

St. Louis City Ordinance 62853

FLOOR SUBSTITUTE

BOARD BILL NO. [92] 128

INTRODUCED BY ALDERMAN GERALDINE OSBORN

An ordinance pertaining to the raising and keeping of certain animals; prohibiting the keeping of more than four animals on any premises within a residentially zoned district; further prohibiting the keeping of more than four animals on any premises within a non-residentially zoned district unless the owner or occupant of said premises has first procured a permit; establishing a \$40.00 inspection fee for premises for which a kennel permit is sought; setting forth certain exemptions from the requirement that a kennel permit be obtained; authorizing and directing the Health Commissioner to develop regulations setting forth minimum standards for design and operation of a kennel; repealing Ordinance 48797; prohibiting the keeping of certain animals within the City of St. Louis; authorizing the Health Commissioner to promulgate minimum standards and regulation for housing of all animals; repealing sections 10.12.010 and 10.12.020 of the Revised Code; prohibiting cruelty toward or neglect of animals; and containing penalty, severability, and effective date clauses.

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

Section One. Ordinance 48797 approved April 3, 1958 is hereby repealed; Section 10.12.010 and 10.12.020 of the Revised Code and the City of St. Louis are hereby repealed.

Section Two. Definitions. As used herein, the following words and phrases shall have the meaning ascribed to them in this section:

- (1) Adequate Care--normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;
- (2) Adequate Control--reasonable restraint or governance of an animal so that it does not injure itself, any person, another animal, or property;
- (3) Domestic Animal--a dog or cat, including any puppy or kitten, which is less than six weeks old.

(4) Commissioner--the Commissioner of the Health Division of the City of St. Louis Department of Health and Hospitals or his delegate.

(5) Farm Animal--any cattle, sheep, goat, swine, except for Vietnamese Pot Bellied Pigs which may be kept pursuant to Section Seven of this Ordinance.

(6) Kennel--any premises on which more than four animals are domiciled or otherwise kept, must obtain a graduated business license except for those persons obtaining a non-commercial kennel permit.

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

(8) Non-Commercial Kennel Permit--a permit issued to an owner or keeper of no more than eight (8) domestic animals that are owned or kept for personal pets, and said domestic animals or their off-spring are not sold or offered for sale or used for breeding.

(9) Owner--Any person who provides food or shelter to a farm or domestic animal for more than seven consecutive days or who professes to own, keep or harbor an animal.

(10) Pot-Bellied Pig--a domestic Vietnamese pot-bellied pig.

(11) Research Facility--a laboratory operated by a college or university in which research is conducted using animals.

(12) Property Located Within a Residentially Zoned District--any parcel of property which the official zoning District Map, as it may be amended by the Board of Aldermen from time to time, shows as being located within an A, B, C, D or E zone. If a portion of a parcel is within one of said zones, the entire parcel shall be considered to be located within a residentially zoned district for purposes of this ordinance.

(13) Reptile--all turtles, lizards and non-poisonous snakes except boids over eight (8) feet in length.

(14) Veterinarian--an individual licensed to practice veterinary medicine by the State of Missouri.

(15) Veterinary Hospital--a premises at which one or more veterinarians provide treatment for sick and injured animals.

Section Three. Prohibition Against Keeping More than Four Animals in a Residential Zone.

No person shall keep more than four domestic animals on any parcel of property located within a residentially zoned district, nor shall any person permit or allow more than four domestic animals to be kept or domiciled on any such parcel of property; except that any person may keep more than four domestic animals but no more than eight domestic animals on any said parcel of property by obtaining a non-commercial kennel permit from the Health Commissioner. Any person that obtains a non-commercial kennel permit must contain said animals within the confines of the dwelling unit, or if said animals are taken outside or permitted outside, said animals must be kept in a fenced yard or leashed so as to prevent running at large. It shall not be a violation for more than four domestic animals to be domiciled or kept in a multi-family dwelling with more than four dwelling units if no more than one domestic animal is domiciled or kept in each dwelling unit. It shall be the duty of the owner of a multi-family dwelling located within a residentially zoned district to ensure that said dwelling complies with the provisions of this ordinance. Nothing herein shall be construed to repeal the provision of the City's Exotic Animal Ordinance.

Section Four. Prohibition Against Keeping More than Four Animals in a Non-Residential Zone Unless a Kennel Permit has First been Obtained.

No person shall keep more than four domestic animals on any parcel of property located within a non-residentially zoned district, nor permit or allow more than four domestic animals to be kept on such parcel of property, without first obtaining a kennel permit from the Health Commissioner as provided for in section four of this ordinance; except that it shall not be a violation for more than four animals to be domiciled or kept in a multi-family dwelling with more than four dwelling units located in a non-residentially zoned district, although no kennel license has been obtained for said premises, if no more than one animal is domiciled or kept in each dwelling unit; and, provided, further, that this requirement shall not apply to the St. Louis Zoological Park, research facilities, veterinarian's offices, veterinary hospitals, and itinerant or temporary shows in which animals are used or displayed. For purposes of this ordinance, a show shall not be considered to be itinerant or temporary if it operates in the same location for more than 10 days.

Section Five. Rules to be Promulgated by Health Commissioner-- Enforcement, Issuance of Kennel Permits.

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

(B) Persons wishing to obtain a non-commercial kennel permit or a kennel permit shall make application therefor to the Health Commissioner, in writing, on a form prescribed by the Health Commissioner, which shall contain the name of the applicant, the address for which the permit is sought, the address and telephone number at which the applicant can be contacted, the maximum number of animals which the applicant proposes to house at the kennel, and any additional information requested by the Health Commissioner. No application for a permit shall be accepted by the Health Commissioner unless accompanied by a \$40.00 inspection fee.

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

(D) No permit shall be issued, except upon a determination by the Health Commissioner that a premises for which an application for such permit has been made complies with the provisions of this ordinance and the rules and regulations promulgated by the Health Commissioner, that the person applying for such permit has obtained or applied for all necessary City licenses, and that operation of a kennel on the premises for which such permit has been sought would not violate applicable provisions of the zoning code.

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

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

Section Six. Enforcement.

(A) The provisions of this ordinance shall be enforced by the Health Division and the Police Department upon request of the Health Division. Where an inspection reveals a violation of the provisions of either sections 2 or 3 of this ordinance, the Health Division shall send a notice of violation, by regular United States mail, to the owner and occupants of the premises found to be in violation, which notice shall require that the violation be corrected within 14 days of the date on which the notice is postmarked. If the violation is not corrected within said time, the Health Commissioner shall cause the matter to be referred to the City Counselor for prosecution.

(B) The Health Commissioner may periodically cause any premises for which a permit has been issued to be inspected. Failure to allow an inspection of a premises for which a permit has been issued, when so requested by an employee of the Health Division, shall be a violation of this ordinance and be a cause for summary revocation of a permit, without need for a prior hearing. If, upon an inspection, a kennel premises is found not to comply with the rules and regulations promulgated by the Health Commissioner for operation of a kennel, the Health Commissioner may, after opportunity for a hearing, revoke the permit issued therefor.

Section Seven. Keeping of Certain Animals Prohibited.

No person shall raise or keep within the City of St. Louis any cattle, sheep, goats, swine, except for Vietnamese pot-bellied pigs. Nor shall any person raise or keep within the City of St. Louis any canine which is the offspring of the mating of a domestic canine with a wolf or coyote. The raising of such animals is hereby declared to be a public nuisance. Notwithstanding the foregoing, the above specified animals may be raised or kept within biological laboratories, hospitals, slaughter houses, stockyards, zoological gardens, or an itinerant or temporary show.

One Pot-Bellied Pig, per parcel of property, may be kept in the City of St. Louis, provided that males over the age of four (4) weeks (28 days) are neutered and females over the age of one-hundred twenty (120) days are spayed. All such animals must be of proven purebred lineage, and the owner must be able to produce litter papers to verify pedigree. Pigs over the age of one-hundred twenty (120) days must be registered and licensed as required of dogs and cats. Fees for such licenses will be the same as required for dogs and cats, and must be obtained from the Health Commissioner, who must receive a certificate of immunization from a licensed veterinarian that such Vietnamese pot-bellied pig has been vaccinated against pseudorabies prior to issuing such license. Upon complaint of annoyance, the privilege of keeping a Vietnamese pot-bellied pig will be determined by an investigation by agents of the Health Commissioner, and if deemed an annoyance and nuisance, the pot-bellied pig shall be removed from within the limits of the City of St. Louis, within 48 hours.

No person shall raise or keep chickens, ducks, geese, turkeys, guineas, peafowl or rabbits within the City, and the raising or keeping thereof is hereby declared a public nuisance; except that such animals may be raised or kept within biological laboratories, hospitals, pet shops, slaughter houses, stockyards, zoological gardens, or itinerant or temporary shows; and except that such animals may be raised or kept where not more than four in the aggregate of all animals, including domestic animals and a pot-bellied pig, are kept as pets within any one parcel of property unless the owner obtains a non-commercial kennel permit.

Section Eight. Regulation of Animal Housing.

The Health Commissioner shall have authority to establish minimum standards and regulations governing the manner of keeping, raising and sheltering of any animal not prohibited by law on any premise or lot, or in any structure or building within the City, as the Health Commissioner deems necessary to prevent nuisances or insanitary conditions. Section Nine. Prohibition Against Cruelty to Animals.

(A) As used in this section, the term animal shall mean every living vertebrate other than human beings and insects. All other definitions contained in section one hereof shall apply to this section.

(B) It shall be a violation of this ordinance for any person to:

(1) negligently fail to provide adequate care to, or adequate care of, an animal;

(2) intentionally or purposely kill an animal in any manner not allowed by state statutes;

(3) intentionally, purposely or recklessly cause injury, suffering or pain to any animal;

(4) abandon an animal in any place without making provisions for its adequate care;

(5) overwork or overload an animal, or drive or work an animal unfit to work;
or

(6) having ownership or custody of an animal, willfully fail to provide adequate care for, or adequate control of, an animal.

(C) The parent or guardian of a minor child is responsible for the adequate care and control of any animal kept, owned by, in the control of, or harbored by said minor child.

(D) The Health Commissioner may impound any animal showing evidence of neglect or abuse.

Section Ten. Penalty.

Any person convicted of violation 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.

Section Eleven. Severability Clause.

If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance, to the extent severable therefrom, shall not thereby be invalidated.

Section Twelve. Effective Date.

The provisions of this ordinance shall not take effect until one hundred eighty days after its approval.

Legislative History

1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
07/17/92	07/17/92	H&H		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
01/15/93		01/22/93	01/22/93	01/29/93
ORDINANCE	VETOED		VETO OVR	
62853				