

CHAPTER 211: ANIMAL CONTROL REGULATIONS

SECTION 211.010: ANIMAL CONTROL OFFICER

There is hereby established the position of Animal Control Officer. The officer shall be appointed by the City Administrator with the advice and consent of the City Council. The Animal Control Officer shall be of good character. It shall be the officer's duty to enforce all provisions of this Chapter. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.015: ABANDONMENT OF DOMESTIC ANIMALS

It shall be unlawful for any person to abandon a dog, cat or other domestic animal in the City of St. Robert without making provisions for its adequate care. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.020: IMPOUNDMENT AUTHORIZED

Any dog in violation of any of the provisions of this Chapter shall be impounded pursuant to Section 210.060. Any other animal may, at the City's discretion, be impounded pursuant to the provisions of said Section that shall govern said impoundment to the maximum extent possible. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.025: LEASHING REQUIREMENT

It shall be unlawful for any person or persons owning, controlling, harboring, possessing or having the management or care, in whole or in part, of any dog to permit such dog(s) to run-at-large. For the purpose of this Chapter, every dog when on any street, alley or any other public place in the City of St. Robert, which is not attached to a leash, the other end of which is securely held or when on private property within said City, which is either not attached to a leash, the other end of which is securely held, or which is not so confined to the owner's property, shall be deemed running-at-large. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.030: ENFORCEMENT

The Police Department or Animal Control Officer shall have the power to enforce the provisions of this Chapter, including, but in no way limited to, the powers to issue notice of violation and, as far as permissible under the laws of the State and ordinances of the City, to enter upon private property after observing any violation of the provisions of this Chapter for the purpose of enforcement hereof. It shall be unlawful for any person to refuse to deliver up to the Animal Control Officer or Police Officer any animal, fowl or reptile when requested to do so under the provisions of this Chapter. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.035: RESCUE OF ANIMALS FROM VEHICLES

It shall be unlawful for the owner or operator of a motor vehicle to leave an animal confined in a motor vehicle under circumstances that could endanger its life. In the event the Animal Control Officer determines an animal is confined under these circumstances, the Animal Control Officer,

with the assistance from the Police, is hereby authorized and may enter said vehicle and rescue the endangered animal and thereafter impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this Section and impounded at the City animal shelter. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.040: ANIMAL HABITATS TO BE CLEAN, SANITARY -- INSPECTIONS AUTHORIZED

All structures, pens, coops or yards wherein animals or fowl are kept or permitted to be shall be maintained in a clean and sanitary condition at all times, devoid of all rodents and vermin, and free from offensive, disagreeable or noxious smell or odor to the injury, annoyance or inconvenience of any inhabitant of the neighborhood. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The Animal Control Officer may at any time inspect, or cause to be inspected, any structure or premises and issue any such order as may be necessary to carry out the provisions of this Section. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.045: LICENSE REQUIRED

No person shall keep any dog without a current City license for such animal as provided for in Section 210.010. Any person owning, keeping or harboring any animal subject to the provisions of this Chapter who shall knowingly make a false statement to the Animal Control Officer or person issuing a license shall be guilty of a misdemeanor. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.050: LICENSE FEE

A license for a dog shall be issued only after the applicant pays a license fee in accordance with Section 210.020. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.055: KENNEL LICENSE

A. Required. Any person, persons, association, firm or corporation who shall own and keep or harbor upon a single location more than four (4) dogs or four (4) cats, or a combination of the two (2), totaling four (4) over six (6) months of age shall be deemed the owner of a kennel. It shall be unlawful for any person, persons, association, firm or corporation to own and keep or harbor upon a single location more than four (4) dogs or four (4) cats, or a combination of the two (2), totaling four (4) over six (6) months of age without a kennel license. Said kennel may harbor no more than ten (10) dogs or ten (10) cats or a combination of the two (2) totaling ten (10). Such owner shall file application, therefore, on a form provided by the City Clerk, prescribed by the City Administrator, which application shall provide information to indicate whether or not the proposed kennel and its operation thereof will not be in violation of State laws and City ordinances. If it appears that such kennel and the operation thereof will not be in violation of State laws and City ordinances, the City Clerk shall issue a kennel license to said applicant upon payment of twenty-five dollars (\$25.00). This fee will be in addition to individual dog licenses that shall be required. However, the kennel license does not preclude the

need for each dog to be vaccinated according to Section 211.065 or the need to obtain other City or State licenses when engaged in a commercial business.

B. Expiration. Such license shall become due on or before the first (1st) day of January and shall permit the applicant to operate such kennel described in the application until the license expires on the thirty-first (31st) day of December next following the issuance unless said license is revoked. Two (2) or more violations of this Section as determined by the Municipal Court after all appeals have been decided and the decision has become final, or two (2) or more violations of Sections 578.009 or 578.012, RSMo., shall constitute sufficient cause for revocation of such license.

C. Separate Enterprise. Every facility regulated by this Section shall be considered a separate enterprise with each facility requiring an individual license.

D. Zoning. It shall be unlawful for kennels to operate in any residentially zoned area of the City.

E. Regulations. It shall be unlawful for a person to operate a kennel without meeting the following conditions:

1. Housing facilities shall be provided the animals, and such shall be structurally sound, shall be maintained in good repair and shall be constructed to provide shelter from excessive sunlight, rain, snow, wind or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein; to provide drainage to prevent the accumulation of water, mud, debris, excreta or other materials and shall be designed to facilitate the removal of animal and food wastes. The housing facilities shall be designed so as to protect the animals from injury, shall contain the animals and shall restrict the entrance of other animals.

2. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

3. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris on a daily basis. Waste disposal facilities shall be maintained in a sanitary condition and the kennel shall be free from the infestation or contamination of insects, rodents or disease and from obnoxious or foul odors.

4. Water must be conveniently available for cleaning purposes.

5. Sick animals shall be separated from those appearing healthy and normal. Sick animals shall be removed from display or sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

6. If the operation of the kennel includes the sale of animals, then there shall be an employee or owner on duty at all times during the hours any store is open whose responsibility in that shop or department shall be the care and welfare of the animals held for sale or display.

7. If the operation of the kennel includes the sale of animals, then an employee or owner shall come in to feed, water and do necessary cleaning of animals on days the store or shop is closed.

8. No person, persons, association, firm or corporation shall knowingly sell a sick or injured dog or cat.

9. No person, persons, association, firm or corporation shall knowingly misrepresent a dog or cat to a customer in any way.

10. The Animal Control Officer, Fire Department and the Police shall have the right to inspect such kennels at reasonable hours and to enforce State Statutes pertaining to neglected or abused animals.

11. Kennel operators shall exercise the proper care and control of their animals so as to prevent such animals from becoming noisy animals as established in Section 211.110. (RSMo. §578.018; Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.060: FEE REFUNDS

No refunds shall be made on any dog license fee because of the dog leaving the City or the death of the dog before the expiration of the license. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.065: VACCINATION REQUIRED

No license shall be granted for a dog for which the owner cannot produce proof of a current rabies medicine in the State in which the dog is vaccinated or someone under the supervision of a veterinarian in said State. A veterinarian who vaccinates a dog to be licensed in the City shall complete a duplicate certificate of vaccination. One (1) copy shall be issued to the owner for proof of vaccination for City license application, and one (1) copy shall be retained in the veterinarian's files. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.070: VACCINATION CERTIFICATE

A certificate shall accompany every application for a dog license required by this Code from a qualified veterinarian showing that the animal to be licensed has been given a vaccination against rabies in compliance with this Chapter. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.075: LICENSE EXPIRATION

All licenses required by the provisions of this Chapter shall comply with Section 210.020 and Section 211.055(B). (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.080: RECEIPTS AND TAGS

A. Upon the payment of the license fee required by this Chapter, the City shall execute a receipt in duplicate. The original receipt shall be given to the person who pays the fee, and the duplicate shall be retained. The City shall procure a sufficient number of suitable tags, the shape of which shall be different for each license year, and shall deliver on appropriate tax to the owner when the fee is paid.

B. The owner shall cause such tag to be affixed by a permanent metal fastening to the collar of the dog so licensed in such a manner that they may be easily seen and shall see that such dog constantly wears the tag. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.085: DUPLICATE TAGS

In case any dog tag is lost, a duplicate may be issued by the City Collector in accordance with Section 210.160. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.090: COUNTERFEITING OR REMOVING LICENSE TAGS

It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this Chapter or take from any dog a tag legally placed upon it by its owner with the intent to place it upon another dog. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.095: TAG TRANSFER

Dog license tags shall not be transferable unless ownership of a dog is transferred. In such case the tags remain with the pet. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.100: NOISY ANIMALS

It shall be unlawful for any person to keep or harbor any dog or cat which continually barks or cries so as to disturb the peace, comfort or repose of any person in the neighborhood. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.110: RABIES EMERGENCIES

Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation, and any dog running-at-large during the time fixed in the proclamation shall be destroyed by the Animal Control Officer or any Police Officer without notice to the owner. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.115: VICIOUS, DANGEROUS OR DESTRUCTIVE ANIMALS

It shall be unlawful for any dog owner or any person having control or command of a dog to fail to prevent or keep his dog from doing any damage to lawn, garden or other property or to fail to prevent or keep his dog from biting, injuring, menacing or attacking any person. Any owner having an aggressive or biting dog shall post a sign to that effect. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.120: TRANQUILIZING DANGEROUS DOGS

A. Any dog which is required to be impounded under this Chapter and cannot safely be taken up and impounded may be tranquilized by the Animal Control Officer or any Police Officer, if in his judgment such is reasonable and necessary. The animal shall then be impounded.

B. If any animal is found running-at-large without a license or otherwise in violation of this Chapter and cannot be safely taken up and impounded by means such as humane trap, tranquilizer dart gun or other conventional means, the animal may be destroyed by the Animal Control Officer or a Police Officer. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.125: CONFINEMENT OF ANIMALS WHICH BITE OR ATTACK PERSONS

A. Any dog which bites, injures or attacks any person shall be taken up and quarantined by the Animal Control Officer or any Police Officer for a period of ten (10) days, the expense thereof to be paid by the person possessing, owning or otherwise having under his custody or control such dog.

B. If within said period of ten (10) days the dog does not develop or manifest hydrophobia or rabies, it may be redeemed by the owner in accordance with Section 210.100.

C. If said dog is not redeemed within one (1) day after the ten (10) day period, it shall be disposed of as provided in this Chapter. If said dog does develop hydrophobia during said period of time, it shall be immediately put to death by the Animal Control Officer or any Police Officer. In lieu of such dog being taken up by officials of the City, the owner may, at his option, place the dog with a licensed veterinarian who normally practices veterinary medicine in the City, at his own expense, for said period of ten (10) days, but said animal shall not be released without prior written notice to the City Administrator or Animal Control Officer.

D. If the owner has proof of up-to-date immunizations and vaccinations for hydrophobia or rabies, then said dog may be quarantined at the owner's home with the Animal Control Officer's permission. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.130: MISTREATMENT OF DOGS

It shall be unlawful for any person to taunt, torment, tease, beat, strike, torture, mutilate, injure, disable, poison or kill any dog or to interfere with or meddle with any Animal Control Officer who is in the performance of his duties while enforcing any regulation delineated in this Chapter. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.135: DEFINITION OF VICIOUS ANIMAL

A. "Vicious animal" is:

1. Any animal which, when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon any street, sidewalk or other area used by the public or dedicated to public use;

2. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human being or domestic animals as defined in this Chapter;

3. Any animal which bites, inflicts injury, assaults or otherwise attacks a domestic animal as defined in this Chapter or human being without provocation on any property;

4. Any animal owned or harbored primarily or in part for the purpose of fighting or any trained for fighting; or

5. Any animal which habitually snaps at, growls or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet.

B. An animal is not a vicious animal if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the keeper or owner of the animal or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

C. An animal is not a vicious animal if any injury or damage sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal. An animal is not a vicious animal if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

D. "Enclosure", for the purposes of this Section, is a fence or structure of at least six (6) feet in height forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a vicious animal in conjunction with other measures which may be taken by the owner, such as tethering of the vicious animal. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.140: VICIOUS ANIMALS GENERALLY

A. No person shall own, keep, harbor or allow to be in or upon his premises any vicious animal unless it is confined in accordance with the provisions of this Section.

B. Vicious animals shall be securely confined indoors or in a securely enclosed and locked kennel or cage. The kennel or cage shall be of a size appropriate to the size of the animal kept therein and shall provide adequate ventilation, shade from the sun and protection from the

elements. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply. The kennel must have secure sides and a secure top attached to the sides. Such kennel or cage must have a secure bottom or floor attached to the sides or the sides must be embedded in the ground. The kennel or cage must be locked with a key or combination lock when such animals are within the structure. Any such kennel or cage must be located at least ten (10) feet from any property line and must comply with all zoning and building regulations of the City. Kennels for vicious dog must be at least six (6) feet in height and, unless a secure bottom or floor is attached to the sides, the sides must be embedded in the ground not less than two (2) feet.

C. When confined indoors, no vicious animal may be kept on a porch, path or in any part of a house, building or structure that would allow the animal to exit such building on its own volition. No such animal may be kept in a house, building or structure when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.

D. Vicious dog owners shall display a sign on the premises where the animal resides warning that there is a vicious dog on the premises and reading in letters not less than two (2) inches high "Vicious Dog Here", "Beware of Vicious Dog", "Fierce Dog Here" or "Beware of Fierce Dog". The sign shall be conspicuously visible to the public. In case a minor is the owner or keeper of such vicious dog, this notice shall be posted upon the home of the adult person in a whose family the minor lives or the adult person who is in charge of the premises where such vicious dog is kept.

E. If the vicious animal is removed from the enclosure, it shall be securely muzzled and restrained with a lead having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

F. Initial determination as to whether an animal is vicious or not shall be made by the Animal Control Officer based upon the circumstances that lead to the complaint. If in the opinion of the Animal Control Officer the animal is declared vicious, an owner shall have a maximum of seven (7) days in which to fully comply with the provisions of Section 211.050. During this period, the animal will be secured with a chain as provided for in Subsection (E) of this Section or placed in a secure building. Owner will have the right to appeal the decision to the Board of Aldermen.

G. The owner shall notify the Police Department or Animal Control Officer immediately but no later than twenty-four (24) hours after a vicious animal is at large, unconfined, or has attacked another animal or a human being.

H. Upon conviction of any person in violation of this Section, the Municipal Judge may, in addition to the usual judgment upon conviction, order the Animal Control Officer to forthwith take up and put to death such vicious animal. (Ord. No. 1725 §§1--3, 10-18-04)

SECTION 211.145: SALE OF DOGS, CATS OR OTHER DOMESTIC PETS WITHIN CITY LIMITS

A. No person shall sell, or offer for sale, any puppy, dog, kitten, cat or any other domestic pet within the City limits of the City of St. Robert without first complying with any and all terms and conditions contained in this Section.

B. Any person who offers for sale any puppy, dog, kitten, cat or any domestic pet (hereinafter "seller") shall first obtain a City of St. Robert business's license and/or peddler's license as determined by the City Clerk.

C. No seller shall sell, or offer for sale, any puppy, dog, kitten, cat or any domestic pet upon the property of another without first obtaining written permission from the owner of said property. Said written permission shall be maintained by the seller and produced upon request of any Law Enforcement or Animal Control Officer.

D. Prior to obtaining a permit, any seller shall provide in writing to the City Clerk the following information:

1. The name, address and telephone number of the seller;
2. The location of each housing facility for animals owned by the seller;
3. The Missouri agent of service for the seller if said seller is not a resident of the State of Missouri.

E. No seller shall obstruct traffic or cause traffic to be obstructed by the selling of any puppy, dog, kitten, cat or any other domestic pet. (Ord. No. 2067 §§1--2, 3-17-08)