

1 **Board Bill No. 107 INTRODUCED BY ALDERWOMAN LYDA KREWSON**

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

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SECTION ONE. Section One of Ordinance 67799 is hereby repealed and enacted in lieu

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thereof is the following:

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10.04.010 Definitions.

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For the purpose of this chapter the following words or phrases shall have the meaning given

14

herein.

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A. "Animal agency" means any corporation, association, individual, partnership, or entity of

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any kind under contract with the City of St. Louis to perform services under this chapter.

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B. "Appropriate shelter" means a cover or protection from the elements containing adequate

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and appropriate bedding such as straw, hay, or wood shavings, which is small enough to allow

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the dog or cat to retain its body heat but is large enough to allow the animal to stand, turn around,

20

and lie down.

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

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age or older.

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

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

5 F. "Commercial breeder" means a person, other than a hobby or show breeder, engaged in
6 the business of breeding animals for sale or for exchange in return for a consideration, and who
7 harbors more than one (1) intact female for the primary purpose of breeding animals for sale **and**
8 **is licensed by the Missouri Department of Agriculture for such purpose.**

9 G. "Commissioner of Health" means the Health Commissioner of the City of St. Louis,
10 Missouri, in the Department of Health and Hospitals, or the Commissioner's designee.

11 H. "Dangerous dog" means any dog that, according to the records of the Commissioner of
12 Health: (1) has inflicted severe injury on a human being without provocation on public or private
13 property; (2) has killed a domestic animal without provocation while off the owner/guardian's
14 property; (3) has been previously found to be potentially dangerous, the owner/guardian having
15 received notice of such and the dog again aggressively bites, attacks, or endangers the safety of
16 humans or domestic animals.

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

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

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

1 L. "Health officer or agent" means any individual employed by, contracted with, or
2 appointed by the City or the Commissioner of Health for the purpose of aiding in the
3 enforcement of this chapter or any other law or ordinance relating to the regulation or licensure
4 of animals, control of animals, or seizure and impoundment of animals, and including any state
5 or local law enforcement officer or other employee whose duties in whole or in part include
6 assignments that involve the seizure and impoundment of any animal.

7 M. "Hobby or show breeder" means a non-commercial breeder who breeds dogs or cats
8 with the primary purpose of exhibiting or showing dogs or cats, improving the breed or selling
9 the dogs or cats, and having no more than ~~ten (10)~~ **two (2)** intact females. These breeders shall be
10 classified as hobby or show breeders if they sell only to other breeders or to individuals.

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

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

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

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

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

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

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

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

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

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

17 X. "Veterinarian" means a graduate of an accredited veterinary college who is approved by
18 the Commissioner of Health to perform certain rabies control functions.

19 **SECTION TWO.** Section One of Ordinance 66384, Section 10.04.040 is hereby amended to
20 read:

21 10.04.040 Transient dogs.

22 An owner/guardian who is either passing through the City or who has been a resident thereof
23 for less than thirty days and in possession or control of dog shall show evidence of the dog's

1 having received rabies immunization, of any approved type, which would produce an
2 immunization period covering the time in St. Louis. If the imported dog remains in St. Louis
3 more than thirty days, the owner/guardian shall procure a St. Louis vaccination-registration
4 certificate **and shall spay or neuter and micro-chip for identification their dog** in accordance
5 with the provisions of this chapter.

6 **SECTION THREE.**

7 **No dog or cat as defined in Section 10.04.010, shall be permitted within the limits of the**
8 **City unless such dog or cat has been spayed or neutered and micro-chipped for**
9 **identification and has been vaccinated against rabies and wears a current, unexpired**
10 **registration tag, and the owner possesses a certificate issued in accordance with the**
11 **provisions of this chapter. This provision shall not take effect until one year (365 days)**
12 **after passage this Ordinance and the same becomes law.**

13 **SECTION FOUR.** Section One of Ordinance 66384, Section 10.04.070 Part B is hereby
14 amended to read:

15 B. The Health Department shall establish a fee of fifty dollars (\$50.00) for each combined unit
16 of corresponding vaccination-registration certificate and tag for the purpose of maintaining the
17 system of vaccination-registration except that the fee shall be forty-six dollars (\$46.00) less for
18 the vaccination-registration certificate and tag for dogs or cats that have been spayed or neutered
19 **and micro-chipped for identification** or any animal documented and certified by a licensed
20 veterinarian as not being a proper subject for spaying and neutering or micro-chipping due to
21 health or age reasons. The fee shall be the same for all vaccination-registration certificates and
22 tags issued, regardless of the length of time for which they are issued. Maintenance expenses
23 shall include materials, notification, filing, investigation, and enforcement to increase and

1 maintain a high level of rabies immunization in the City. Each registrar shall order from the
2 Health Department the number of certificates and tags needed to perform the duties as registrar,
3 and pay to the Health Department with the order, the fee for each certificate and tag ordered. The
4 registrar shall be reimbursed and paid the fee for each certificate and tag by the owner/guardian
5 of or other person assuming responsibility over the dog or cat being vaccinated and registered,
6 and which reimbursement and payment may be retained by the registrar.

7 **SECTION FIVE.** Section One of Ordinance 66384, Section 10.04.165 is hereby amended to
8 read:

9 10.04.165 Neuter Assistance and Education Fund.

10 All fees and penalties collected under the provisions of Sections 10.04.150 and 10.04.160, not
11 to exceed ~~twenty thousand dollars (\$20,000)~~ **fifty thousand dollars (\$50,000)** each fiscal year,
12 shall be deposited into a special fund to be known as the Neuter Assistance and Education Fund
13 (the Fund). The purpose of the Fund shall be to offer financial assistance to qualified St. Louis
14 City residents for the spaying or neutering **and micro-chipping for identification** of their dogs
15 and cats and to create public awareness regarding efforts to control pet overpopulation in the
16 City of St. Louis. The Commissioner of Health is authorized and directed to establish rules and
17 regulations for the administration of the Fund and the criteria by which residents shall be deemed
18 qualified for financial assistance from the Fund. **Amounts exceeding \$50,000 shall be**
19 **deposited in the Use Tax Fund and used for operations of the City Department of Health**
20 **Animal Care Control Program.**

21 **SECTION SIX.** Section One of Ordinance 66384, Section 10.04.170 is hereby amended to
22 read:

23 10.04.170 Adoption of strays.

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

8 **SECTION SEVEN.** Section One of Ordinance 66384, Section 10.04.275 is hereby amended
9 to read:

10 10.04.275 Neutering and spaying--Exceptions.

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

17 **SECTION EIGHT.**

18 **Any person charged under Section 10.04.050 for failure to spay or neuter and/or micro-**
19 **chip said animal, shall have sixty (60) days to have said animal spayed or neutered and/or**
20 **micro-chipped and if said animal is spayed or neutered and/or micro-chipped within sixty**
21 **(60) days the charge or charges shall be dismissed.**

22 **SECTION NINE.** Section Two of Ordinance 62941, is hereby amended to read:

23 10.20.010 Definitions.

1 As used in this part, the following words and phrases shall have the meaning ascribed to them
2 in this section:

3 A. "Adequate care" means normal and prudent attention to the needs of an animal, including
4 wholesome food, clean water, shelter and health care as necessary to maintain good health in a
5 specific species of animal;

6 B. "Adequate control" means reasonable restraint or governance of an animal so that it does not
7 injure itself, any person, another animal, or property;

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

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

11 E. "Domestic animal" means a dog or cat, including any puppy or kitten, which is more than ~~six~~
12 **weeks four months** old.

13 F. **“Commercial Breeder” means a person, other than a hobby or show breeder, engaged in**
14 **the business of breeding animals for sale or for exchange in return for a consideration, and**
15 **who harbors more than one (1) intact female for the primary purpose of breeding animals**
16 **for sale and is licensed by the Missouri Department of Agriculture for such purpose.**

17 G. "Commissioner" means the Commissioner of the Health Division of the City of St. Louis
18 Department of Health and Hospitals or his delegate.

19 H. "Farm animal" means any cattle, sheep, goat, swine, except for Vietnamese Pot-Bellied Pigs
20 which may be kept pursuant to Section 10.20.015 of this part.

21 I. **"Hobby or show breeder" means a non-commercial breeder who breeds dogs or cats**
22 **with the primary purpose of exhibiting or showing dogs or cats, improving the breed or**
23 **selling the dogs or cats, and having no more than two (2) intact females. These breeders**

1 **shall be classified as hobby or show breeders if they sell only to other breeders or to**
2 **individuals.**

3 J. "Kennel" means any premises on which more than four animals are domiciled or otherwise
4 kept, must obtain a graduated business license except for those persons obtaining a
5 noncommercial kennel permit.

6 K. Kept. A farm animal or domestic animal shall be considered to be "kept" on premises if an
7 owner or occupant of that premises, for a period of more than seven days, provides food and/or
8 shelter for the animal, even if such person does not claim ownership of the animal.

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

10 M. "Noncommercial kennel permit" means a permit issued to an owner or keeper of no more
11 than eight (8) domestic animals that are owned or kept for personal pets, and the domestic
12 animals or their offspring are not sold or offered for sale or used for breeding.

13 N. "Owner" means any person who provides food or shelter to a farm or domestic animal for
14 more than seven consecutive days or who professes to own, keep or harbor an animal.

15 O. **“Pet Store” means any corporation, association, individual, partnership or entity**
16 **operating a mercantile establishment for the retail sale of animals.**

17 P. "Pot-bellied pig" means a domestic Vietnamese pot-bellied pig.

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

19 R. "Research facility" means a laboratory operated by a college or university in which research is
20 conducted using animals.

21 S. "Property located within a residentially zoned district" means any parcel of property which the
22 official zoning District Map, as it may be amended by the Board of Aldermen from time to time,
23 shows as being located within an A, B, C, D or E zone. If a portion of a parcel is within one of

1 the zones, the entire parcel shall be considered to be located within a residentially zoned district
2 for purposes of this part.

3 T. "Reptile" means all turtles, lizards and nonpoisonous snakes except boids over eight (8) feet in
4 length.

5 U. "Veterinarian" means an individual licensed to practice veterinary medicine by the State of
6 Missouri.

7 V. "Veterinary hospital" means a premises at which one or more veterinarians provide treatment
8 for sick and injured animals.

9 **SECTION TEN.** Section Three of Ordinance 62941, is hereby amended to read:

10 10.20.011 Prohibition against keeping more than four animals in a residential zone.

11 A. No person shall keep more than four domestic animals on any parcel of property located
12 within a residentially zoned district, nor shall any person permit or allow more than four
13 domestic animals to be kept or domiciled on any such parcel of property; except that any person
14 may keep more than four domestic animals but no more than eight domestic animals on any
15 parcel of property by obtaining a noncommercial kennel permit, **a commercial kennel permit, a**
16 **pet store permit or a hobby or show breeder permit** from the Health Commissioner and a
17 person.

18 B. Any person that obtains a noncommercial kennel permit, **a commercial kennel permit, a**
19 **pet store permit or a hobby or show breeder permit** must contain the animals within the
20 confines of the dwelling unit, or if said animals are taken outside or permitted outside, the
21 animals must be kept in a fenced yard or leashed so as to prevent running at large. It shall not be
22 a violation for more than four domestic animals to be domiciled or kept in a multifamily
23 dwelling with more than four dwelling units if the total number of domestic animals in all units

1 is not greater than the total number of units. It shall be the duty of the owner of a multifamily
2 dwelling located within a residentially zoned district to ensure that said dwelling complies with
3 the provisions of this part. Nothing herein shall be construed to repeal the provision of the City's
4 Exotic Animal Ordinance.

5 **SECTION ELEVEN.** Section Four of Ordinance 62853, is hereby amended to read:

6 Prohibition against keeping more than four animals in a nonresidential zone unless a kennel
7 permit has first been obtained.

8 No person shall keep more than four domestic animals on any parcel of property located
9 within a nonresidentially zoned district, nor permit or allow more than four domestic animals to
10 be kept on such parcel of property, without first obtaining a kennel permit, **a commercial kennel**
11 **permit, a pet store permit or a hobby or show breeder permit** from the Health Commissioner
12 as provided for in this section of this part; except that it shall not be a violation for more than
13 four animals to be domiciled or kept in a multifamily dwelling with more than four dwelling
14 units located in a non residentially zoned district, although no kennel license has been obtained
15 for the premises, if no more than one animal is domiciled or kept in each dwelling unit; and,
16 provided, further, that this requirement shall not apply to the St. Louis Zoological Park, research
17 facilities, veterinarian's offices, veterinary hospitals, and itinerant or temporary shows in which
18 animals are used or displayed. For purposes of this part, a show shall not be considered to be
19 itinerant or temporary if it operates the same location for more than 10 days. **The commercial**
20 **kennel permit, pet store permit, hobby or show breeder permit provisions of this section**
21 **shall not take effect until one year (365 days) after passage this Ordinance and the same**
22 **becomes law.**

23 **SECTION TWELVE.** Section Five of Ordinance 62853, is hereby amended to read:

1 10.20.013 Rules to be promulgated by health commissioner--Enforcement, issuance of kennel
2 permits.

3 A. The Health Commissioner shall promulgate rules and regulations as necessary in the
4 interest of public health, safety and general welfare to interpret and implement the provisions of
5 this part to secure the intent thereof.

6 B. Persons wishing to obtain a noncommercial kennel permit or a **commercial** kennel permit,
7 **a pet store permit or a hobby or show breeder permit** shall make application therefor to the
8 Health Commissioner, in writing, on a form prescribed by the Health Commissioner, which shall
9 contain the name of the applicant, the address for which the permit is sought, the address and
10 telephone number at which the applicant can be contacted, the maximum number of animals
11 which the applicant proposes to house at the kennel, and any additional information requested by
12 the Health Commissioner. No application for a permit shall be accepted by the Health
13 Commissioner unless accompanied by a ~~\$40.00~~ **two hundred dollar (\$200.00)** inspection fee.
14 **The commercial kennel permit, pet store permit, hobby or show breeder permit provisions**
15 **of this section shall not take effect until one year (365 days) after passage this Ordinance**
16 **and the same becomes law.**

17 C. Upon receipt of an application for a permit, the Health Commissioner shall cause an
18 inspection to be conducted of the premises for which the application is submitted to determine if
19 such premises for which the application is submitted to determine if such premises complies with
20 the provisions of this part and of the rules and regulations promulgated by the Health
21 Commissioner pursuant to subsection A of this section.

22 D. No permit shall be issued, except upon a determination by the Health Commissioner that a
23 premises for which an application for such permit has been made complies with the provisions of

1 this part and the rules and regulations promulgated by the Health Commissioner, that the person
2 applying for such permit has obtained or applied for all necessary City licenses, and that
3 operation of a kennel on the premises for which such permit has been sought would not violate
4 applicable provisions of the zoning code.

5 E. If the Health Commissioner determines that the standards set forth in subsection D of this
6 section has been complied with, the Health Commissioner shall issue a permit to the applicant.
7 The permit shall specify the name of the permittee, the address of the facility, and the maximum
8 number of animals which may be housed thereat. In addition, the Health Commissioner may
9 condition the issuance of the permit on compliance by the permittee with additional requirements
10 which the Health Commissioner has determined, with regard to the particular facility, to be
11 necessary to protect human health, safety or welfare and/or the health or welfare of animals to be
12 housed therein.

13 F. A permit shall be valid for one year from the date on which it is issued. Permits shall be
14 renewable. Persons holding valid permits may apply for renewal thereof no more than thirty days
15 prior to the expiration of such permit. A renewal application shall not be considered by the
16 Health Commissioner unless accompanied by a ~~\$40.00~~ **two hundred dollar (\$200.00)**
17 inspection fee. The Health Commissioner shall cause an inspection to be made of the premises
18 prior to renewing the permit. Such renewal shall be valid for one year from the date of expiration
19 of the former permit.

20 **SECTION THIRTEEN.**

21 **Pet store sale of dogs and cats prohibited.**

22 **It shall be unlawful for a pet store to offer for sale any dog, puppy, cat or kitten.**

1 **This provision shall not take effect until one year (365 days) after passage this Ordinance**
2 **and the same becomes law.**

3 **SECTION FOURTEEN. SEVERABILITY CLAUSE.** The sections, subsections and clauses
4 of this ordinance shall be severable. In the event that any section, subsection or clause of this
5 ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections,
6 subsection, or clauses of this ordinance are valid, unless the court finds the valid sections of the
7 ordinance are so essential and inseparably connected with and dependent upon the void section
8 that it cannot be presumed that this Board of Alderman would have enacted the valid section
9 without the void ones, or unless the court finds that the valid sections standing alone are
10 incomplete and incapable of being executed in accordance with the legislative intent.

11 **SECTION FIFTEEN. EMERGENCY CLAUSE.** The passage of this ordinance being
12 deemed necessary for the immediate preservation of the public peace, health and safety, an
13 emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the
14 Charter, and this ordinance shall be in full force and effect immediately upon its passage and
15 approval by the Mayor.