

Chapter 6

ANIMAL CONTROL CODE

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Sec. 6-1. Title.

This Chapter shall be known and may be cited as “The Animal Control Code of the City of Crestwood, Missouri”.

Sec. 6-2. Purposes.

The purposes of this Chapter include:

- (a) Prevention of the introduction or transmission of rabies.
- (b) Prevention of the introduction or transmission of other zoonotic diseases.
- (c) Protection and enhancement of the health and safety of humans by regulating animals whose conduct could be harmful to humans.

- (d) Prevention of mistreatment of animals and protection and enhancement of the health and safety of animals.

Sec. 6-3. Rabies vaccination.

Requirements are adopted in accordance with regulations in Sections 322.090 through 322.130 RSMO, or as hereinafter may be amended.

Sec. 6-4. Enforcement authority.

The enforcement of this Chapter shall be the responsibility of the Director of Public Services or his designee, i.e., Animal Control Officer(s), and Police Officers, but only Police Officers can affect a physical arrest.

Sec. 6-5. Penalties.

Any person violating any of the provisions of this Chapter shall, upon conviction, be subject to all penalties provided for violation of City Ordinances.

Sec. 6-6. Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined. 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; the word “shall” is mandatory and directory wherever it is used in this Chapter. Other words defined are:

Animal Control Board: That Board charged with the responsibility for review of all kennel and cattery license applications except individual dog or cat licenses, other specialty animal licenses, and with responsibility for monitoring the Animal Control Code and compliance of same.

Animal Control Officer: The City employee(s) charged with primary responsibility for enforcement of the provisions of this Chapter, under the supervision of the Director of Public Services or his designee.

Bite: A puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

Cat: All members of the classification *Felis domesticus*, male or female, four (4) months of age or older.

Cattery: Any place or tract of land, whether indoors or outdoors, whether enclosed or not, whether used for pleasure or profit, in which, at which or upon which four (4) or more cats are kept, housed, bred, raised, fed, displayed,

exhibited or sold. The owner of four (4) or more cats, whether owned for pleasure or profit, breeding or exhibiting, shall be deemed to be the operator of a Cattery.

Certificate: A certificate issued at the time of the vaccination of a dog or cat and bearing thereon information required by the City of Crestwood, 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, the type of vaccine administered and the neutering status of the animal.

City registration tag: Also known as “pet tags”, any object, regardless of shape or material, which bears a registration number and the words, “City of Crestwood” and the year of expiration.

Compendium: The Compendium of Animal Rabies Vaccines prepared by the National Association of State Public Health Veterinarians, Inc., issued January 2001, incorporated herein by reference as though fully set out in this Chapter.

Dangerous Animal: As used in this Section, a “dangerous animal” is defined to mean any animal that has:

- a. inflicted severe injury on a human being without provocation on public or private property; or
- b. killed a domestic animal without provocation while off the property of the person responsible for it; or
- c. been previously found to be potentially dangerous, the person responsible for the animal having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

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

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

Excessive animal noise: Any animal noise causing a disturbance by barking, howling, meowing or other noisemaking.

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.

Ferret: A domestic ferret of the classification *Mustela putorius furo*, male or female, of any age.

Impound: To apprehend, seize, catch, trap, net, quarantine, tranquilize, or confine an animal in a humane manner.

Impounding facility: Any facility designated for the purpose of confining animals impounded pursuant to this Chapter.

Intact animal: Any animal that has not been spayed or neutered.

Kennel: Any place or tract of land, whether indoors or outdoors, whether enclosed or not, whether used for pleasure or profit, in which, at which or upon which four (4) or more dogs are kept, housed, bred, raised, fed, displayed, exhibited or sold. The owner of four (4) or more dogs, whether owned for pleasure or profit, breeding or exhibiting, shall be deemed the operator of a Kennel.

Kitten: All members of the classification *Felis domesticus*, male or female, under the age of four (4) months.

Licensing Officer: This shall be the Director of Public Services or his designee.

Person responsible for an animal: Any person, firm, association, partnership, or corporation which owns, harbors, shelters, keeps, controls, manages, possesses, or has a part interest in any dog, cat, animal, cattery or kennel in the City. The occupant of any premises on which a dog or cat or other animal 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, cat or other animal within this definition. If a minor owns an animal subject to the provisions of this Chapter, the head of the household of which such minor is a member shall be the person responsible for the animal under this Chapter, whether or not such household head is himself a minor. If not a member of a household, such minor shall himself be the responsible person. There may be more than one person responsible for an animal.

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

Rabies vaccination tag: Any object, regardless of the shape and material, which bears a registration number and the words (or their abbreviations); Rabies

Vaccination-Registration”. A tag expires when the duration of the immunity as noted on the registration certificate is expired.

Vaccinate: 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 under this definition, the anti-rabies vaccine shall be of a type specified by the Compendium, stored in accordance with the manufacturer’s recommendation, and administered in a manner and at the age and frequency that is prescribed by the Compendium.

Veterinarian: Unless otherwise specifically indicated, veterinarian means any veterinarian holding a current a Missouri license, or any person acting under the direct supervision of a veterinarian who has a valid Missouri license.

Sec. 6- 7. Animal Control Board.

- (a) The Animal Control Board shall consist of five (5) voting members. These five (5) citizen members shall consist of one (1) member from each of the four (4) wards and one (1) at large who shall be the chairman, all of whom shall be appointed by the Mayor with the approval of the Board of Aldermen. One (1) aldermanic representative to be appointed by the Mayor with the approval of the Board of Aldermen, the Director of Public Services or his representative, the Chief of Police or his representative, and the Animal Control Officer shall serve as advisory members. The term of the citizen members and the aldermanic representative shall run concurrently with the term of the Mayor. A quorum shall consist of three (3) voting members and the aldermanic representative or the Mayor’s designee.
- (b) The duties of the Animal Control Board shall be the review and issuance of permits for kennels, catteries, housing for farm animals, wildlife rehabilitation facilities or sanctuaries, or commercial animal establishments; to review and recommend revisions to the Animal Control Code annually and all other matters regarding animals or animal control in the City of Crestwood.

Sec. 6-8. Licensing dogs and cats. No household may keep more than three (3) dogs or three (3) cats or any combination thereof, unless otherwise provided for by this Code.

- (a) Rabies vaccination requirements.
 - 1. Every dog, cat and ferret, four (4) months or older, but not younger than three (3) months, shall be vaccinated against rabies as indicated by the Compendium and revaccinated as necessary in order that the vaccination is current at all times. No dog, cat or

ferret shall be exempted from this Section because of advanced age.

2. At the time of the vaccination of any dog, cat or ferret, the veterinarian will provide the person responsible for the animal with a rabies vaccination tag and certificate. The person responsible for the animal shall attach the tag to the animal's collar or harness where it shall remain at all times when the animal is outside the residence of the person responsible for it. Any dog or cat found without a tag will be deemed to be not vaccinated under this Chapter.
3. The rabies vaccination certificate or copy shall be retained by the person responsible for the dog or cat and shall be available for inspection by City or County rabies authorities at any reasonable time.

(b) Annual City License Tag Requirements.

1. An annual license fee is imposed upon every resident who owns, controls, manages, possesses, has part interest in, or is responsible for a dog or cat four (4) months of age or older, kept any time during the year, or upon every resident who permits a dog four months of age or older, to come upon, on or in, and to remain in or about that person's home, place of business or other premises in the City. Applications for City licenses shall be made after January 1 of each year and the license obtained on or before the first day of March of each year, for the period of March 1 of the current year through the last day of February of the following year or, in the case of a newly acquired dog or cat, within thirty (30) days of the acquisition of the animal if rabies vaccination is current. Dogs or cats, which do not have a current rabies vaccination, must be vaccinated and licensed immediately.
2. Applicants must present to the licensing officer a current rabies vaccination certificate and pay a license fee of two dollars (\$2.00) for each animal. An additional late charge of two dollars (\$2.00) shall be paid for each month or part of a month after the first day of March. Licenses shall be required but license fees shall be waived for a fully trained "seeing eye dog" regularly used in the service of a blind person, for a "service dog" or for a dog owned by a government unit. Licenses may be obtained through the mail, but an additional charge will apply.
3. A numbered metal license tag shall be issued for each dog or cat license and shall be securely attached to the collar or harness of the dog or cat for which the license has been issued, and must remain on

the animal at all times. The licensing officer shall maintain a record of the identifying numbers of all tags issued.

4. If the license tag herein provided for shall have been lost, the licensing officer may deliver to the owner or person responsible for said dog or cat another metal license tag on the payment to the licensing officer of two dollars (\$2.00).
 5. Registration tags shall not be transferred from one animal to another animal. No person shall affix a license tag to a dog or cat other than the dog or cat for which the tag was issued at the time of its rabies vaccination registration. No person shall affix a license tag to a dog or cat that has not been vaccinated against rabies. No person shall counterfeit, alter, obliterate or attempt to counterfeit, alter or obliterate any rabies tag or license tag.
- (c) Kennel, cattery, animal rescue licenses and sportsman's permits. No person shall maintain a kennel or cattery within the City without a license therefore. Applications for said license shall be submitted to the Animal Control Officer who will be responsible for an initial investigation of the applicant's proposed activities, the facilities available, and the potential for negative neighborhood impact. The Animal Control Board will review those findings and grant licenses to approved applicants for the period of one (1) calendar year upon payment of an annual fee.
1. Noncommercial kennels or catteries shall pay an annual fee of ten dollars (\$10.00) and such fee shall be in addition to the license and fee provided in this Chapter for annual registration tags. The number of dogs or cats to be kept in any noncommercial kennel or cattery shall not exceed five (5). License applications may be denied by a decision of the Animal Control Board if historical records indicate a failure of the applicant to provide adequate and/or humane facilities, if animals or premises are deemed to be a nuisance, or the applicant has failed to comply with other provisions of this Code in the past one (1) year or until the number of animals is reduced naturally through attrition to three (3), after which time the licensee shall maintain no more than three (3) animals. Non-commercial kennel or cattery licenses shall only be allowed under the following circumstances:
 - a) An applicant moves to the City of Crestwood from a jurisdiction that allows more than three (3) animals per residence, or
 - b) An applicant has a relative or family member take up residence and brings existing animals which increase the number to greater than (3), or

- c) An applicant has a immediate family member which has become infirmed and in need of placement of existing animals whose addition increases the number to greater than three (3).
2. Commercial kennels or catteries shall pay an annual fee of fifty dollars (\$50.00), but no City registration tags shall be required. Applicants for commercial permits must also meet all the requirements of the Zoning Code of the City of Crestwood. The total number of animals to be kept in any such kennel or cattery shall not exceed fifteen (15). Licenses will be granted only to individuals who have USDA or ACFA approval and only for the breeding of purebreds.

The holder of either a noncommercial or commercial kennel or cattery permit may keep one (1) litter intact until the animals reach six (6) months of age; one (1) animal from the litter may be retained until it reaches twelve (12) months of age. At no time may the holder of either permit retain more than six (6) animals over six (6) months or age nor more than five (5) animals over one (1) year of age. Animals over four months of age must be vaccinated for rabies.

3. Rescue organization affiliates shall pay an annual license fee of one hundred fifty dollars (\$150.00). Licenses will be granted only to individuals who are active members of an established domestic animal rescue organization, have USDA or ACFA approval, and who meet the Animal Control Board standards for kennel or cattery licenses except that the animals need not be purebreds. The total number of animals shall be limited to eight (8) per household. Up to three (3) personal pets may be maintained at the same location and must be registered with the city on an annual basis, but such animals must figure into the total of only eight (8) animals per household.
4. Sportsman's permits may be issued upon application to and approval from the Animal Control Board. Owners of purebred animals may obtain a permit for a fee of ten dollars (\$10.00) to keep up to five (5) animals in a residential area provided:
 - a) Such animals are individually licensed;
 - b) Such animals are registered with a national registry (AKC, UKC or field dog);
 - c) Adequate facilities are provided; and

- d) Other provisions of this Chapter are complied with, and no animal or premise is deemed to be a nuisance.

The facilities maintained by license and permit holders under this Section shall be inspected at any reasonable time, one time each year, or more often as may be necessary to ensure compliance with this Code. Licenses may be revoked or suspended by a decision of the Animal Control Board for failure of licensee to provide adequate and/or humane facilities, or if animals or premises are deemed to be a nuisance.

Sec. 6-9. Animals impounded—when and where:

The Animal Control Officer, police officers, or any designee of the Director of Public Services shall have the power to catch, confine and impound all of the following animals:

- (a) Dogs or cats not wearing a valid, current rabies vaccination registration tag and dogs and cats not wearing a valid City license tag.
- (b) All female dogs or cats, registered or unregistered, not securely confined in an enclosed place while in heat or estrus.
- (c) All dogs, cats, puppies and kittens or other animals which are at large contrary to the requirements of Sec. 6-18, or which have been at large and are pursued by an employee of the City, regardless of whether the animal is at large at the time it is apprehended.
- (d) All dogs, cats, puppies and kittens for which there is no person apparently responsible.
- (e) All dogs, cats and other animals exposed to or suspected to be exposed to or infected with rabies, including dogs, cats, or other animals known to have been bitten by a rabid animal, whether the dog, cat or other animal to be impounded is at large or on a leash or whether it is confined to the owner's premises or whether it is vaccinated.
- (f) Dogs or cats which have not been vaccinated within the seventy-two (72) hour period following release from the impounding facility.
- (g) Dangerous animals which are not confined in the manner prescribed in Section 6-13 or which have at any time escaped from confinement, whether or not the animals are so confined at the time of impounding.
- (h) Dogs or cats not vaccinated for rabies.

- (i) Unconfined animals in quarantined areas.
- (j) Dogs, cats or other animals that have bitten a person or animal.
- (k) Dogs, cats, puppies and kittens for which there is not a responsible person who can provide adequate shelter or food.
- (l) Animals whose owners have voluntarily and intentionally relinquished control to an Animal Control Officer or City employee acting on his or her behalf.

Dogs, cats or other animals impounded pursuant to this Section shall be impounded at the City of Crestwood animal control facility, transferred to St. Louis County Animal Control if space constraints dictate, or housed elsewhere, if necessary.

Sec. 6-10 Redemption of non-rabid dogs and cats

Any dog, cat or other animal captured and impounded as authorized by this Chapter and displaying no obvious symptoms of rabies may be redeemed by the owner or other person having the right of possession within seven (7) days (not including Sundays and City holidays) upon presentation of the following:

- (a) If the person responsible for animal is a City resident, City registration tags must be current, or be purchased at Community Center. If the person responsible for animal is unable to purchase tags for any reason, a 72-Hour Notice of Compliance will be issued. Non-residents must produce a current rabies vaccination certificate. If unable to do so, a 72-Hour Notice of Compliance will be issued and the animal will be released only if photograph or document that proves ownership can be provided by claimant.
- (b) All animals impounded shall be inspected by the Animal Control Officer for general health conditions and spay / neuter status. Any animal impounded shall also be subject to a veterinary exam at the discretion of the Animal Control Officer.
- (c) Payment of Redemption fees: If the animal has been impounded, the following fees shall apply:
 - 1. There will be no impoundment fee if the animal is properly licensed and has been spayed or neutered.
 - 2. The impoundment fee shall be fifteen dollars (\$15.00) if the animal is not properly licensed but has been spayed or neutered.

3. The impoundment fee shall be one hundred dollars (\$100.00) if the animal has not been spayed or neutered. However, this fee will be reduced to fifty dollars (\$50.00) if the owner of the animal agrees to have the animal spayed or neutered prior to its release. All costs associated with the spaying/neutering of the animal shall be borne by the owner of the animal.
- (d) Shelter Service Fees: A shelter service fee of ten dollars (\$10.00) per day or any fraction of a day for the first three days and seven dollars and fifty cents (\$7.50) for each day thereafter, and the costs of any necessary veterinary services shall also apply. The impoundment fee for a licensed and vaccinated animal shall be waived, but a shelter service fee of ten dollars (\$10.00) per day or any fraction of a day for the first three days and seven dollars and fifty cents (\$7.50) for each day thereafter, as well as reimbursement for any veterinary services incurred shall be assessed. All fees shall be paid in full prior to the release of the impounded animal.
 - (e) If by a rabies tag, City registration tag, owner identification tag or microchip the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or other means.
 - (f) Any animal which is not claimed by its owner within seven (7) days after its impoundment, excluding Sundays and City Holidays, may be transferred to St. Louis County Animal Control, Animal Protective Association, the Humane Society, an animal rescue organization with ACFA license, or adopted out at the discretion of the Animal Control Officer.
 - (g) Any owner or custodian of an animal impounded on Saturday or Sunday and wishing to redeem such animal on Saturday or Sunday may do so upon application to the police dispatcher and payment of the redemption charge. Persons other than owners or custodians of impounded animals may not redeem such animals on Saturdays or Sundays.

No person shall make any false representation to any person employed or otherwise working at a place of impounding for the purpose of obtaining possession of an animal to which he is not legally entitled.

Sec. 6-11 Animals bitten, exposed to, or showing signs of rabies.

- (a) Any dog, cat, ferret or other animal which exhibits objective symptoms suggestive of rabies may be impounded on or off the property of the owner.
- (b) Any unvaccinated dog, cat, ferret or other animal which has been exposed to rabies shall be immediately euthanized, unless the owner, at his

expense, can make arrangements for the strict isolation of animal for six months with vaccination one (1) month before release.

- (c) Animals with expired vaccinations need to be evaluated on a case-by-case basis.
- (d) Dogs, cats and ferrets that are currently vaccinated should be revaccinated immediately, kept under the owner's control, and observed for 45 days.
- (e) A wild, carnivorous mammal or a bat that is not available for testing should be regarded as having been exposed to rabies.

Sec. 6-12 Human bitten—reporting requirements.

Any bite, wound or other tissue invasion exposing an individual to the possibility of rabies or other zoonotic disease shall be reported to the city's Animal Control Officer by the victim or parent or guardian of victim if victim is a minor child under seventeen (17) years of age or by the person responsible for the animal if the incident is known to him.

Such report shall contain the name and address of a person responsible for the animal, the day and time of the bite, the location where the bite occurred, and a general description of the animal. Any animal bite which requires medical treatment shall be reported within twenty-four (24) hours to the City's Animal Control Officer by the treating physician or hospital caring for the patient. A copy of the bite report should be forwarded within twenty-four (24) hours to St. Louis County Animal Control.

It shall be unlawful for the person responsible for the animal involved in such incident to release it from his custody or allow such animal to be taken beyond the limits of the City.

Sec. 6-13 Confinement of animals which have bitten a human.

- (a) Any dog, cat, puppy, kitten or ferret which has bitten a human shall be confined for a clinical observation period of ten (10) days not including the day the bite occurred. The person responsible for the animal shall prevent contact by such animal with humans or other animals.
- (b) The required confinement shall be accomplished in one of the following manners:
 - 1. The Animal Control Officer may authorize a person responsible for the animal to confine the animal to his residence or other suitable place for the clinical observation period, only if the animal is to be confined in a secure indoor pen. If confinement is authorized under

this subsection, the person responsible for the animal shall further assure that the animal shall only be allowed outside the above described pen if the animal is muzzled and on a leash which is held by a person that is capable of and in fact controlling the animal in question and then only for the purposes of urination and defecation.

2. The animal may be confined at St. Louis County Animal Control for the clinical observation period and, if alive at the termination of this period, shall be returned to the person responsible for the animal after payment of the shelter service fee.
3. The animal may be confined for the clinical observation period, at the expense of a person responsible for the animal who so elects, by a veterinarian in St. Louis County selected by the person responsible for the animal.

(c) If an animal confined pursuant to this Section should exhibit a significant change in health or behavior during the observation period, or, if the animal should die, the observing authority must contact the St. Louis County Department of Health immediately.

Sec. 6-14 Area Quarantine.

For the purpose of containing or controlling the transmission of rabies, the St. Louis County Department of Animal Control may issue a quarantine order which affects the City or any portion of the City and shall take reasonable measures to inform residents of the quarantine and of the penalties attached to the violation of the order.

The quarantine order shall direct that all dogs, cats puppies and kittens, whether vaccinated and registered according to the provisions of this Chapter or not, shall be confined in the home of a person responsible for the animal, or tied up or placed on a leash under the direct physical control of a person that is capable of and is in fact controlling and governing the animal in question. Any other requirements may be imposed which are determined to be appropriate to assure containment of rabies within the quarantined area, in accordance with RSMO Sections 322.040 and 322.060, as may be amended.

Every person responsible for an animal shall comply with the requirements of the quarantine order as it applies to that animal.

Sec. 6-15 Cooperation with Animal Control Officer - Right of Entry.

It shall be unlawful for any person to conceal an animal or interfere with the Animal Control Officer or those acting in his behalf in the performance of their legal duties as provided in this Chapter.

The Animal Control Officer or those acting in his behalf shall have the right of entry onto any lots or lands, unless specifically prohibited by the property owner, for the purpose of collecting any dog, cat, or other animal, which is subject to impoundment pursuant to this Chapter. The Animal Control Officer or those acting on his behalf shall also have the right of entry to any lots or lands, unless specifically prohibited by the property owner, within any quarantined area during the period of such quarantine for the purpose of examining or obtaining any dog, cat, or other animal suspected of having rabies, having been exposed to rabies, or having bitten a person or other animal. Should an emergency require access onto a property for which the property owner has denied access, or inside a home, the Animal Control Officer shall justify probable cause and obtain a court order allowing entry. Upon receipt of a court order, a police officer will accompany the Animal Control Officer onto or into a property under lawful circumstances.

Sec. 6-16. Humane treatment of animals.

- (a) No person who is responsible for an animal shall:
1. Fail to provide wholesome food and clean water for the animal for a period of more than twenty-four (24) hours.
 2. Leave the animal without the apparent intent to recover or resume custody.
 3. Fail to provide the animal with proper shelter for the species.
 4. Fail to provide the animal with opportunity for adequate daily exercise.
 5. Fail to provide the health care necessary to maintain the animal's good health and veterinary care when needed for injury or illness unless the animal is instead promptly euthanized.
 6. Transport an animal in an open vehicle or cargo area unless the animal is secured to prevent it from falling, jumping or being thrown, or confine an animal to a vehicle without adequate ventilation or for such periods of time as may endanger the health or well-being of the animal due to heat, cold, lack of food or water, or any circumstances which might cause suffering, disability, or death.
 7. No person shall beat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, or other combat between animals or between animals and humans and any animal so used shall be seized and impounded.

8. No person shall attend any dogfight, cockfight, or other combat between animals or between animals and humans or be umpire at such event.
 9. Animals seized pursuant to this Section shall not be returned to any person participating in or attending the unlawful exhibition, in accordance with RSMo. Sections 578.009-578.012, 578.018, 578.021, as may be amended.
 10. No person shall, unless specifically permitted in this Chapter, fasten, chain or tie any animal or cause such animal to be fastened, chained or tied. The owner may fasten, chain or tie such animal for a reasonable amount of time as to allow the exercising of the animal or cleaning of the animal's enclosure so long as the animal is not creating a nuisance and the animal's owner is on the premises.
- (b) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the Police Department.
- (c) It shall be unlawful for any person willfully to kill any domestic animal, provided that such act was not necessary in self-defense or to protect the life of another, or to place leghold traps or snares, or to administer poison to any such animal, or to expose any poisonous substance within the limits of the City, with the intent that it shall be taken by such animal.

Sec. 6-17. Dangerous Animals.

- (a) It shall be unlawful for any person to own, harbor or have the care or custody of a dangerous animal as defined under Sec. 6-6 of this Chapter, within the corporate limits of the City, unless said dangerous animal is licensed and registered by the owner with the City, as provided herein and is in strict compliance with the limitations, standards, requirements and conditions set forth in subsection (e) of this Section.
- (b) Classification. Any animal with the following characteristics shall be classified as a dangerous animal. In the case of such animal coming to the attention of the City's Animal Control Officer, such officer shall notify the owner of such animal of its classification and of the owner's responsibilities under the provisions of this Section.
1. Any animal which has inflicted a severe or fatal injury on a human being. "Severe injury" means any physical injury resulting directly from an animal's bite, which results in broken bones, or lacerations requiring stitches, or inpatient hospitalization. The victim receiving

severe injuries, as defined above, shall provide the City's Animal Control Officer with a signed physician's statement documenting the injury and treatment qualifying as a severe injury or sign an authorization for release of such a statement.

2. Any animal which has killed a domestic animal, livestock, or poultry without provocation, while off its owner's property.
3. Any dog owned or harbored wholly or in part for the purpose of dog fighting or any dog trained for dog fighting.
4. Any animal which has bitten a human being, without provocation, on public or private property other than the property of the owner.
5. Any animal which, while on the owner's property, has bitten, without provocation, any human being.
6. Any animal which, when unprovoked, chases or approaches a person upon any public or private property other than the property of its owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by the animal.

(c) Hearing before the Animal Control Board. The owner of an animal classified as a dangerous animal may, within five (5) working days of such notification, request a hearing before the Animal Control Board, as hereinafter provided.

1. The Animal Control Board shall hold a hearing, following the request by an animal's owner, at which persons may be heard on the question as to whether the animal should be designated as a dangerous animal. The Animal Control Board shall make a determination, based on the evidence presented to it, as to whether such animal has any of the characteristics set out in subsection (b) above and is thereby to be classified as a dangerous animal.
2. Pending the determination by the Animal Control Board the animal in question shall be confined in such manner as not to be a threat to any person. Such confinement may be on the owner's premises or with a licensed veterinarian.

(d) Exemptions to dangerous animal classification.

1. With the exception of animals described in paragraph (b)1 hereinabove, no animal may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was

committing willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

2. Animals owned by governmental or law enforcement agencies when being used in the service of such agencies.

(e) Owners' or keepers' responsibilities. Owners or keepers of animals designated as dangerous animals shall comply with the following:

1. Any dangerous animal which bites a human being, or any domestic animal whose behavior immediately prior to or during an incident resulting in a human being bitten, which is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine by the owner or the St. Louis County Animal Control.
2. The owner or keeper shall notify the Animal Control Officer immediately if a dangerous animal is loose, unconfined, missing, or has attacked another animal, or has attacked a human being.
3. While on the owner's or keeper's property, a dangerous animal shall be confined only in a securely enclosed and locked pen or kennel structure, suitable to prevent the entry of young children and to prevent the animal from escaping. Plans for such pen or kennel structure shall be in compliance with all applicable sections of the City Code, filed with the City and said plans shall be approved upon a finding that such enclosure is adequate for the foregoing purposes; provided that such pen or kennel structure shall have a minimum height of six (6) feet, secure sides and a secure top and shall be built on a concrete slab. All structures erected to house dangerous animals must be adequately lighted and ventilated and kept in a clean and sanitary condition. The structure, when occupied by a dangerous animal, shall not be occupied by any other animal. If the dangerous animal is a female with offspring under two (2) months of age, the offspring may occupy the same enclosure as the mother. No dangerous animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen doors are the only obstacle preventing the animal from exiting the structure.

4. Any dangerous animal found off the premises of a person responsible for it and not confined as indicated above may be seized by any police officer or animal control agent, whether or not it has been returned to its enclosure at the time of impoundment. If impounded pursuant to this Section, the animal shall not be returned to a person responsible for it unless a court so orders and shall be held at the responsible parties' expense until such a time as a court decision is rendered or the animal is disposed in a manner agreeable to both the City of Crestwood and the party responsible for the animal.
5. The owner or keeper shall display in a prominent place on his or her premises a clearly visible sign warning, in letters not less than two (2) inches high "Beware of Dangerous Animal" and easily readable by the public. The owner shall also display a sign with a symbol warning children of the presence of a dangerous animal. In addition, a similar sign is required to be posted on the kennel or pen of such animal.
6. A dangerous animal may be outside of its kennel or pen only if such animal is muzzled, securely leashed with a leash no longer than four (4) feet in length with a minimum tensile strength of 300 pounds and be under the direct control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal.
7. Every keeper or owner of an animal that has been declared dangerous must register said animal with the Animal Control Officer on the "dangerous animal" registry each year before January 15. Failure to so register shall constitute a violation of this Section. In addition, the owner shall provide the Animal Control Officer with the following information prior to the issuance of a certificate of registration.
 - a) Name and address of owner;
 - b) Animal's name;
 - c) Four (4) color photographs, in two (2) different positions, clearly showing the color, markings and approximate size of the animal;
 - d) Location where animal is to be enclosed;
 - e) Veterinarian's name;
 - f) Animal's rabies tag number, City tag number and microchip number (all dangerous animals must be microchipped).

8. All owners, keepers or harborers of dangerous animals must provide proof to the Division of Animal Control of public liability insurance in a single incident amount of not less than one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. An effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner, keeper or harborer at all times. Such insurance policy shall provide that no cancellation, termination or expiration of the policy will be made unless ten (10) day written notice is first given to the Division of Animal Control.
- (f) Not to be kept within the City. Any dangerous animal deemed to be a hazard to human life shall not be kept within the City. The City's Animal Control Officer, after consultation and review with the Director of Public Services, shall notify the owner or keeper of such animal that the animal is deemed to constitute a hazard to human life and is to be removed from the City within a reasonable time as specified in the notice to the owner or keeper.
1. The owner of such an animal may, within five (5) working days of such notification, request a hearing before the Animal Control Board. Such Board shall hold a hearing promptly following the request by the owner, at which persons may be heard on the question as to whether the animal is such a hazard to human life as to require its removal from the City. The Board shall make a determination, based on the evidence presented to it, as to whether such animal constitutes such a hazard.
 2. Pending the determination by the Animal Control Board, the animal in question shall be impounded and held at the impounding facilities of St. Louis County.
 3. The foregoing procedures may occur either in connection with a determination that an animal is dangerous or at any other time.
 4. No person shall sell, barter or in any other way dispose of a dangerous animal to any person within the City; provided that the owner of a dangerous animal may sell or otherwise dispose of an animal or the offspring of such animal to persons who do not reside in the City.
 5. All offspring born of dangerous animals within the City must be removed from the City within two (2) months of their birth.

- (g) Failure to comply. It shall be unlawful for the owner, keeper or harbinger of a dangerous animal within the City to fail to comply with the limitation, requirements and conditions set forth in this Section. Any animal found to be the subject of a violation of this Section shall be subject to revocation of the license and/or registration of the animal and immediate seizure and impoundment. The owner shall be required to take necessary action to dispose of such dangerous animal and the Chief of Police is further authorized to dispose of such dangerous animal if necessary action is not taken by the owner.

Sec. 6-18. Animals running at large.

- (a) No person owning, controlling, possessing or having the management or care, in whole or part, shall permit any dog, cat or other animal, whether vaccinated, licensed or not, to run “at large,” as defined in this Chapter, unless being off the premises of the owner or keeper thereof, the animal is controlled by a leash, or is sufficiently near the owner or handler to be under his direct physical control or is obedient to that person’s verbal command. When the animal is on the property of its owner or guardian, it shall be secured by fence or lawful tethering when not supervised by a competent person.
- (b) Dogs found running at large may be pursued across, or taken upon unenclosed private property, unless specifically prohibited by the property owner.
- (c) In a prosecution charging a violation of subsection (a), proof that a dog, cat or other animal was running loose in violation of subsection (a), together with proof that the defendant named in the complaint was, at the time described in the complaint, the person who owned such dog, cat or other animal shall constitute a prima facie presumption sufficient for conviction that the owner was the person who permitted such animal to run at large.
- (d) The provisions of subsection (a) shall not apply to dogs being used in field trials and animal shows while on public land set aside for this purpose, to Seeing Eye or other service dogs, Bloodhounds or other animals used for tracking in conjunction with police activities or to animals of any law enforcement agency.

Sec. 6-19. Domestic animals and fowl.

- (a) It is unlawful to keep, maintain or allow to remain upon one lot, tract or parcel of ground within the City, any sheep, goats, hogs, cows, horses, mink, rabbits, ducks, geese, pigeons, chickens, turkeys, bees (including

honey bees) or other domestic animals or fowl, except as provided in this Section.

- (b) Any person wishing to keep any of the above domestic animals in the City may file with the Animal Control Board a written application for a permit, stating the location and facilities to be provided, the size of the premises of the applicant, the number of each animal to be kept and the purposes of keeping. An application will be provided to the Animal Control Officer and, if (s)he approves the same, the Board may grant such a permit. Each permit is good for a period of one (1) year from the date thereof unless sooner revoked by the Board, after hearing. With the exception of honey bees the number of animals to be allowed under the permit shall not exceed three (3). Honey bees will be limited to the number approved by the Animal Control Board at the time of issuance of the permit. The facilities maintained by the permittee shall be inspected at any reasonable time, one time each year, or more often as may be necessary to insure compliance with this Section. Permits may be revoked or suspended by a decision of the Animal Control Board for failure of permittee to provide adequate and/or humane facilities, or if animals or premises are deemed to be a nuisance.
- (c) Pot-bellied pigs or other domesticated swine are expressly prohibited within the City of Crestwood.
- (d) Nothing herein shall prohibit the keeping of the usual domestic animals and fowl, such as the usual childrens' pets, provided they are not deemed to be a nuisance.
- (e) All domestic animals, fowl and bees, while on the premises of their owner, shall be under the immediate control of their owner or custodian, or shall be securely restrained or enclosed in a suitable outbuilding or enclosure.
- (f) Any building or enclosure contemplated by this Section must be kept in a clean and sanitary condition so that no offensive odors escape therefrom. Any building or enclosure must be cleaned at least every twenty-four (24) hours, so that no offensive odor or unsightly condition exists.
- (g) Any person having physical control/possession of any animal is responsible for disposing of any fecal matter deposited by that animal. This includes, but is not limited to, the owner's private property, someone else's private property, vacant property, streets, sidewalks, parking lots, common ground areas, and all public park areas.

Sec. 6-20. Wild animals and birds.

- (a) No person, except a duly constituted zoological garden or wildlife rehabilitation center, operated and conducted with the consent of the City, may keep or maintain any wild or undomesticated or inherently dangerous exotic mammal or reptile of any kind. The term “any wild or undomesticated or inherently dangerous exotic mammal or reptile” includes any animals or reptiles known as wild, such as non-human primates, raccoons, skunks, foxes, poisonous reptiles, any venomous snakes, constrictor snakes, lions, tigers, leopards, panthers, bears, jaguars, wildcats, wolves or any cross-breed thereof, and others of this general class and description.
- (b) It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot or molest in any manner any wild bird or wild fowl or to willfully molest, disturb or destroy the nests or eggs of any wild bird or wild fowl, or to keep any cat, or other fowl or animals in such a manner as to permit it to kill such birds or animals. However, if starlings, pigeons or house sparrows congregate in any particular locality within the City in such numbers as to constitute a nuisance or menace and which, in the opinion of the Animal Control Officer, should be abated, such birds may be destroyed by licensed pest control practitioner.

Sec. 6-21 - Public nuisances; abatement; violation.

- (a) Every person responsible for a dog, cat, puppy, kitten or other animal shall keep it from creating a nuisance.
- (b) A dog, cat, puppy, or kitten or any other animal creates a nuisance if it:
 - 1. Soils, defiles, or defecates on property other than the property of a person responsible for the animal unless such waste is immediately removed by a person responsible for the animal and deposited in a waste container or buried in the ground where the person responsible for the animal has permission or the right to bury it.
 - 2. Damages public property or property belonging to a person other than a person responsible for the animal.
 - 3. Causes unsanitary or dangerous conditions.
 - 4. Causes a disturbance by excessive barking, howling, meowing or other noisemaking.
 - 5. Chases pedestrians, joggers and/or vehicles, including bicycles.

6. Molests, attacks, bites, or interferes with persons or other animals on public property or property not belonging to a person responsible for the animal.
 7. Impedes refuse collection, mail delivery or meter reading or other public service activities by annoying persons responsible for such activities.
 8. Tips, rummages through, or damages a refuse container.
- (c) For purposes of enforcement of this Chapter, the owner of a dog, cat, or other animal who creates a public nuisance as defined above, shall abate such public nuisance in accordance with the order of the Director of Public Services or his designee. The failure of such owner to abate the public nuisance shall be deemed to be in violation of the provisions of this Chapter.
- (d) The Animal Control Officer or those acting in his behalf shall have the right of entry onto any lots or lands, unless specifically prohibited by the property owner, for the purpose of collecting any dog, cat, or other animal, which is subject to impoundment due to the animal being unattended and / or causing a disturbance that is excessive, continuous or endangers the animal.

Sec. 6-22 - Sale of certain animals and fowl prohibited.

- (a) Chickens, chicks, ducks, ducklings. No person may sell, at retail, any live chicks, chickens, ducklings or ducks, in any quantity within the City limits of the City.
- (b) Rabbits. No person may sell, at retail, any live rabbits in any quantity within the City limits.

Sec. 6-23 - Appeals.

Any person or persons, jointly or severally aggrieved by any decision of the Director of Public Services, Animal Control Officer, Animal Control Board, or any other officer, department or board of the municipality may, within thirty (30) days of the issuance of the decision present to the Circuit Court of the County a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality in accordance with appropriate state statute.