

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 Section 10.04.010 of Ordinance 66384 is hereby repealed and enacted in lieu thereof is the following: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