

BILL NO. 69, 2021

ORDINANCE NO. _____ 2021

Introduced by Councilmembers Clancy and Dunaway

AN ORDINANCE

AMENDING CHAPTER 611, TITLE VII SLCRO 1974 AS AMENDED, "THE ANIMAL CONTROL CODE," BY REPEALING AND RE-ENACTING SECTION 611.040 PERTAINING TO DEFINITIONS AND SECTION 611.180 PERTAINING TO CRUELTY TO ANIMALS.

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 611, Title VII SLCRO 1974 as amended, is amended by repealing and re-enacting Section 611.040, which shall read as follows:

611.040 - Definitions.

—Words used in the present tense include the future, the singular number includes the plural, and the plural the singular; reference to the male gender includes the female, and references to any person or animal without specifying gender include both male and female. For the purposes of this chapter, the following terms and words are hereby defined:

1. Appropriate shelter: 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.
2. Cat: All members of the classification Felis domesticus male or female, four (4) months of age or older.
3. Certificate: A document issued at the time of the vaccination of a dog or cat and bearing thereon information required by the director including but not limited to the signature of the veterinarian performing the vaccination, the registration number, the name, color, breed and sex of the dog or cat, the name and address of a person responsible for the dog or cat, the date of the vaccination, and the type of vaccine administered.

4. Compendium: "The Compendium of Animal Rabies Prevention and Control, 2003" prepared by the National Association of State Public Health Veterinarians, Inc., a copy of which has been filed with the administrative director of the county.

5. Dangerous animal: A dangerous animal is a dog or cat or other animal that, without provocation, has attacked a person or other animal and caused serious injury or death; or a dog, cat or other animal for which three (3) or more citations for violation of subsection 611.210.e., f. or g. have been issued within any twelve-month period.

6. Declaw: To remove or alter the claw or claws of a cat or kitten by a surgical procedure such as or similar to onychectomy or tendonectomy, in order to prevent the normal functioning of the claw or claws.

7. Director: The director of the St. Louis County Department of Health or the director's designee(s).

8. Dog: All members of the classification *Canis familiaris*, male or female, four (4) months of age or older.

9. Euthanize: To put to death in a humane manner, taking into account the circumstances necessitating the euthanasia and the need to protect the public health.

10. Exposed to rabies: Any vaccinated or unvaccinated animal, which has been bitten, has been fighting with or has had contact with:

- a. An animal known to have rabies; or
- b. An animal, which shows or has shown signs of rabies.

11. Harness: 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.

12. Impound: To apprehend, seize, catch, trap, net, quarantine, tranquilize, or confine an animal.

13. Impounding facility: Any facility designated by the director for the purpose of confining animals impounded pursuant to this chapter.

14. Kitten: All members of the classification *Felis domesticus*,

male or female, under the age of four (4) months.

15. Medically necessary: A procedure that is required to treat or relieve physical illness, infection, disease, or injury, or to correct a congenital abnormality that is causing or will cause a cat or kitten physical harm or pain. Medical necessity does not include cosmetic or aesthetic reasons or reasons of convenience in keeping or handling a cat or kitten.

16. Person responsible (for an animal): Includes any person, firm, association, partnership, or corporation which owns, harbors, shelters, keeps, controls, manages, possesses, or has a part interest in any animal. An occupant of any premises on which a dog or cat remains or customarily returns is a person responsible for it under this chapter. There may be more than one (1) person responsible for an animal.

17. Puppy: All members of the classification *Canis familiaris*, male or female under four (4) months age. 16. Serious injury: A physical injury that creates a substantial risk of death or that causes substantial disfigurement or protracted loss or impairment of the function of any part of the body.

18. Sexually neutered: An animal, which has been rendered incapable of reproduction by either chemical or surgical means.

19. Tag: Any object, regardless of the shape and material, which bears a registration number and the words (or their abbreviations): "Rabies Vaccination-Registration" which has been issued by the director. A tag expires when the duration of the immunity as noted on the certificate is exceeded.

20. Tethering: Attaching a dog, puppy, cat or kitten 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 such animal.

21. Vaccinate for rabies: The injection by a veterinarian of a specified dose of anti-rabies vaccine into the body of an animal. In order to be a valid vaccination for rabies, the anti-rabies vaccine shall be a type specified by the compendium, stored in accordance with the manufacturer's recommendation, and administered in a manner and at the ages and frequency that are prescribed by the compendium.

22. Veterinarian: Unless otherwise specifically indicated,

veterinarian means any person holding a valid current veterinarian license issued by the State of Missouri or any other state.

SECTION 2. Chapter 611, Title VII SLCRO 1974 as amended, is amended by repealing and re-enacting Section 611.180, which shall read as follows:

611.180 Cruelty to Animals. - 1. No person responsible for an animal shall:

- a. Fail to provide adequate food, water and shelter for the animal for a period of more than twenty-four (24) hours.
- b. Leave the animal without the apparent intent to recover or resume custody;
- c. Fail to provide the animal with sanitary living conditions including shelter proper for the species and sufficient to protect the animal from extreme temperatures, wind, rain, snow and sun;
- d. Fail to provide the animal with opportunity for adequate daily exercise;
- e. Fail to provide the animal with veterinary care when needed to treat injury or illness unless the animal is instead promptly euthanized;
- f. Transport an animal in an open vehicle from which it can escape;
- g. Allow an animal to remain in a vehicle when the temperature within such vehicle is reasonably likely to cause sickness or injury to the animal.
- h. Allow a dog, cat, puppy or kitten to be housed in any structure that is currently posted as an unfit structure or as unsafe, unfit for human occupancy or which was ordered vacated by a County official.
- i. Leave a dog, puppy, cat or kitten tethered outdoors for eight (8) continuous hours or for a total of nine (9) hours in a twenty-four hour period.
- j. Tether a dog, puppy, cat or kitten 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.
- k. Tether a dog, puppy, cat or kitten 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.

- l. Tether a dog, puppy, cat or kitten 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.
- m. Tether a dog, puppy, cat or kitten outdoors unattended during extreme weather conditions, including when the actual or effective outdoor temperature is 32°F or lower or when the actual or effective temperature is 90°F or higher.
- n. Declaw a cat or kitten unless:
 - i. The person performing the procedure is a licensed veterinarian; and
 - ii. anesthesia is administered to the cat or kitten during the procedure; and
 - iii. the procedure is medically necessary.

2. No person shall:

- a. Beat, torment, overload, overwork, or otherwise abuse an animal;
- b. Own, capture, breed, train, or lease any dog which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between the dog and any other animal or human, or the intentional killing of any dog for the purpose of sport, wagering, or entertainment;
- c. Promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment of any show, exhibition, program, or other activity involving a fight between two (2) or more dogs or any dog and human, or the intentional killing of any dog;
- d. Sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any dog which he or she knows has been captured, bred, or trained, or will be used, to fight another dog or human or be intentionally killed for purposes of sport, wagering, or entertainment;
- e. Manufacture for sale, shipment, transportation, or delivery any device or equipment which he or she knows or should know is intended for use in any show, exhibition,

- program, or other activity featuring or otherwise involving a fight between two (2) or more dogs, or any human and dog, or the intentional killing of any dog for purposes of sport, wagering, or entertainment;
- f. Own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which he or she knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between two (2) or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering or entertainment;
 - g. Knowingly make available any site, structure, or facility, whether enclosed or not, that he or she knows is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between two (2) or more dogs, or any dog and human, or the intentional killing of any dog or knowingly manufacture, distribute, or deliver fittings to be used in a fight between two (2) or more dogs or a dog and a human;
 - h. Attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering or entertainment;
 - i. Tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing the animal to be pursued by a dog or dogs;
 - j. Own or possess any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock;
 - k. Manufacture, sell, barter or exchange any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock.

Any animal used in any activity described in this section shall be seized and impounded by the Director. No animal seized pursuant to this section shall be returned to any person

participating in or attending any activity described in this section.

The provisions of this section shall not apply to any person simulating a fight for the purpose of using the simulated fight as part of a motion picture production or a motion picture production for television; to using any animal for the sole purpose of tracking, pursuing or taking wildlife, or to participate in any hunting, fishing or any other activity regulated by the Missouri wildlife code; to using animals to herd, work or identify livestock for agricultural purposes; or to any other conduct exempted by state law.

ADOPTED: _____

CHAIR, COUNTY COUNCIL

APPROVED: _____

COUNTY EXECUTIVE

ATTEST: _____
ADMINISTRATIVE DIRECTOR

APPROVED AS TO LEGAL FORM:

COUNTY COUNSELOR