

Chapter 4

ANIMALS AND FOWL

ARTICLE I

In General

Section 4-1. Keeping and Harboring — Generally. [Ord. No. 950 §1, 3-22-1990; Ord. No. 1652 §1, 10-1-2002; Ord. No. 1953 §1, 1-2-2007; Ord. No. 2041 §1, 4-1-2008; Ord. No. 2148 §1, 12-7-2010; Ord. No. 2208 §1, 3-6-2012; Ord. No. 2210 §1, 4-17-2012; Ord. No. 2238 §1, 8-7-2012]

- (a) No person shall keep, raise or harbor any horse, pony, cow, sheep or goat within the City unless such animals are kept on a residentially zoned tract of land not less than three (3) acres in size, with no more than one (1) of any such animal being allowed per acre. Goats may be kept, raised and harbored on commercially zoned tracts of land of five (5) or more acres as approved by the Board of Aldermen. Such consideration may include, but not be limited to, the size and location of the area where they are to be harbored, as well as the total number to be harbored on the subject parcel.
- (b) No person shall keep, raise or harbor chickens (other than as provided in Section 4-1.2), guinea fowl, turkeys, ducks or geese unless such fowl are kept on a residentially zoned tract of land not less than three (3) acres in size, with no more than five (5) of any such fowl being allowed per acre and no more than fifty (50) of any such fowl on a tract of land irrespective of the size of such tract. Chickens may be kept, raised and harbored on commercially zoned tracts of land of five (5) or more acres as approved by the Board of Aldermen. Such consideration may include, but not be limited to, the size and location of the area where they are to be harbored, as well as the total number to be harbored on the subject parcel.
- (c) No species of pigs or hogs may be kept, raised or harbored within the City.
- (d) Any other species of domesticated animal (with the exception of pigs or hogs) or fowl and/or densities higher than that which is set forth in Subsections (a) and (b) above may receive consideration through the special use permit process, however, such may only be considered in a residential zoning district.
- (e) The provisions in this Section shall not be construed as a prohibition against the harboring of domestic household pets such as dogs (with the exception of American Pit Bull Terriers or any American Pit Bull Terrier cross-breed thereof which are prohibited), cats, rabbits, squirrels, chipmunks, white mice and the like, the harboring of which is authorized subject to compliance by the owner or custodian thereof with pertinent conditions and regulations set forth elsewhere in this Code.

Section 4-1.1. Same — Wild Animals and Reptiles. [Ord. No. 417, §2]

No garden except a duly constituted zoological garden operated and conducted by and with the consent of the city, may keep or maintain any wild or undomesticated animal or reptile of any kind. The term "wild or undomesticated animal or reptile" includes animals or reptiles generally known as wild, such as lions, tigers, elephants, wolves, bears, jaguars, cougars, wildcats, poisonous snakes and others of this general class and description, whether or not domesticated, within the limits of the city.

Any person violating any of the provisions of this section may be fined not less than one dollar nor more than five hundred dollars for each offense.

Section 4-1.2. Same — Chickens. [Ord. No. 2148 §2, 12-7-2010; Ord. No. 2186 §1, 9-6-2011]

- (a) Chickens may be harbored and raised as pets in the City on a lot only within single-family residential zoning districts subject to the following restrictions upon issuance of the required permit:
- (1) Such activity may only be conducted on property that is not contiguous with commercially zoned property, however, such activity is allowed on property which is a minimum of three (3) acres in size irrespective of the zoning of contiguous property.
 - (2) Only chicken hens may be kept — no roosters.
 - (3) The minimum lot area on which such activity may take place is ten thousand (10,000) square feet, except as approved by the Board of Aldermen.
 - (4) Chicken coops must be situated a minimum of fifty (50) feet from any dwelling unit, with the exception of that of the owner.
 - (5) No more than six (6) chicken hens may be kept on a single lot.
 - (6) Chicken hens must be kept in a fenced enclosure which must remain in a clean, dry and odor-free condition at all times, however, they need not be kept in a fenced enclosure when under the direct supervision of the owner on the owner's property.
 - (7) All chicken hens and eggs raised by an individual on their lot may only be used for their and their family's personal enjoyment and consumption.
- (b) To receive consideration for the harboring and raising of chickens one must submit the required permit application accompanied by a twenty-five dollar (\$25.00) permit fee. If the applicant is not the owner of the property on which such activity is proposed, written authority from the owner must be provided. The permit application must be accompanied by a scaled plan of the subject property depicting lot dimensions, proposed coop location and the proximity of said coop to adjacent dwelling units on surrounding parcels. A City of Eureka Building Inspector will inspect the subject property to ensure initial compliance and may enter the property at any future date to ensure continued compliance.

Section 4-2. Running at Large Prohibited. [Ord. No. 243, §41]

No person owning or having charge of any horse, mule, jennet, bull, cow, sheep, hog, goat, chicken or goose, or any domesticated or wild fowl of any kind, shall allow the same to run at large within the city.

Section 4-3. Animals Creating a Nuisance. [Ord. No. 1161¹ §§1 — 2, 5-2-1995; Ord. No. 2041 §2, 4-1-2008]

- (a) It shall be unlawful for any person responsible for any animal to allow it to create a nuisance.
- (b) An animal creates a nuisance if it:
 - (1) Soils, defiles, or defecates on property other than property of the person responsible for the animal unless such waste is immediately removed by a person responsible.
 - (2) Damages public property or property belonging to a person other than a person responsible for the animal.
 - (3) Is maintained in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community.
 - (4) Causes a disturbance by excessive barking, howling, meowing or other noise making.
 - (5) Chases vehicles, including bicycles.
 - (6) Without reasonable provocation attacks or bites persons or other animals.
 - (7) Impedes refuse collection, mail delivery, meter reading or other public service activities.
 - (8) Turns over, rummages through, or damages a refuse container.
 - (9) Trespasses on property not owned, leased or rented by the person responsible for the animal.
 - (10) Creates excessive odors.
 - (11) Creates land erosion.
- (c) Restriction on number of dogs kept outside a kennel. No person shall be permitted to own, maintain or keep more than three (3) dogs of the age of four (4) months or older on any premises of less than two (2) acres, unless they have been licensed by the city to operate a kennel.
- (d) The penalty for each violation of any provision of this Section shall be no less than one dollar (\$1.00), and no more than five hundred dollars (\$500.00).

¹. Editor's Note — Ord. no. 1161 repealed §4-3 and replaced it with the above section, former §4-3 derived from ord. no. 243 §41.

Section 4-4. Sale, Gift or Award of Domestic Fowl or Rabbits. [Ord. No. 243 §41]

It shall be unlawful to sell, give or award, or offer for sale, gift or award, eleven (11) or less of chickens, ducks, geese or other domestic fowl under one (1) month of age.

It shall be unlawful to sell, give or award, offer for sale, gift or award, any live rabbit less than six (6) weeks of age unless such sale, gift or award shall include the sale, gift or award of the dam.

Section 4-5. Malicious Killing, Wounding or Torturing Dumb Animals. [Ord. No. 198]

It shall be unlawful for any person to willfully and maliciously or cruelly kill, maim, wound, beat or torture any dumb animal, whether it belongs to himself or another; provided, that nothing herein contained shall be construed to prohibit or interfere with any scientific experiments or investigations; provided further, that nothing in this section shall apply to the hunting or trapping of wild birds or animals.

Section 4-6. Impounding Without Food and Water, Overwork and Cruel Treatment of Animals. [Ord. No. 198, §2]

It shall be unlawful for any person to impound or confine, or cause to be impounded or confined, in any pound, or other place, any animal or creature, and fail to supply it during such confinement with sufficient food and water, or to cruelly overwork any domestic animal, or to cruelly drive or work any domestic animal when unfit for labor, or to unnecessarily fail to provide any domestic animal with proper food, drink, shelter or protection from the weather, or to cruelly abandon any domestic animal to die, or to carry or cause any domestic animal to be carried or moved on any vehicle or otherwise in an unnecessarily cruel or inhuman manner; and it shall be unlawful for the owner of any domestic animal to cause or knowingly permit the animal to be treated in any such manner as described in this section.

Section 4-7. Female Dogs in Heat. [Ord. No. 142, §5]

All female dogs shall be kept securely confined in an enclosed place while in heat.

Section 4-8. Impoundment of Dogs or Other Animals Generally. [Ord. No. 142, §6; Ord. No. 184, §5]

The city marshal or other persons designated by the city or under contract with the city to provide animal control shall have the power to catch, confine and impound dogs and other animals as follows:

- (a) Dogs which are without a current rabies registration and vaccination tag issued by the health department of the county.
- (b) Female dogs not securely confined in an enclosed place while in heat.
- (c) Dogs or other animals affected with rabies and all dogs and other animals suspected by him or such employee to be exposed to or affected with rabies including dogs or

other animals known to have been bitten by a rabid animal, whether such dog or other animal is running at large or on a leash.

(d) Dogs with vicious propensities.

Dogs or other animals impounded in accordance with this section shall be impounded in the city dog pound or elsewhere under the supervision of and in a manner satisfactory to the city marshal.

Section 4-9. Redemption of Impounded Animals. [Ord. No. 184, §7; Ord. No. 616, §1]

Any dog captured and impounded by the city as authorized in this chapter and determined by the city marshal or his contracted agent, not to be affected with rabies, may be redeemed by the owner or other person having the right of possession of such animal upon the presentation of a current rabies registration and vaccination tag and a current registration certificate issued by the health department of the county and upon payment of a redemption fee of two dollars. If the animal is not redeemed in the manner provided herein in five days after his capture, such animal shall be disposed of as directed by the city marshal; except, that such animal may be redeemed by any person before its disposal upon presentation of a current rabies registration and vaccination tag and a current registration certificate issued by the health department of the county for such animal and paying the redemption fee provided herein. This fee shall be adjusted on an annual basis, effective January 1 of the year in question, to reflect increases, if any, in the November offering next preceding this January 1 of the Cost of Living Index for all urban consumers for the St. Louis area published by the Bureau of Labor Statistics of the United States Department of Labor, as compared to the previous November offering using the period 1967 = 100 as the base period. All such computation of increases made as provided herein shall be rounded to the nearest fifty-cent figure, and shall not be further adjusted during the course of the year in question until the following January 1 of the next year in question, when such further adjustments, if warranted as provided herein, shall be made.

Section 4-10. Interference with City Marshal Prohibited; Right of Entry of City Marshal. [Ord. No. 142, §10]

It is unlawful for any person to conceal an animal or interfere with the city marshal or persons designated by him in the performance of their legal duties as provided in this chapter. The city marshal or persons designated by him shall have the right of entry to any unenclosed lots or lands for the purpose of collecting any stray or untagged dog or other animal. The city marshal or his duly appointed representative shall have the right of entry to any property or premises within the city during the period that a quarantine order has been issued by the board of aldermen, for the purpose of examining or obtaining any dog suspected of having rabies or having been exposed to rabies.

Section 4-11. Vicious Animals. [Ord. No. 842, §2.; Ord. No. 1687 §1, 5-6-2003]

(a) "*Owner*" shall mean any person, firm, corporation, organization or department possessing or harboring or having the care or custody of an animal.

- (b) *"Vicious Animals"* means:
- (1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals, or cause annoyance to persons using public or private roads, streets or sidewalks when unprovoked, or to chase or molest persons when unprovoked; or
 - (2) Any animal which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this Section or;
 - (3) Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
 - (4) Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting.
- (c) A vicious animal is "unconfined" if the animal is not securely confined indoors, confined in a securely enclosed and locked pen or structure upon the premises of the owner of the animal, or confined by an electrically controlled fencing mechanism. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one (1) foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.
- (d) The owner of a vicious animal shall not suffer or permit the animal to go unconfined.
- (e) The owner of a vicious animal shall display in a prominent place on his/her premises a clearly visible warning sign indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal. In case a minor is the owner or keeper of the animal, the duty of posting this warning sign shall be upon the adult person in whose family the minor lives or who is in charge of the premises where such an animal is kept.
- (f) *Penalties.* Whoever violates any provision of this Section shall be guilty of a misdemeanor and may be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment of not more than one hundred eighty (180) days in jail, or by both fine and imprisonment.

Section 4-12. Dogs Running at Large Prohibited; Penalties. [Ord. No. 142, §§16, 17; Ord. No. 184, §15.; Ord. No. 1785 §1, 9-7-2004]

It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any dog to permit the dog to go off the premises of the owner or keeper thereof, unless it is securely tied or led by a line or leash of a length of no more than six (6) feet. Any person charged with the violation of any provision of this Section may, within five (5) days after receipt of a notice, pay a

designated fine therefor to the Clerk of the court of the City; provided, that any person accused of his third (3rd) or additional violation within one (1) consecutive twelve (12) month period shall not be permitted to pay a designated fine therefor, but in such cases the matter shall be referred to the City Attorney who shall institute legal proceedings against such person in the proper court in the City.

The schedule of penalties for violations of this Section if paid within five (5) days after receipt of notice is as follows:

	1st Offense	2nd Offense
For dogs tagged as required in this Chapter	\$5.00	\$10.00
For dogs not tagged as required in this Chapter	\$10.00	\$15.00

Nothing contained herein shall be construed as to abrogate or suspend any of the provisions of Section 14-9.

In any prosecution charging a violation of this Section, proof that a dog was running off the premises in violation of this Section, together with proof that the defendant named in the complaint was, at the time described in the complaint, the owner or keeper of such dog, shall constitute a prima facie presumption that the owner or keeper was the person who permitted the dog to go off the premises.

Section 4-12.1. Cats Running at Large Prohibited; Penalties. [Ord. No. 765, §1.; Ord. No. 1785 §1, 9-7-2004]

It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any cat to permit the cat to go off the premises of the owner or keeper thereof, unless it is securely tied or led by a line or leash of a length of no more than six (6) feet. Any person charged with the violation of any provision of this Section may, within five (5) days of the receipt of the notice, pay a designated fine therefor to the Clerk of the court of the City; provided, that any person accused of a third (3rd) or additional violation within one (1) consecutive twelve (12) month period shall not be permitted to pay a designated fine therefor, but in such cases the matters shall be referred to the City Attorney who shall institute legal proceedings against such person in the proper court in the City.

Section 4-13. Enforcement of Chapter; Authority to Contract for Collecting, Etc., Animals. [Ord. No. 142, §18; Ord. No. 184, §17]

The city marshal shall be responsible for the administration of this chapter and shall have and possess all the powers necessary to the effective administration and enforcement thereof. The city marshal is authorized to enter into contract, subject to the approval of the board of aldermen, with any agencies, individual or private concern providing the service of collecting and handling animals under the provisions of this chapter and such contracting party shall have the power to act as the agent of the city marshal under the terms of this chapter.

ARTICLE II
Rabies Control

Section 4-14. Inoculation of Dogs Against Rabies Required. [Ord. No. 142, §1]

Every resident person who owns, controls, manages, possesses or has part interest in any dog kept any time during the year or who permits a dog to come upon, on or in, and to remain in or about his home, place of business or other premises in the area affected by this article shall have such dog inoculated against rabies, but such inoculation requirements shall not apply to dogs less than four months of age. Such dogs shall be inoculated at least once each year unless a three year type vaccine, approved by the county health commissioner, is administered, in which case the dogs shall be inoculated at least once every three years. For the purpose of facilitating the provisions of this section, the city may provide for the holding of dog inoculation clinics.

Section 4-15. Vaccination Tag and Certificate for Dog. [Ord. No. 184, §1]

It shall be unlawful for any person to own any dog four months of age or older unless such dog has been vaccinated against rabies and wears a current, unexpired rabies registration and vaccination tag issued by the health department of the county and the owner possesses a current registration certificate issued by the health department of the county.

Section 4-16. Authority of City Marshal Generally. [Ord. No. 142, §7]

The city marshal or a person designated by him shall dispose of any dog or other animal affected with rabies and he shall have the power to examine and impound any animal bitten by or exposed to any animal affected with rabies. He shall have the power to require the owners of such dogs to take necessary measures to prevent further spread of rabies, and to dispose of any exposed animal if such necessary measures are not taken by the owners.

Section 4-17. Quarantine. [Ord. No. 142, §9]

Whenever rabies becomes prevalent in the city, or in the county surrounding the city, the city marshal shall recommend to the board of aldermen that a quarantine should be issued. The board of aldermen may issue a quarantine order pursuant to such recommendation. The city marshal shall, immediately after such order is issued, at least during the first week after the quarantine order is issued, take proper measures to inform the people of the city of the existence of the quarantine order and also of the penalties attached to the violation of the quarantine order. A quarantine order shall direct the owner or person having custody of any dog to securely confine or restrain on a leash in the hands of a competent person, such animal during the period of quarantine. The quarantine may be terminated by the board of aldermen upon the recommendation of the city marshal after the necessity therefor no longer exists. No quarantine shall remain effective for more than six months from the date of its adoption, unless the quarantine order is specifically extended by order of the board of aldermen.

Section 4-18. Abandonment of Animal Subject to Rabies Prohibited. [Ord. No. 142, §11]

It is unlawful for any person having ownership, control, management, or possession of any animal subject to rabies to abandon such animal in any locality in the city.

Section 4-19. Procedure Upon Animal Biting Person. [Ord. No. 142, §12]

It shall be the duty of any person bitten by any animal or the parent or guardian of any minor child bitten by an animal to report the same to the city marshal immediately. Such report shall contain the name and address of the owner and of the animal, the day and time bitten, the location where bitten and a general description of the animal.

The city marshal shall immediately take the animal into custody or have the same confined by the owner thereof for ten days under his supervision to determine whether such animal be affected with rabies. If the owner shall not confine such animal in a manner satisfactory to the city marshal, such animal shall be forthwith surrendered to the city marshal or to a person designated by him upon demand.

Section 4-20. Reports of Doctors and Veterinarians. [Ord. No. 142, §13; Ord. No. 184, §12]

It shall be the duty of every physician to report immediately to the city marshal the full name, age and address of any person under his care or observation who has been bitten by an animal affected with rabies or suspected of being affected with rabies, and every veterinarian treating or having under observation any animal affected with rabies, or suspected of being rabid, or suspected of having been exposed to rabies, shall report to the city marshal the owner's name and address.

Section 4-21. Procedure Upon Destruction of Animal. [Ord. No. 142, §14]

Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the city marshal and shall surrender the carcass of such animal upon demand. The owner or custodian of any such destroyed animal shall immediately provide the city marshal with full particulars thereof, including the time, date, location, the names and addresses of any person bitten by the animal and also the name and address of the owner or person having custody of any animal exposed to the animal destroyed.

ARTICLE III
Miscellaneous Regulations

Section 4-22. Tampering with a Police Dog. [Ord. No. 1163 §1, 5-16-1995]

- (a) It shall be unlawful for any person to taunt, torment, tease, beat, stroke, interfere with, endanger, injure or kill or administer or subject any desensitizing drugs, chemicals or substance to any dog used by a police officer in the performance of his duties or when the dog is in any enclosure while off duty; provided, however, that this restriction does not apply to a police officer or veterinarian that may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

- (b) Any person violating these provisions shall be subject to the general penalties provided for violation of City ordinances.