

Introduced By: Alderman Dell'Orco

**AN ORDINANCE AMENDING CHAPTER 225 OF THE
MUNICIPAL CODE OF THE CITY OF WARSON WOODS
RELATING ANIMAL REGULATIONS**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON
WOODS, MISSOURI, AS FOLLOWS:**

Section 1: Section 225.020, "Definitions" of Chapter 225, entitled "Animal Regulations," of the Municipal Code is hereby amended to read as follows:

CHAPTER 225: ANIMAL REGULATIONS

SECTION 225.020: DEFINITIONS

For the purposes of this Chapter the following terms shall be deemed to have the meaning indicated below:

AT LARGE: Off the premises of the owner's real property and not under restraint of a competent person.

COMPETENT PERSON: A human being who is capable of controlling and governing the animal in question, and to whose commands such animal is obedient.

DOG: All domesticated members of the *canis familiaris*, male or female, six (6) months of age or older.

DOG KENNEL: Any place or tract of land, whether indoors or out-doors, whether enclosed or not, in, at, or upon which and whether for pleasure or profit, ~~d~~Dogs are kept, housed, bred, raised, fed, displayed, exhibited or sold. The owner of more than three (3) ~~or more~~ dDogs, whether owned for pleasure or profit, breeding or exhibiting, shall be deemed to be the operator of a ~~d~~Dog ~~k~~Ken~~n~~el. A Dog Kennel shall also include any Owner or Household that keeps, houses, raises, fosters or otherwise cares for more than **four (4) Puppies** that were not born of a Dog kept, housed, raised, or cared for in that Household ("Foster Puppies") or any combination of Dogs and Foster Puppies that **exceeds four (4).**

EXPOSED TO RABIES: Any dog or cat, whether it has been registered or vaccinated for rabies or not, or other animal which has been bitten, been fighting with or has consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.

HEALTH DEPARTMENT, COMMISSIONER OR HEALTH COMMISSIONER: The Department of Public Health of St. Louis County, Missouri, or the Commissioner of Public Health of St. Louis County, or any person, persons or agent employed by the County Health Commissioner to enforce the St. Louis County Rabies Control Code.

HOUSEHOLD: Those members of a family, including servants and attendants, living in the same dwelling unit.

IMPOUND: The apprehending, catching, trapping, netting, tranquilizing, confining, or, if necessary, the destruction of any animal by the Health Commissioner or his/her agent, or by any employee or agent of the City of Warson Woods.

IMPOUNDING FACILITIES: Any premises designated by resolution of the Board of Aldermen for the purpose of impounding and caring for all animals in violation of this Chapter.

OWN: The act of harboring, sheltering, keeping, controlling, managing, possessing or having part interest in any Dog, Puppy or kennel in the City of Warson Woods. The occupant of any premises on which a Dog or Puppy remains for a period of seven (7) days, or to which it customarily returns for a period of ten (10) days is presumed to be harboring, sheltering or keeping the aforementioned Dog or Puppy, within this definition. Under no circumstances are the normal and ordinary accepted definitions of the terms harboring, sheltering or keeping, to be limited to the words of the aforementioned presumption.

OWNER: Any person who, or firm or corporation which owns, harbors, shelters, keeps, controls, manages, possesses or has part interest in any dog, animal or kennel in the City of Warson Woods. The occupant of any premises on which a dog remains for a period of seven (7) days, or to which it customarily returns for a period of ten (10) days is presumed to be harboring, sheltering or keeping the aforementioned dog, within this definition. Under no circumstances are the normal and ordinary accepted definitions of the terms harboring, sheltering or keeping, to be limited to the words of the aforementioned presumption. If a minor owns a dog, puppy or other animal subject to the provisions of this Chapter, the head of the household of which such minor owner is a member shall be deemed to be the owner of such dog, puppy or animal for the purpose of this Chapter, and under this Chapter shall be responsible as the owner, whether or not such household head is himself/herself a minor. If not a member of a household, such minor owner shall himself/herself be directly subject to the provisions of the Chapter.

PUP OR PUPPY: All domesticated members of the *canis familiaris*, male or female, under six (6) months of age.

RESTRAINT:

1. Controlled by a line or leash not more than six (6) feet in length, when said line or leash is held by a competent person, or
2. Within an enclosed vehicle which is parked, stopped or being driven.

VETERINARIAN: Any veterinarian, holding a current Missouri License and operating on a participating basis with the Health Department, as required by the St. Louis County Rabies Control Code.

Section 2: Section 225.070, pertaining to Dog Kennels, of the Municipal Code is hereby amended to read as follows:

SECTION 225.070: DOG KENNEL – PROHIBITED; EXCEPTIONS

A. *Kennels Prohibited.* It shall be a misdemeanor for any person to operate or maintain a ~~d~~Dog ~~k~~Ken~~n~~el in the City of Warson Woods, and no license shall be issued therefor; ~~and it shall be unlawful to maintain more than three (3) d~~Dogs over the age of six (6) months in any one household except as provided in subsection B below.

B. *Exception for Hardships.* A resident may request that the Board of Aldermen grant an exception to subsection A above to allow an additional Dog. Such exceptions may be granted on a case-by-case basis upon written application to the Board of Aldermen in cases of hardship. Examples of such hardship may include, but are not be limited to:

- a. Family members temporarily caring for a Dog belonging to an individual deployed overseas in service to the United States of America. This would include an active duty military service member, civilian, or contractor for the duration of the deployment plus sixty (60) days – not to exceed a period of two (2) years.
- b. Cases of hardship where a relative or friend has passed away or become disabled and the resident wishes to adopt or care for the Dog belonging to the deceased or disabled individual.

During periods for which the Board has granted an exception to allow an additional Dog to be kept by a resident pursuant to this subsection B, the resident must refrain from any activities involving the housing, sheltering or fostering of stray or rescued Dogs so as to keep the total number of Dogs to four (4) or less.

C. *Compliance with other Laws.* When granting such exceptions, the applicant must seek letters of support from all adjacent neighbors and comply with all applicable animal regulations including licensing and inoculations.

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____ 2009.

PRESIDING OFFICER
ATTEST:

E. WILLIAM BERGFELD, MAYOR
APPROVED AS TO FORM:

Kathy Mahany, City Clerk

Paul V. Rost, City Attorney