

BILL NO. 2345

ORDINANCE NO. 2167

AN ORDINANCE AMENDING CHAPTER 5, ANIMALS AND FOWLS, OF THE CODE OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO REGARDING THE REMOVAL AND DISPOSAL OF ANIMAL WASTE.

WHEREAS, Chapter 5 of the Code of the City of Chesterfield defines and enumerates certain nuisances regarding animals; and

WHEREAS, animal waste represents a significant source of bacterial contamination in urban watersheds; and

WHEREAS, the improper disposal of animal waste interferes with the general health and safety of the public; and

WHEREAS, the St. Louis County Phase II Storm Water Management Plan requires the adoption of ordinances to adequately control animal waste.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, AS FOLLOWS:

Section 1. Section 5-2 (b) (1) of the Code of the City of Chesterfield shall be deleted in its entirety and shall be replaced by the following:

- (1) Soils, defiles or defecates on public property or public easement, or private property other than property of a person responsible for the animal unless such waste is removed by a person responsible for the animal and deposited in a waste container or disposed of in the sanitary sewer system, or buried at least six (6) inches deep on ground where the person responsible for the animal has permission or the right to bury it.

Section 2. Section 5-2 (c) of the Code of the City of Chesterfield shall be deleted in its entirety.

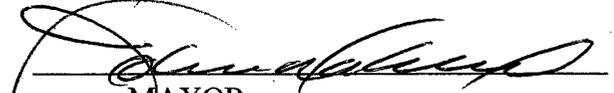
Section 3. The following shall be added as a new Section 5-3:

Section 5-3 Accumulation of animal waste on property.

It is unlawful for a person responsible for the animal to allow animal waste to accumulate on their property in such a manner that would cause the waste to runoff onto adjacent property during a rain event, or runoff into a pond, lake, river, creek, stream, drainage ditch or swale, storm sewer inlet or manhole, or into any storm sewer system or body of water.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 2nd day of May, 2005.


MAYOR

ATTEST:


CITY CLERK

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MEMORANDUM

Date: December 3, 2004

To: Doug Beach, City Attorney

From: Brian K. McGownd, Deputy Director of Public Works/ Assistant City Engineer

Re: Chapter 5 of the City Code

Attached, for your review, is a copy of a draft ordinance that would amend Chapter 5, Animals and Fowls, of the City Code, in order to comply with the EPA's Phase II stormwater regulations and the St. Louis County Phase II Storm Water Management Plan. The proposed amendment deals specifically with the removal and disposal of animal waste.

The proposed amendment cleans up the existing language by clearly defining how the waste is to be disposed of, and better defines the term "property". Also, a new section is being added which deals with waste that accumulates on the animal owner's property.

Please review the draft ordinance and provide us with your comments. We will then revise the draft as necessary and forward to the Public Works/Parks Committee for a recommendation, then to City Council for their consideration.

If you have any questions or need additional information, please advise.

Thanks

[Handwritten signature]
2/4/05

cc: Mike Herring, City Administrator
Mike Geisel, Director of Public Works/City Engineer

→ STATUS ?
cc: Mike G
Brian M.

ARTICLE I. IN GENERAL

Sec. 5-1. Illegal hunting or taking of game.

No wildlife or game shall be pursued, taken, killed, possessed or disposed of except in the manner, to the extent and at the time or times permitted by such rules and regulations of the State of Missouri; and any pursuit, taking, killing, possession or disposition thereof, except as permitted by such rules and regulations, are hereby prohibited.

(Ord. No. 372, § 1, 11-6-89)

Editor's note—Ord. No. 372, § 1, adopted Nov. 6, 1989, did not specifically amend the Code; hence, inclusion herein as § 5-1 was at the discretion of the editor.

Cross references—Offenses against property, § 21-56 et seq.; parks and recreation, Ch. 22.

Sec. 5-2. Dog, cats and other animals creating a nuisance.

(a) *Scope*. Every person responsible for a dog, cat, puppy, kitten or other animal shall keep it from creating a nuisance.

(b) *Animal nuisance defined*. A dog, cat, puppy, kitten or other animal creates a nuisance if it:

- (1) Soils, defiles or defecates on urban property other than 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 on 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 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, meter reading or other public service activ-

ities by annoying persons responsible for such activities.

(8) Tips, rummages through or damages a refuse container.

(c) *Urban property defined*. For the purpose of paragraph (b)(1) of this section, "urban property" is:

- (1) Property in areas developed for industrial uses;
- (2) Property in areas developed for commercial uses;
- (3) Property in areas developed for residential uses except those residential neighborhoods developed lots larger than forty-three thousand five hundred and sixty (43,560) square feet, one acre;
- (4) Property in areas with mixed uses shall be treated as urban property.

(Ord. No. 149, §§ 1-3, 8-15-88)

Secs. 5-3-5-15. Reserved.

ARTICLE II. ANIMALS AT LARGE*

Sec. 5-16. Scope.

Every person responsible for a dog, cat or other animal shall keep it from being at large as defined in Section 5-17 of this article.

(Ord. No. 148, § 1, 8-15-88)

Sec. 5-17. Definitions.

(a) A dog or puppy is at large when it is outside a cage or building from which it cannot escape unless:

- (1) It is attached to a leash held by a person that is capable of and is in fact controlling the dog or puppy in question.

*Cross reference—Offenses against property, § 21-56 et seq.

State law reference—Municipal control of animals running at large, RSMo. § 77.510.

- (2) It is within a vehicle from which the animal cannot escape while the vehicle is being driven, is parked or stopped.

Cross reference—Leaving animals in vehicles, § 18-4.

- (3) It is not more than fifty (50) feet from a person to whose commands the dog or puppy is obedient if such dog or puppy is not annoying any human or domestic animal, or trespassing on private property, or in public area where dogs or puppies are forbidden.

- (4) It is on the real property of a person responsible for it.

(b) A dog or cat is at large if it is not kept securely confined while in heat or estrus. A dog or cat in heat or estrus is confined within the meaning of this paragraph only if:

- (1) It is kept in the residence of a person responsible for it and it can neither escape nor be reached by animals outside the residence; or
- (2) It is on a leash on the premises of a person responsible for it and is supervised by a person responsible for it.

(c) Any animal other than a dog or cat is at large if it is not in a cage which restrains it from interfering with any person while it is in a place of public assembly or public commerce.

(Ord. No. 148, § 2, 8-15-88)

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 5-18. Exceptions.

Section 5-16 of this article does not apply to animals:

- (1) While being used in hunting, field trails and dogshows while on public land set aside for those purposes.
- (2) Used for tracking in conjunction with police activities.
- (3) Of the canine corps of any police force of the City of Chesterfield, St. Louis County, the Missouri State Highway Patrol, any federal law enforcement agency or the Armed Forces of the United States, while being

used to conduct official business or being used for official purposes.

- (4) While are trained to assist persons with impaired sight, hearing or other disability and are not at large when accompanying the person they are trained to assist. Full and equal access to all public facilities and transportation shall be allowed to such animals accompanying disabled persons.

(Ord. No. 148, § 3, 8-15-88)

Sec. 5-19. Penalties.

Violation of this article shall be a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months or by both such fine and imprisonment.

(Ord. No. 148, § 4, 8-15-88)

Secs. 5-20—5-30. Reserved.

ARTICLE III. ABUSE AND NEGLECT OF ANIMALS*

Sec. 5-31. Definitions.

As used in this section, the following terms mean:

Adequate care. Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

Adequate control. To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property.

Animal. Every living vertebrate except a human being.

*Editor's note—Ord. No. 373, §§ 1—3, adopted Nov. 6, 1989, did not specifically amend the Code; hence, inclusion herein as Art. III, §§ 5-31—5-33, was at the discretion of the editor. Section 4 of said Ord. No. 373, providing for penalty for violation, was omitted from codification as being duplicative of § 1-8.

Cross reference—Leaving animals in vehicles, § 18-4.

Humane killing. The destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (AVMA 173; 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed.

Owner. In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

Person. Any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.
(Ord. No. 373, § 1, 11-6-89)

Sec. 5-32. Animal neglect.

A person commits the ordinance violation of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control.
(Ord. No. 373, § 2, 11-6-89)

Sec. 5-33. Animal abuse.

A person commits the ordinance violation of animal abuse when a person:

- (1) Intentionally or purposefully kills an animal in any manner not allowed by or expressly exempted from the provisions of this article;
- (2) Purposely, intentionally or recklessly causes injury, suffering, or pain to an animal;
- (3) Abandons an animal in any place without making provisions for its adequate care;
- (4) Overworks or overloads an animal, or drives or works an animal unfit to work; or
- (5) Having ownership or custody of an animal willfully fails to provide adequate care or adequate control.

(Ord. No. 373, § 3, 11-6-89)

Secs. 5-34–5-40. Reserved.

ARTICLE IV. RESERVED*

Secs. 5-41–5-51. Reserved.

*Editor's note—Ord. No. 845, § 1, adopted Nov. 1, 1993, repealed Art. IV, §§ 5-41–5-51, which pertained to trapping of furbearing animals. See the Ordinance Disposition Table.