

AN ORDINANCE TO AMEND CHAPTER 4 OF THE MUNICIPAL CODE RELATING TO ANIMAL PROVISIONS

WHEREAS, the City has many animal owners and encourages responsible animal ownership; and

WHEREAS, the City desires to repeal and amend certain provisions of the Animals and Fowl Chapter of the Eureka Municipal Code, include provisions for the proper, humane and safe treatment of animals and set forth reasonable obligations of pet owners which are necessary to protect the general welfare of the community.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, STATE OF MISSOURI, AS FOLLOWS:

SECTION 1:

Chapter 4 of the Eureka Municipal Code is hereby repealed in its entirety, and a new Chapter 4 is hereby enacted in lieu thereof which shall read as follows:

Chapter 4
ANIMALS AND FOWL

ARTICLE I
In General

Section 4-1. Keeping and Harboring - Generally.

- (a) No person shall keep, raise or harbor any horse, pony, cow, sheep or goat within the City unless such animals are kept on tracts zoned Large Lot Residential District not less than three (3) acres in size, with no more than one (1) of any such animal being allowed per acre.
- (b) No person shall keep, raise or harbor chickens (other than as provided in Section 4-1.2), guinea fowl, turkeys, ducks (other than as provided in Section 4-1.3) 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, 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.
- (f) When used herein "Owner" means any person having a right of property in an animal and who knowingly permits the animal to remain on any premises occupied by him or her.

Section 4-1.1. Wild Animals and Reptiles.

No person 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.

Section 4-1.2. Chickens.

- (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 4-1.3 Ducks.

- (a) Ducks 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) 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.
 - (3) Duck coops must be situated a minimum of fifty (50) feet from any dwelling unit, with the exception of that of the owner.
 - (4) No more than six (6) ducks may be kept on a single lot.
 - (5) Ducks 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.
 - (6) All ducks 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 ducks 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.

- (a) No person owning or having charge of any dog, cat, horse, mule, jennet, bull, cow, sheep, hog, goat, chicken or goose, or any domesticated pet of any kind, shall allow the same to run at large within the City.
- (b) All animals shall be securely contained to their owner's premises. The owner shall protect the public from his or her animals. The assumption of liability is upon the animal owner.
- (c) All animals shall be securely leashed or crated when off of the owner's premises, and under the supervision of a person who is physically capable of controlling the animal.
- (d) Parents who allow their child to lead an animal in public areas, assume all liability for any accident, harm, or injury caused.
- (e) Animal owners who allow a child to lead their animal in public areas, assume all liability for any accident, harm, or injury caused.
- (f) Owners walking their animals in public areas are required to pick up, and properly dispose of stool waste deposited from their animals.
- (g) Any animal found running at large contrary to provisions of this Chapter may be apprehended and impounded.
- (h) An animal that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.
- (i) A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is being monitored or is under the supervision of its owner.

Section 4-3. Animals Creating a Nuisance.

- (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 the 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, growling, barring its teeth, howling, meowing or other noise making.
 - (5) Chases vehicles, including bicycles, on public property or property not owned or leased by the owner or custodian of the animal.

- (6) Without reasonable provocation attacks, bites, growls or attempts to attack or bite 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 or unsanitary conditions.
 - (11) Creates land erosion.
 - (12) Interferes with or impedes a pedestrian's use of a public street or sidewalk, or a private sidewalk open to the residents of a subdivision or a business.
- (c) It shall be unlawful for a person to own, maintain or keep more than three (3) dogs of the age of four (4) months or older, or up to four (4) cats of the age of four (4) months or older, or a combination of a total of five (5) dogs and cats over the age of four (4) months on any premises of less than two (2) acres.
- (d) It shall be unlawful for a person to own, maintain or keep any animals in any zoning district that are not owned by that person or entity, unless they have been licensed by the City to operate a dog day care or animal boarding facility.

Section 4-4. Sale, Gift or Award of Domestic Fowl or Rabbits.

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 Animals.

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, or the lawful defense of a person or property.

Section 4-6. Impounding Without Food and Water, Overwork and Cruel Treatment of Animals.

It shall be unlawful for any person to confine, or cause to be 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 abandon any domestic animal, 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.

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

Section 4-8. Impoundment of Dogs or Other Animals Generally.

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) Any animal without a current rabies registration and vaccination tag issued by the St. Louis County Health Department.
- (b) All female animals while in heat.
- (c) Animals affected with rabies and all dogs and other animals suspected 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) Any animal running at large as defined in this Chapter.
- (e) Any animal that attacks, bites, attempts to bite or injures any person or animal without adequate provocation, or that creates a nuisance as defined in this Chapter.

Animals impounded in accordance with this Section shall be impounded under the direction and supervision of and in a manner satisfactory to the City Marshal or his designee.

4-9. Impoundment; Redemption.

- (a) When animals are apprehended and impounded, they shall be scanned for the presence of a microchip and examined for other currently acceptable methods of identification, including, but not limited to, identification tags, tattoos, and rabies license tags. Any expense incurred shall be paid by the owner of the animal. Every reasonable attempt shall be made to contact the owner as soon as possible. If the animal has been microchipped and the primary contact listed by the chip manufacturer cannot be located or refuses to reclaim the animal, adoption, transfer, or euthanization may proceed in accordance with the St. Louis County policy.
- (b) The owner of any impounded animal shall make redemption thereof within five (5) days of notification of the impound, by doing the following:
 - (1) Presenting proof of current rabies inoculation;
 - (2) Paying the cost to the City or St. Louis County for the board of the animal for the period of impoundment;
 - (3) Paying any court costs and fines, if applicable for any violations of this chapter that have been issued prior to the owner seeking redemption of the animal;
 - (4) Pay any and all veterinary or medical bills of the injured person or domestic animal, arising out of an incident and the cost of any property damage caused, including the cost of any animal killed by a vicious animal; and
 - (5) Provide proof of personal liability coverage in an amount of not less than \$100,000.00, which covers any injury or damage the animal may inflict or cause.
- (c) It shall be unlawful for any owner to fail or refuse to pick up or redeem their animal, unless the animal is required to be euthanized, in which case the owner shall pay the cost of euthanization and any other expenses of the City associated with the impounding, identification and care of the animal.

Section 4-10. Authority of City Marshal Generally.

- (a) 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 in accordance with St. Louis County Department of Health regulations.
- (b) Any animal which inflicts injury to another animal or causes serious injury to a human being may be immediately impounded by the City Marshal or a person designated by him, pending an investigation into the circumstances. The owner shall be responsible for all costs associated

with impoundment.

Section 4-11. Interference with City Marshal Prohibited; Right of Entry of City Marshal.

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 for the purpose of examining or obtaining any dog suspected of having rabies or having been exposed to rabies or a for impounding a vicious animal as defined herein.

Section 4-12. Vicious Animals.

- (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" shall mean:
 - (1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause serious physical 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 as defined herein, 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, habitually snaps at, growls, attacks, bites or attempts to bite, 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) Every owner of a vicious animal shall comply with all provisions of this Chapter when taking the animal off the owner's premises and shall confine the animal inside the owner's home or in an enclosure. "Enclosure" means 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 dog in conjunction with other measures that may be taken by the owner. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. Any such enclosure shall comply with any setback in each zoning classification.
- (d) 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.
- (e) It shall be unlawful for any person to keep or maintain any vicious animal, as defined by this Chapter, animal without strictly complying with the terms of this section. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding six (6) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.
- (f) An animal shall not be declared vicious if:
 - (1) The threat was sustained by a person who at the time was committing a crime or offense

upon the owner or family member of the animal or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

- (2) The threatened person was abusing, assaulting, or physically threatening the animal or its offspring;
 - (3) The injured, threatened, or killed person or animal was attacking or threatening to attack the animal or its offspring; or
 - (4) The animal was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
- (g) The owner of any animal declared vicious herein shall obtain, and keep in effect so long as he/she owns said animal, a policy of personal liability coverage in an amount of not less than \$100,000.00, which covers any injury or damage the animal may inflict or cause.
- (h) The owner of any animal declared vicious herein shall have a microchip installed in the animal within five (5) business days of notification of the declaration.

Section 4-13. Sale, Transfer or Placement of a Vicious Animal.

It shall be unlawful for the owner to sell, transfer, or otherwise place a vicious animal in the permanent possession of any other person, including without limitation any animal shelter, without first notifying that person that the animal has been designated a vicious animal and notifying the jurisdiction to which the animal will be transferred of the animal's designation as a vicious animal pursuant to this chapter, and the City of Eureka of the date of the transfer and the name and address of the person or entity to whom the animal was transferred.

Section 4-14. Animals Designated as Vicious or Dangerous Animals in Other Jurisdictions.

No person shall bring an animal to live in the City that has been previously declared within another jurisdiction to have behaved in a vicious or dangerous manner or a similar manner, or has been designated within another jurisdiction as a vicious or dangerous animal or any similar designation.

ARTICLE II
Rabies Control

Section 4-15. Inoculation Against Rabies Required.

- (a) It shall be unlawful for the owner of a dog or cat, four (4) months of age or older, to fail to have each animal inoculated against rabies by a licensed veterinarian. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the St. Louis County Department of Health and which shall contain the microchip number of the animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. Only one (1) animal shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator of the county in which the animal resides with a certificate of immunization and microchip number
- (b) It shall be unlawful for any person to counterfeit or forge any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Chapter, or to resist, obstruct, or impede the City Marshal or his designee or any authorized officer in enforcing this Chapter, or refuse to produce for inoculation any animal in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity. Each day a person fails to comply constitutes a separate offense.

Section 4-16. Animals in Public Areas.

- (a) Leash required. It shall be unlawful to permit a dog, except when on a leash controlled by the

owner or the owner's agent, to use or be upon any public street, sidewalk, parkway or public area within the City.

- (b) Places of business and public buildings. It shall be unlawful for any person to bring or cause to be brought any animal into any shop, store, or retail place of business wherein the public is invited to do business or any public building. However, it shall not be considered a violation of this subsection if any animal is under such person's control and is brought for the purposes of conducting business or inquiry wherein the physical presence of the animal is required.
- (c) Schools and parks. It shall be unlawful to permit any dog, even though on a leash, to go or be upon any school premises, public playground, public swimming pool or public park within the City or upon a path or sidewalk extending through or within any school premises, public playground, or public park within the City, unless otherwise permitted by the governmental authority owning or controlling the property.
- (d) Length of leash. No leash shall be longer than ten (10) feet in length, and may be retractable.
- (e) Exemptions. The provisions of this Section shall not apply to animals assisting persons with disabilities or to animals in the Canine Unit of the City Police Department.
- (f) Removal of feces. It shall be deemed to be a public nuisance for any person to cause or permit any dog owned, controlled, or kept by such person to defecate upon any public street, sidewalk, or other public place, or upon any other premises not owned or controlled by the person owning, controlling, or keeping the dog.

Section 4-17. Trespassing on Private Property.

No person shall, without the consent of the owner of the property concerned, permit any animal in such person's custody and control to enter upon the premises of another within the City. No dog or cat shall be allowed to injure, destroy or carry away any vegetable, plant, fruit, shrub, tree, flower or other things which may be on such premises or which may be planted or seeded there.

Section 4-18. Abandonment of Animal.

It is unlawful for any person having ownership, control, management, or possession of any animal to abandon such animal within the City.

Section 4-19. Procedure Upon Animal Biting Person.

It shall be the duty of any person bitten by any animal, and the owner of an animal biting a person or other 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 the owner of an animal biting a person or other animal, the 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 may take the animal into custody. The owner of any animal that bites a person shall produce proof of the animal's current vaccinations, or lack thereof, immediately upon request of the person bitten or any law enforcement officer. It shall be unlawful to fail to report a bite or provide proof of the animal's current vaccinations as set forth herein.

Section 4-20. Procedure Upon Destruction of Animal.

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.

Section 4-21. Guide and Support Dogs.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from the provisions of this Chapter regarding vicious

animals; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Chapter and performing duties as expected. In the case of a sentry or guard dog, the owner shall keep the City advised of the location where such dog will be stationed. Each owner of such exempted dogs shall provide the Police Department and Fire District a categorized list of the exempted dogs.

**ARTICLE III
Miscellaneous Regulations**

Section 4-22. Tampering with a Police Dog.

- (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.

Section 4-23. Violations of this Chapter.

It shall be unlawful for any person to violate any of the provisions of this Chapter. Any such violation shall be punishable by citation in the Municipal Court and subject to the General Penalty provision of the City contained in Chapter 1, Section 7, subject to all applicable State Statutes regulating municipal courts. Each day a person fails to comply with this Chapter shall constitute a separate offense.

SECTION 2:

All ordinances or parts of ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION 3:

This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 19TH DAY OF MARCH, 2019.

(Original with signature on file)

Kevin M. Coffey, Mayor

ATTEST:

(Original with signature on file)

Ralph M. Lindsey, Jr., City Clerk