

ORDINANCE #66384
Board Bill No. 146

An ordinance repealing Ordinance 65206 and enacting in lieu thereof a new ordinance pertaining to the regulation of dogs and cats in the City of St. Louis, to be codified as Chapter 10.04 of the Revised Code of the City of St. Louis; containing a penalty clause, a severability clause and an emergency clause.

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

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 Ordinance 65206 is hereby repealed and enacted in lieu thereof are the following sections:

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

C. "City" means the City of St. Louis, Missouri.

D. "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 females for the primary purpose of breeding animals for sale.

E. "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.

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

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

H. "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.

I. "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.

J. "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.

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

L. "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.

M. "Potentially dangerous dog" means any dog that when unprovoked; (i) inflicts bites on a human or domestic animal either on public or private property, (ii) 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, (iii) has been found running or being at large and collected by the City twice in any eighteen (18) month period or (iv) has been found running or being at large

with a group of three (3) or more at large dogs.

N. “Private practitioner” means a graduate Veterinarian licensed by the State of Missouri to practice medicine.

O. “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.

P. “Puppy” means *Canis familiaris*, either male or female, under four (4) months of age.

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

R. “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.

S. “Veterinarian” means a graduate of an accredited Veterinary College who is approved by the Commissioner of Health to perform certain rabies control functions.

10.04.020 Service animals.

It is unlawful for any service animal trained to guide or assist a person with a disability, including those persons with mobility, visual or hearing impairments, when actually accompanying this person with a disability, to be prohibited admission to any place or vehicle which a person with a disability has a lawful right to enter. The service animal must wear the proper restraints and/or harness. At all times, the service animal or person must have in or on their possession, identification of training as a service animal, for the service animal. The service animal is allowed to accompany the person with a disability in all areas of public accommodation open to other patrons. The service animal shall not be separated from the person with a disability that it serves.

10.04.040 Transient dogs.

An owner/guardian who is either passing through the City or who has been a resident thereof for less than thirty days and in possession or control of dog shall show evidence of the dog's having received rabies immunization, of any approved type, which would produce an immunization period covering the time in St. Louis. If the imported dog remains in St. Louis more than thirty days, the owner/guardian shall procure a St. Louis vaccination-registration certificate in accordance with the provisions of this chapter.

10.04.050 Vaccination-registration certificate required.

No dog or cat, as defined in Section 10.04.010, shall be permitted within the limits of the City unless such dog or cat is registered and the fee imposed by this chapter is paid, except that transient dogs, as defined herein, are excepted from such certificate for the period stipulated above.

10.04.060 Vaccination-registration of dogs, cats, kittens, puppies required—Kennels—Exceptions—Tags.

A. Every person who owns any dog, cat, kitten or puppy, whether in a kennel or not, that is kept any time during the year within the City, or permits a dog, cat, kitten or puppy to come upon, on or in the City, or to remain in or about such person's home, place of business or other premises in the area affected by this chapter, shall have such dog, cat, kitten or puppy vaccinated against rabies, and registered as provided in Section 10.04.070. Such dogs or cats must be vaccinated with a vaccine approved by the Commissioner of Health, and at a frequency approved by the Commissioner of Health for said vaccine.

B. Puppies and kittens shall be confined to their owner/guardian's premises. Every person who is responsible for any puppy or kitten shall have such puppy or kitten vaccinated against rabies, and registered as provided in this chapter on or before the puppy or kitten reaches four (4) months of age, but not earlier than three (3) months of age.

C. Every dog or cat which has been vaccinated in accordance with the provisions of the chapter shall at all times wear the registration tag in the manner herein prescribed in subsection D of Section 10.04.070.

D. It shall be unlawful for any person to own any dog or cat unless such dog or cat has been vaccinated against rabies and wears a current, unexpired registration tag, and the owner/guardian possesses a certificate issued in accordance with the provisions of this chapter.

10.04.070 Vaccination-registration system— Requirements, fees and information files.

A. The Commissioner shall prepare certificates in triplicate and numbered tags for distribution to veterinarians in a form the Commissioner deems is best calculated to further the progress of the program provided for in this chapter. Spaces shall be provided for the following information and for such other information as the Commissioner of Health may require to be filled in by the veterinarians legally authorized to vaccinate dogs and cats:

1. The name and address and phone number of the owner/guardian;
2. The date the vaccination was administered and the type of vaccine administered;
3. The breed, markings, sex and name of the vaccinated dog or cat.

B. The Health Department shall establish a fee of Fifty Dollars (\$50.00) for each combined unit of corresponding vaccination-registration certificate and tag for the purpose of maintaining the system of vaccination-registration except that the fee shall be Forty-Six Dollars (\$46.00) less for the vaccination-registration certificate and tag for dogs or cats that have been spayed or neutered or any animal documented and certified by a licensed veterinarian as not being a proper subject for spaying and neutering or micro-chipping due to health or age reasons. The fee shall be the same for all vaccination-registration certificates and tags issued, regardless of the length of time for which they are issued. Maintenance expenses shall include materials, notification, filing, investigation, and enforcement to increase and maintain a high level of rabies immunization in the City. Each registrar shall order from the Health Department the number of certificates and tags needed to perform the duties as registrar, and pay to the Health Department with the order, the fee for each certificate and tag ordered. The registrar shall be reimbursed and paid the fee for each certificate and tag by the owner/guardian of or other person assuming responsibility over the dog or cat being vaccinated and registered, and which reimbursement and payment may be retained by the registrar.

C. It shall be the duty of every veterinarian to be a registrar under this program and when vaccinating any dog or cat to fill out in triplicate copies, the certificate obtained from the Commissioner of Health, with the information required in subsection A of this section, and immediately present one copy to the owner/guardian of the vaccinated dog or cat and mail one (1) copy to the Health Department, by the tenth (10th) day of the following month, for filing and statistical purposes. The Health Department shall maintain cross files of certificates by the name of the owner/guardian and the number of the certificate. The remaining copy of the certificate shall be retained by the person performing the vaccination. The owner/guardian's copy of the certificate shall be retained by the owner/guardian of the vaccinated dog or cat for inspection by an authorized representative of the Commissioner of Health or any police officer.

D. At the time of the vaccination of any dog or cat, the person performing the vaccination shall also deliver to the owner/guardian of the said dog or cat, the tag obtained from the Health Department, as evidence of such inoculation. Every owner/guardian of a vaccinated dog or cat shall attach the tag evidencing rabies vaccination and registration to the collar or harness of the vaccinated dog or cat and such collar or harness shall be worn by that dog or cat at all times. Any dog or cat found without a tag shall be deemed to be not vaccinated, unless proof of vaccination is provided to the satisfaction of the Animal Regulation Center.

E. No person shall divulge, distribute, disseminate, give, transfer, show, make available or allow a copy to be made of the name or address of any owner/guardian of a dog or cat registered under this chapter to or by any person other than an officer of a county, municipal, state or federal office or department for the purpose of licensing, tax collection, law enforcement, or rabies or other disease control in his respective jurisdiction; nor shall any of the persons authorized to be in possession of such names or addresses use such information for any purpose other than those allowed above nor shall any other person make any use, relating to dogs or puppies, cats or kittens, of any such name or address that has been obtained as a direct or indirect result of the vaccination-registration program provided for in this chapter; nor shall any person pose as, or falsely claim to be a Health Department employee or an agent of the Commissioner of Health or of any other governmental agency while soliciting, or making a survey of the names and addresses of dog or cat owner/guardians.

10.04.080 Registration tags—Nontransferability and prohibited uses.

Registration tags shall not be transferred from dog or cat to another dog or cat and no person shall affix a registration tag to a dog, cat, puppy or kitten other than the animal for which the tag was issued at the time of its rabies vaccination-registration, nor shall any person affix a registration tag to an animal that has not been vaccinated against rabies, nor shall any person counterfeit, alter, obliterate or attempt to counterfeit, alter or obliterate any rabies-registration tags.

10.04.090 Registration tag—Replacement after loss.

The owner/guardian of a dog or cat who loses the assigned registration tag shall report the loss promptly to the Commissioner of Health, and upon proof of prior registration there shall be issued a new dog or cat registration and tag upon the payment of one dollar (\$1.00). The Commissioner of Health shall enter the number of the replacement tag on the original immunization certificate.

10.04.100 Registration tag—Unauthorized use prohibited.

No person shall make use of, or have in such person's possession, any St. Louis dog or cat registration tag not authorized by the Commissioner of Health or make use of, or have possession of a stolen or counterfeit registration tag.

10.04.110 Animal regulation center established—Functions and operation.

There shall be a facility, to be called the Animal Regulation Center, which is to have all legitimate functions of a municipal animal pound, which may be operated by the City or animal agency. The Commissioner of Health shall establish the standards of operations of such Animal Regulation Center. In addition to the above functions, the Animal Regulation Center will perform such rabies and animal disease control functions as are required by this chapter or assigned by the Commissioner of Health.

10.04.120 Housing of stray and biting animals.

A. All stray animals collected shall be confined at the Animal Regulation Center; provided, however, that during an emergency period when facilities are inadequate at the Center, the Commissioner of Health is authorized to make provisions for adequate housing and care elsewhere.

B. Biting dogs or cats or dogs or cats suspected of having rabies confined for isolation and observation shall be handled under procedures established by the Commissioner of Health. The Commissioner of Health is authorized to provide for such isolation and observation at the Animal Regulation Center, at a hospital or facility of a private veterinary practitioner having the staff and equipment to handle such cases, or in a home, provided that any dog or cat authorized by the Director of Animal Regulation Center for home observation is impounded in an escape-proof enclosure for a period of not less than ten (10) days.

C. Should the Commissioner of Health authorize observation at a hospital or facility of a private veterinary practitioner, the owner/guardian of a cat or dog may request such treatment by application to the Director of the Animal Regulation Center. Such application shall contain the name and address of the facility where the isolation and observation will be done, a description of the dog or cat, and any other information required by the Director of the Animal Regulation Center. Release will be ordered by the Director of the Animal Regulation Center upon verification by the veterinarian that there were no clinical symptoms of rabies on the tenth day after the bite. Verification shall include proof of possession of a valid current license tag.

D. Should the Commissioner of Health authorize home observation, the owner/guardian of a dog or cat may request such treatment by application to the Director of the Animal Regulation Center. Such application shall contain any information reasonably required by the Director of the Animal Regulation Center, and the filing of such application authorizes the Director of the Animal Regulation Center, to conduct reasonable investigations of the premises proposed for the home observation. Release from home observation will be ordered by the Director of the Animal Regulation Center upon verification that there were no clinical symptoms of rabies on the tenth day after the bite and in the case of a dog or cat held for observation, verification shall include proof of a valid current license tag.

E. Any carnivorous animal, other than a dog or cat, running at large that has bitten any person, or any other animal other than a dog or cat, that is suspected of being afflicted with rabies may be destroyed immediately for the purpose of being tested for rabies, at the direction of the Animal Regulation Center.

F. All animals collected and confined shall be properly housed, fed, watered, and cared for. The Commissioner of Health or agency under contract with the City shall provide for all necessary facilities, food, water, vehicles and other equipment required to carry out the provisions of this chapter. Where confinement for isolation and observation is mandatory, the owner/guardian may order that certain protective sera or other medication be administered to his dog. This may be done for a fee, determined by the Commissioner of Health or the Commissioner's agent, which is payable in advance.

G. No biting animal should be finally released unless procedures approved by the Commissioner of Health to have it spayed or neutered and micro-chipped for identification have been followed.

10.04.130 Notice to owner/guardian.

Upon the collection and holding of any animal there shall be kept in the records of the Animal Regulation Center a detailed description of each animal. The Animal Regulation Center shall immediately notify the owner/guardian from whom the animal was taken, if the owner/guardian can be determined. These records shall be available for public inspection.

10.04.140 Running at large.

The Commissioner of Health or the Commissioner's agents shall take up and hold any dog which may be found running or being at large in the City contrary to the provisions of this chapter or any lawful order made pursuant thereto. Dogs found running at large may be pursued across, or taken upon, unenclosed private property, unless specifically prohibited by the owner/guardian.

10.04.150 Release fees—Licensed dogs or cats.

Licensed animals taken up and confined in the Rabies Control Center may be released to the owner/guardian upon the furnishing of adequate proof that the animal was licensed at the time of the confinement and the payment of a service fee to the Center. The service fee shall be Twenty dollars (\$20.00) for the first three (3) days and Ten dollars (\$10.00) per day additional after that period of time. After a five (5) day holding period, the animal may be disposed of by any method provided by City Ordinance. No dog or cat should be finally released unless procedures approved by the Commissioner of Health to have it spayed or neutered and micro-chipped for identification have been followed.

10.04.160 Release fees—Unlicensed animals.

Unlicensed animals taken up and confined at the Animal Regulation Center may be released to the owner/guardian by having them licensed and the payment of a service fee of Twenty dollars (\$20.00) for the first three (3) days and Ten dollars (\$10.00) per day additional after that period. After five (5) days confinement, the Animal Regulation Center may order disposal of the animal by any method provided by this chapter. No dog or cat should be finally released unless procedures approved by the Commissioner of Health to have it spayed or neutered and micro-chipped for identification have been followed.

10.04.065 Neuter Assistance and Education Fund.

All fees and penalties collected under the provisions of Sections 10.04.150 and 10.04.160, not to exceed Twenty Thousand Dollars (\$20,000) each fiscal year, shall be deposited into a special fund to be known as the Neuter Assistance and Education Fund (the Fund). The purpose of the Fund shall be to offer financial assistance to qualified St. Louis City residents for the spaying or neutering of their dogs and cats and to create public awareness regarding efforts to control pet overpopulation in the City of St. Louis. The Commissioner of Health is authorized and directed to establish rules and regulations for the administration of the Fund and the criteria by which residents shall be deemed qualified for financial assistance from the Fund.

10.04.170 Adoption of strays.

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

10.04.180 Release of animals held for observation.

Biting and other animals that must be observed for a period of ten (10) days at the Animal Regulation Center shall be released to their owner/guardians upon payment of a Fifty dollar (\$50.00) service fee for the observation period, provided all other requirements of this chapter are met. Animals may be held for the owner/guardian for a maximum of three days past the observation period for a fee of Ten dollars (\$10.00) per day if the owner/guardian makes such a request. If no such request for extra holding time is made, the animal may be disposed of in any way provided by in this chapter at the discretion of the Director of the Animal Regulation Center.

10.04.190 Disposal of unclaimed animals.

Animals not claimed by their owner/guardians shall be held for five (5) days or for ten (10) days for dogs or cats under observation for rabies, after which the animals may be disposed of as provided for in Section 10.04.170 or 10.04.200 or may be humanely put to death in a manner prescribed by the Commissioner of Health.

10.04.210 Destruction of sick and severely injured animals.

Collected, unidentified animals which are brought to the Center by the fieldsmen in a visibly sick condition due to canine distemper, hepatitis, leptospirosis, advanced demodectic or sarcoptic mange, or other serious communicable disease, or are severely injured, which in a veterinarian's judgment renders the animal beyond a reasonable hope of recovery, may be ordered destroyed at once by the veterinarian or, in his absence, by the Director of the Animal Regulation Center. Sick animals whose owner/guardian can be determined shall be placed in isolation until the owner/guardian can be contacted for instructions as to destruction, treatment, or release to a private veterinarian for treatment. Such release shall be made only after all requirements of this chapter, as to licensing and fees, are met or provided for.

10.04.220 Leashing of dogs.

No owner/guardian of any dog shall permit such dog to be found at large on the streets of the City or in any public place or on another person's private property, unless such dog is on a leash, not longer than six (6) feet in length and held by or under control of a responsible person so as to effectively prevent it from biting any person or animal. All dogs are prohibited from running or being at large unless under restraint as described above.

10.04.225 Stray cats, prohibited.

No owner/guardian of any cat shall permit such cat to be found at large on the streets of the City or in any public place or on another person's property.

10.04.230 Enticing dog or cat—Refusal to surrender.

No person shall entice any dog or cat out of the enclosure of the owner/guardian thereof or molest or seize any dog or cat while lawfully held or led by any responsible person, except that no person shall refuse to surrender any dog that has bitten a person to an agent of the Commissioner of Health for isolation and observation as required by this chapter.

10.04.240 Rabies or suspicion of rabies.

Every person owning or harboring an animal known to have or suspected of having rabies, or which has been bitten by or exposed to a rabid animal, shall confine and isolate such animal in some secure place and immediately notify the Animal Regulation Center as to where the animal is confined. If required by the Commissioner of Health or the Rabies Control Officer, such person shall surrender the animal to the Animal Regulation Center for disposal.

10.04.250 Veterinarian reports.

Every veterinarian in the City shall report at once, by telephone and also in writing, every case of clinical rabies, of which the veterinarian has knowledge, to the Commissioner of Health. Veterinarians shall submit the brain of all animals treated by them and dying of rabies or suspected rabies to the Health Department Laboratory for confirmation of diagnosis. Veterinarians vaccinating dogs that are kept within the City shall furnish the owner/guardian with a certificate of immunization giving the name and address of the owner/guardian, the date of immunization, the type of vaccine used, the sex and complete description of the dog and any other

information required by the Commissioner of Health.

10.04.260 Procedure when animal bites person.

In case an animal bites any person, the Animal Regulation Center shall immediately be notified by any person with knowledge of such incident. Such animal immediately comes under the jurisdiction of the Commissioner of Health or the Commissioner's assigns, and the Animal Regulation Center shall supervise the isolation and observation of such animal. Dogs and cats that have bitten any person shall be handled in accord with subsections B, C and D of Section 10.04.120, and all other animals shall be handled in accord with subsection E of Section 10.04.120.

10.04.270 Dangerous dogs.

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

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

1. A proper enclosure to confine a dangerous dog and the posting of a notice conspicuously visible to the public at each entrance to the premises and on each side of the proper enclosure, reading in letters not less than two inches high "DANGEROUS DOG — BEWARE." In addition, each such notice shall conspicuously display a warning symbol that informs children of the presence of a dangerous dog;

2. a. A surety bond issued by a surety insurer qualified under the chapter in a form acceptable to the animal control authority in the sum of at least fifty thousand (\$50,000.00) dollars, payable to any person injured by the dangerous dog; or

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

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

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

- a. Name and address of owner/guardian;
- b. Dog's name;
- c. Photograph of dog;
- d. Location where dog is to be enclosed;
- e. Veterinarian's name;
- f. Dog's immunization number.

In case a minor is the keeper or owner/guardian of such dog, the duties imposed by this section shall devolve upon the adult person in whose family the minor lives or who is in charge of the premises where such dog is kept.

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

D. It is unlawful to permit or allow a dangerous dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash not longer than six (6) feet and under physical restraint of a responsible person. The

muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

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

F. Any dangerous dog shall be immediately confiscated by an animal control authority if the (a) dog is not validly registered under this chapter, (b) owner/guardian does not secure and maintain the liability insurance coverage required by this chapter, (c) dog is not maintained in the proper enclosure; or (d) 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.

10.04.275 Neutering and spaying, exceptions.

The provisions of this ordinance regarding the neutering, spaying and micro-chipping of dogs and cats shall not apply to any animal that is to be trained and actively used by law enforcement agencies for law enforcement and rescue activities; any guide, signal or service dog; any animal documented and certified by a licensed veterinarian as not being a proper subject for spaying and neutering or micro-chipping due to health or age reasons; and all animals owned by certified and licensed breeders or hobby/show breeders.

10.04.280 Dogfighting.

No person shall enter a dog in a dog fight.

10.04.285 Tethering, confinement and treatment of dogs and cats on owner/guardians property.

A. No dog or cat shall be tied, hitched or fastened to any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length and free from obstruction or items which may cause the tying device to become caught, wrapped or twisted or prevent the animal from reaching food, water or shelter.

B. All areas where an animal is confined or tethered shall be kept in a sanitary manner. The person responsible for the animal shall sanitize the area regularly to prevent health, odor or sanitation problems.

C. 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.

10.04.290 Emergency decrees.

In times of emergency conditions which, in the opinion of the Commissioner of Health, present real or potential dangers to the human or animal population of the City because of a weakness in the rabies control program or the threat or actual presence of rabies in the City, the Commissioner of Health shall be authorized to issue any decrees or use any other available means necessary to eliminate or abate hazards to the people of the City. Such decrees may order confinement, or other regulation, of animals other than dogs, low-cost mass immunization clinics, or any other measure reasonably related to the protection of the health and welfare of the public.

10.04.300 Regulations by Commissioner of Health.

The Commissioner of Health, after consultation with the Board of Health and with the approval of the Director of Health and Hospitals, may make and adopt such reasonable rules and regulations as are necessary for the proper and efficient administration of this chapter.

10.04.310 Feces removal—Required.

It shall be the duty of every dog owner/guardian, defined and identified under the provision of Sections 10.04.010 et al. of the Revised Code of the City and the applicable provisions of Ordinance 57980 of the City of St. Louis, 1980, to remove any feces left by said dog on any sidewalk, gutter, street, park or other public area, or on any private property used by said dog for depositing any feces, if the same is done in the presence of the owner/guardian of said dog, or in the presence of any person exercising control over said dog at the time of said offense.

10.04.330 Feces removal—Confinement of dog.

Every dog found to be in violation of Sections 10.04.310 and 10.04.320 that is not properly registered and vaccinated, as required by Section 10.04.070, shall be confined as a stray dog, whether the same at the time of detention for violation of Sections 10.04.310 and 10.04.320 is on a leash or other restraining device or not; and the same shall be held and detained in all respects as called for by Section 10.04.010 et al. of the Revised Code of the City of St. Louis, 1980, until released or provided by Section 10.04.160, and upon release, shall still be answerable and chargeable with an offense under Sections 10.04.310 and 10.04.320.

10.04.340 Feces removal— Service dog excepted.

The provisions of Sections 10.04.310 through 10.04.320 shall not apply to a service dog accompanying any person with visual or mobility disabilities.

10.04.350 Penalty for violation.

Every person found guilty for the first time of a violation of any provision of this ordinance shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Upon a finding of guilt of a second violation, the person shall be punished by a fine of not less than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment; upon a third and subsequent violation, the person shall be punished by a fine of not less than five hundred dollars (\$500.00) and by imprisonment for not less than ten (10) days.

SECTION TWO. SEVERABILITY CLAUSE. The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION THREE. Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: July 31, 2004