. If grass, it must be irrigated and reseeded in the spring and fall.
- g. There must be a viable water source in the dog park.
- h. All construction must conform to all existing city regulations and codes and final plans must be approved by the City.
- i. The Animal Regulation Division of the Health Department will be the final arbitrator of complaints and the interpretations..

SECTION SEVEN. Emergency clause. This being an ordinance for the preservation of the public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Section 19 and 20 of Article IV of the Charter of the City of St. Louis and shall become effective immediately upon approval by the Mayor.

Approved: February 7, 2005

ORDINANCE 70889

**BOARD BILL NO. 163 INTRODUCED BY: ALDERWOMAN CAROL
HOWARD/ALDERMAN DAN GUENTHER**

1 An Ordinance amending Ordinance 66384, approved July 31, 2004, as follows:
2 Section 1 of Ordinance 66384 is amended by adding a new subsection, subsection 10.04.145,
3 to be titled Animals Putting Persons in Fear; and Section 1, subsection 10.04.170, of
4 Ordinance 66384 is repealed, and in enacted in lieu thereof shall be a new subsection
5 10.04.170, to be titled Adoption of Strays; and Section 1, subsection 10.04.270, of Ordinance
6 66384 is repealed, and enacted in lieu thereof shall be a new subsection 10.04.27, to be titled
7 Dangerous Dogs; and Section 1, subsection 10.04.285, of Ordinance 66384, is repealed and
8 enacted in lieu thereof there shall be a new subsection 10.04.285, to be titled, Tethering,
9 confinement and treatment of dogs and cats on owner/guardian’s property; and Section 1 of
10 Ordinance 66384 is amended by the addition of a new subsection, subsection 10.04.115, to be
11 titled, Relinquishment of owned dogs and cats to the animal regulation center; and Section 1,
12 subsection 10.04.165 of Ordinance 66384 is repealed and enacted in lieu thereof there shall be
13 a new subsection 10.04.165, to be titled, Neuter Assistance and Education Fund; and Section
14 1 of Ordinance 66384 is amended by the addition of a new subsection, subsection 10.04.360,
15 to be titled, Interfering with a Health Officer or Agent; and containing an emergency clause.

16

17 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

18 **SECTION ONE.** Section one of Ordinance 66384, approved July 31, 2004, is hereby
19 amended by the addition of a new subsection, subsection 10.04.145, to be and read as follows:

1 10.04.145 – Animals Putting Persons in Fear, which shall read as follows:

2 A. Pursuant to Section 10.04.140, which authorizes the Commissioner of
3 Health or his or her agents to regulate dogs running at large, this Section seeks to
4 protect the right of all citizens to enjoy a normal urban environment free of reasonable
5 fear of dogs possessed within this City.

6 B. No person shall own, keep, or harbor any dog or other animal that is
7 not securely confined, which by attempting to bite, jump upon, charge toward or
8 otherwise threaten any other person shall cause such other person to have a reasonable
9 fear of immediate serious physical injury. Any person cited pursuant to this subsection
10 may state as a defense subject to proof that the threatening behavior of the animal was
11 instigated or provoked by the complainant or that the fear expressed by the
12 complainant was not a reasonable fear of immediate serious physical injury, and the
13 court shall give any such defense such weight was the court in its judicial discretion
14 finds to be appropriate in the circumstances of the case.

15 C. No person shall own, keep or harbor any dog in such manner as to
16 hinder, obstruct or interfere with access to an outside utility meter, utility pole or
17 mailbox by any authorized employee of the utility or postal service. Any dog so
18 owned, kept or harbored so as to hinder, obstruct or interfere with access to an outside
19 utility meter, utility pole or mailbox may be removed by the Department of Health,
20 where it will be treated as a stray under this Chapter.

1 **SECTION TWO.** Section 1, subsection 10.04.170 of Ordinance 66384, approved July 31,
2 2004, is hereby repealed and enacted in lieu thereof a new subsection 10.04.170, to be and
3 read as follows:

4 10.04.170 - Adoption of strays.

5 A. After notice required by Section 10.04.130 has been given, if the
6 owner/guardian is known, and after the five (5) days of holding for all stray animals
7 required by Ordinance 60878, or any subsequent ordinance, has elapsed, then such animal
8 may be released to any person upon payment of the fees required under this section or
9 any other ordinance and provided all other requirements for adoption are met. No dog or
10 cat should be finally released unless procedures approved by the Commissioner of Health
11 to have it spayed or neutered have been followed.

12 B. The Commissioner of Health may, in lieu of having an unclaimed animal killed
13 as provided in this Chapter, give such animal into the custody of any adult, which shall
14 be defined herein as any person of 18 years of age or older, requesting custody (animal
15 adoption) of such specific animal as a pet after viewing it, provided all provisions of
16 this Section are met. The Commissioner of Health may also at his or her discretion
17 give an animal to an organization for charitable purposes, provided the Commissioner of
18 Health is convinced that the organization will provide a good home. Any such
19 organization shall comply with all of the requirements set forth in this Chapter
20 regarding the spaying or neutering, vaccination and licensing of animals.

- 1 1. No animal will be released to any person or organization unless
2 in the judgment of the Commissioner of Health the person will
3 humanely care for such animal and will not permit its use for
4 laboratory or experimental purposes.
- 5
- 6 2. No person will be given to the custody of an individual who, in
7 the judgment of the Commissioner of Health is requesting the
8 animal with the intent to transfer ownership or sell it.
- 9
- 10 3. Not more than two animals may be given into the custody of
11 any individual or family per calendar year.

12

13 **SECTION THREE.** Section 1, subsection 10.04.270 of Ordinance 66384, approved July 31,
14 2004, is hereby repealed and enacted in lieu thereof a new subsection 10.04.270, to be and
15 read as follows:

16 10.04.270 - Dangerous dogs.

17 I. Designation of Dog as Dangerous Dog.

18 The Director of Health or his or her designee may declare an animal a
19 Dangerous Dog if he or she has probable cause to believe that the animal falls within
20 the definition set forth in this Chapter.

21 A. Probable Cause to Declare. For the purposes of this section, probable cause
22 includes:

- 1 1. A prior court conviction that indicates that the dog has acted in a manner
- 2 causing it to fall within the definition of a Dangerous Dog; or
- 3 2. A dog bite report filed with the Department of Health; or
- 4 3. Actions of the dog witnessed by any Animal Control Officer or Department
- 5 of Health representative or law enforcement officer; or
- 6 4. A verified report that the animal previously has been found to be either a
- 7 Potentially Dangerous Dog or a Dangerous Dog by any animal control
- 8 authority; or
- 9 5. Other substantial evidence admissible in a court of law.

10 B. Service of Declaration. The declaration shall be in writing, and shall be served
11 on the owner or keeper either by regular United States mail to the owner's
12 keeper's or harborer's last known address, or by personal service.

13 C. Contents of Declaration. The declaration shall state at least:

- 14 1. A description of the animal; and
- 15 2. The name and address of the owner, keeper or harborer of the
- 16 animal, if known; and
- 17 3. The whereabouts of the animal if not in the custody of the owner;
- 18 and
- 19 4. The facts upon which the declaration is based; and
- 20 5. The availability of a hearing in case the person objects to the
- 21 declaration, if a request is made in writing within five days of the
- 22 date of receipt of the declaration; and

- 1 6. The restrictions placed on the animal as a result of the declaration;
2 and
3 7. The penalties for violation of the restrictions, including the
4 possibility of the destruction of the animal and imprisonment or
5 fining of the owner, keeper or harborer.

6 D. Appeal of Declaration. The owner, keeper or harborer may, within five
7 days of receipt of the declaration, file a written request for a hearing. The request must
8 be sent to the Commissioner of Health. The appeal will be heard by the Commissioner
9 or a hearing officer who is appointed by the Commissioner to consider these appeals.
10 Following the Commissioner's or hearing officer's decision pursuant to this section
11 the owner, keeper or harborer shall be considered to have exhausted such owner's,
12 keeper's or harborer's administrative appeal. If the Commissioner or hearing officer
13 finds that there is insufficient evidence to support the declaration, it shall be rescinded,
14 and the restrictions imposed thereby annulled. If the Commissioner or hearing officer
15 finds sufficient evidence to support the declaration, then it shall be affirmed.

16
17 E. Impoundment Pending Appeal. Following the service of a declaration
18 of a Dangerous Dog, and pending appeal pursuant to this section, the Health
19 Commissioner may, if circumstances require as determined by the Commissioner,
20 impound the animal at the owner's, keeper's or harborer's expense, pursuant to the
21 provisions of this Chapter, until the Commissioner of Health orders either its
22 redemption or destruction.

1 II.

2 A. It is unlawful for any person to have a dangerous dog in the City without a
3 certificate of registration issued under this chapter. This section shall not apply to dogs
4 used by law enforcement officials for police work.

5
6 B. The Commissioner of Health of the City shall issue a certificate of registration
7 to the owner/guardian of each dangerous dog if the owner/guardian presents to the
8 animal control unit sufficient evidence of:

9 1. A proper enclosure to confine a dangerous dog and the posting of a notice
10 conspicuously visible to the public at each entrance to the premises and on
11 each side of the proper enclosure, reading in letters not less than two inches high,
12 **“A DANGEROUS DOG IS PRESENT ON THIS PROPERTY AND IS NOT**
13 **ALLOWED OUT OF HOUSE OR PEN WITHOUT LEASH AND**
14 **MUZZLE. REPORT VIOLATIONS TO 314.657-1500.”** In addition,
15 each such notice shall conspicuously display a warning symbol that informs
16 children of the presence of a dangerous dog. If the dangerous dog is kept in a
17 multi-resident dwelling, a notice shall be posted at the entrance to the
18 building as well as the entrance to the dwelling unit;

19
20 2. a. A surety bond issued by a surety insurer qualified under the
21 chapter in a form acceptable to the animal control authority in the sum

1 of at least fifty thousand (\$50,000.00) dollars, payable to any
2 person injured by the dangerous dog, or

3 b. A policy of liability insurance, such as homeowner's insurance,
4 issued by an insurer qualified in the amount of at least fifty thousand
5 (\$50,000.00) dollars, insuring the owner for any personal injuries
6 inflicted by the dangerous dog. Such surety bond or insurance policy
7 shall provide that no cancellation of the policy will be made unless ten
8 (10) days written notice is first given to the Commissioner of Health;

9
10 3. Sufficient evidence that such animal has been spayed or neutered and
11 micro-chipped for identification;

12
13 4. In addition, the owner/guardian shall provide the Commissioner of Health
14 with the following information prior to the issuance of a certificate of
15 registration:

- 16 a. Name and address of owner/guardian,
- 17 b. Dog's name,
- 18 c. Photograph of dog,
- 19 d. Location where dog is to be enclosed,
- 20 e. Veterinarian's name,
- 21 f. Dog's immunization number.

22 A minor, which is defined as a person under eighteen years of age, may not be the
23 keeper or owner/guardian of such dog.

24

1 5. In the event that the adult owner/guardian of the dangerous dog dwells
2 in a multi-resident dwelling, proof must be provided that the owner of
3 the dwelling as maintained in the records of the Assessor of the City of
4 St. Louis is notified of the presence of the dangerous dog, by certified
5 mail or personal hand-delivery by the Commissioner of Health or the
6 Commissioner’s designee.

7
8 C. The fee for the registration of dangerous dogs shall be established by the
9 Commissioner of Health and shall equal the estimated costs of administering the
10 provisions of this chapter with respect to dangerous dogs.

11
12 D. It is unlawful to permit or allow a dangerous dog to be outside the proper
13 enclosure unless the dog is muzzled and restrained by a substantial chain or leash not
14 longer than six (6) feet and under physical restraint of a responsible person. The muzzle
15 shall be made in a manner that will not cause injury to the dog or interfere with its vision
16 or respiration but shall prevent it from biting any person or animal.

17
18 E. Dogs shall not be declared dangerous if the threat, injury, or damage was
19 sustained by a person who, at the time, was committing a wilful trespass or other tort
20 upon the premises occupied by the owner/guardian of the dog or was tormenting, abusing
21 or assaulting the dog or has, in the past, been observed or reported to have tormented,
22 abused, or assaulted the dog or was committing or attempting to commit a crime.

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F. Any dangerous dog shall be immediately confiscated by an animal control authority if the (1) dog is not validly registered under this chapter; (2) owner/guardian does not secure and maintain the liability insurance coverage required by this chapter; (3) dog is not maintained in the proper enclosure; or (4) dog is outside of the dwelling of the owner/guardian or outside of the proper enclosure and not under physical restraint of the responsible person.

G. Upon any attack or assault by a dangerous dog, the Commissioner of Health or the Commissioner's designee is hereby empowered to confiscate and destroy such vicious dog.

H. Upon any aggressive attack or assault by any dog causing the severe injury or death of any human, the Commissioner of Health or the Commissioner's designee is hereby empowered to confiscate and destroy such vicious dog.

SECTION FOUR. Section 1, subsection 10.04.285 of Ordinance 66384, approved July 31, 2004, is hereby repealed and enacted in lieu thereof a new subsection 10.04.285, to be and read as follows: Section 10.04.285 of Ordinance 66384 is repealed and enacted in lieu thereof 10.04.285 - Tethering, confinement and treatment of dogs and cats on owner/guardian's property.

1 A. No owner/guardian or other person controlling or possessing any dog or cat
2 shall leave a dog or cat tethered outdoors for ten (10) continuous hours or for a total of
3 twelve (12) hours in a twenty-four-hour period.

4
5 B. No owner/guardian or other person controlling or possessing any dog or cat
6 shall tether a dog or cat except by means of a properly fitting harness or collar of nylon or
7 leather construction and a tether in proportion to the size of the animal. The tether must
8 be at least fifteen (15) feet in length with a swivel at both ends.

9
10 C. No owner/guardian or other person controlling or possessing any dog or cat
11 shall tether a dog or cat outdoors under conditions where the animal or tether can become
12 entangled on the tether, another animal, or some other object or where the tether can
13 restrict the animal's access to suitable, edible, and sufficient food, clean water (cool in
14 summer and unfrozen in winter), and appropriate shelter.

15
16 D. No owner/guardian or other person controlling or possessing any dog or cat
17 shall tether a dog or cat outdoors in unsafe or unsanitary conditions or when said tether
18 does not allow the animal to defecate or urinate in an area separate from the areas where
19 it must eat, drink, or lie down.

20 E. No owner/guardian or other person controlling or possessing any dog or cat
21 shall fail to provide the dog or cat with sanitary living conditions including shelter proper

1 for the species and sufficient to protect the animal from extreme temperatures, wind, rain,
2 snow and sun.

3

4 F. No owner/guardian or other person controlling or possessing any dog or cat
5 shall maliciously and knowingly restrain a dog or cat using a metal chain, tether, or metal
6 wire grossly in excess of the size necessary to restrain a dog or cat safely.

7

8 G. All dogs and cats shall be treated humanely and shall not be beaten, tormented,
9 overworked, neglected or cruelly treated, except that reasonable force may be used to
10 drive off vicious animals. No animal shall be induced or encouraged to perform through
11 the use of chemical, mechanical, electrical or manual devices which may cause physical
12 injury or suffering.

13

14 H. The owner, keeper or person harboring any female dog shall, during the period
15 that such animal is in heat, keep it securely confined and enclosed within a building
16 except when out upon such person's premises briefly for toilet purposes while on leash
17 or otherwise effectively physically restrained. For the purposes of this section, the
18 term "briefly for toilet purposes" shall consist of a maximum time of 15 minutes on
19 each separate occasion.

20

21 I. Excessive Animal Noise Prohibited. No person shall own or keep any animal
22 which by making excessive noise disturbs a neighbor. 'Excessive noise' shall mean

1 and include any noise produced by an animal which is so loud and continuous or
2 untimely as to disturb a neighbor. “Neighbor” shall mean an individual residing in a
3 residence structure and who does in writing state that he or she will testify under oath
4 as to the animal making excessive noise.

5 **SECTION FIVE.** Section 1 of Ordinance 66384, approved July 31, 2004, is hereby
6 amended by the addition of a new subsection, subsection 10.04.115, to be and read as follows:

7 10.04.115 – Relinquishment of owned dogs and cats to the animal regulation center.

8 The fee for owners of cats and dogs who wish to relinquish those animals to the
9 animal regulation center shall be established by the Commissioner of Health and shall
10 equal the estimated costs of care and adoption or disposal of the animal.

11 **SECTION SIX.** Section 1, subsection 10.04.165 of Ordinance 66384, approved July 31,
12 2004, is hereby repealed and enacted in lieu thereof is a new subsection 10.04.165, to be and
13 read as follows:

14 10.04.165 - Neuter Assistance and Education Fund.

15 All fees and penalties collected under the provisions of Sections 10.04.115, 10.04.150
16 and 10.04.160, not to exceed twenty thousand dollars (\$20,000) each fiscal year, shall
17 be deposited into a special fund to be known as the Neuter Assistance and Education
18 Fund (the Fund). The purpose of the Fund shall be to offer financial assistance to
19 qualified St. Louis City residents for the spaying or neutering of their dogs and cats
20 and to create public awareness regarding efforts to control pet overpopulation in the
21 City of St. Louis. The Commissioner of Health is authorized and directed to establish

1 rules and regulations for the administration of the Fund and the criteria by which
2 residents shall be deemed qualified for financial assistance from the Fund.

3

4 **SECTION SEVEN.** Section 1 of Ordinance 66384, approved July 31, 2004, is
5 hereby amended by the addition of a new subsection, subsection 10.04.360, to be and read as
6 follows:

7 10.04.360 Interfering with Health Officer or Agent.

8 An owner or any person is guilty of interfering with a Health Officer or Agent when
9 he:

- 10 A. Conceals an animal from a health officer or agent of the Department of Health
11 or the Commissioner's designee.
- 12 B. Refuses to surrender an animal upon the lawful request of a health officer or
13 agent of the Department of Health or the Commissioner's designee.
- 14 C. Physically attempts to prevent impounding of an animal by a health officer or
15 agent of the Department of Health or the Commissioner's designee.

16

17 **SECTION EIGHT.** Effective Date. This ordinance shall be in full force and effect from and
18 after the date of its passage and approval and shall remain in effect until amended or repealed
19 by the Board of Aldermen.

20 **SECTION NINE.** Emergency Clause. This being an Ordinance necessary for the immediate
21 preservation of public peace, health and safety, it is hereby declared to be an emergency
22 measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of

- 1 St. Louis and therefore this Ordinance shall become effective immediately upon its passage
- 2 and approval by the Mayor.