

Bill No. 4470, an Ordinance Amending Chapter 205 of Title II of the Municipal Code of the City of Wentzville, Missouri, Pertaining to Animal Regulations and Approving an Intergovernmental Agreement with St. Charles County, Missouri, for the Kenneling and Impoundment of Stray and Dangerous Animals

WHEREAS, St. Charles County, Missouri (the "County"), has an established Division of Human Services that, among other things, provides for the kenneling and impoundment of stray and dangerous animals within St. Charles County; and

WHEREAS, the City of Wentzville, Missouri (the "City"), has established Animal Regulations in Chapter 205 of the Municipal Code of the City (the "Code") and employs Animal Control Officers who are responsible for enforcing the City's Animal Regulations; and establishes the salaries of elected officials elected and serving in the City of Wentzville, Missouri; and

WHEREAS, in 2016, the City entered into an Intergovernmental Agreement (the "Original Agreement") with the County for the County to provide kenneling and impoundment of stray and dangerous animals picked up in the City by the City's Animal Control Officers, and, in order to establish uniform procedures for the County's kenneling and impoundment of stray and dangerous animals from the City, the County desired that the City amend its Animal Regulations as contained in Chapter 205 of the Code; and

WHEREAS, the City desires to enter into a subsequent Intergovernmental Agreement (the "Agreement") with the County, in substantially the form attached hereto as Exhibit A, for the County to continue to provide kenneling services, and, in order to establish uniform procedures for the County's kenneling services, the County desires that the City amend its Animal Regulations as contained in Chapter 205 of the Code to conform with the most current applicable County Code provisions; and

WHEREAS, it is the desire and intent of the Board of Aldermen to amend Chapter 205 of the Code pertaining to Animal Regulations to conform portions of said Chapter to the provisions of the County Ordinances and to approve a new Intergovernmental Agreement with the County, in substantially the form attached hereto as Exhibit A, for the County to continue to provide kenneling services,.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI, AS FOLLOWS:

Section 1: Section 205.020 of the Municipal Code is hereby amended to add a definition of "at large" to read as follows, with the remaining definitions within Section 205.020 to remain unchanged:

Sec. 205.020: Definitions.

AT LARGE: Off the premises of the owner, or of anyone having care, custody, or control and not under the adequate control of the owner or of anyone having care custody or control. At large

shall not include any dog or puppy lawfully off-leashes in a designated off-leash animal park.

Section 2: A new subsection 6 of section 205.300 of the Municipal Code is adopted to read as follows:

Sec. 205.300: Running at large.

(6) Any animal which is apprehended running at large may not be released to the owner-claimant without proof that the animal has been vaccinated against rabies and proof that the animal has received a microchip as required by Section 205.141 of the county Code of Ordinances. Any animal for which such proof is lacking shall be vaccinated for rabies prior to release from impoundment, or, in the alternative, the owner-claimant may present a receipt from a duly licensed veterinarian showing payment in full for a rabies vaccination.

Section 3: Section 205.340 of the Municipal Code is amended to read as follows:

Sec. 205.340: Animals impounded.

(a) The director of the division of humane services of the county, or other persons designated by the director, any animal control officers of the city, any police officer of the city and any person designated by the board of aldermen of the city shall have the power to enter onto any lots or lands to impound the following animals:

(1) All dogs outside while in estrus not securely confined in an enclosed pen.

(2) All animals that are at large contrary to the requirements of this chapter, or which have been at large and are immediately pursued by an employee of the division of humane services regardless of whether the animal is at large at the time it is apprehended.

(3) All animals for which there is no competent person apparently responsible who can provide adequate care.

(4) All animals exposed to rabies, whether or not at large, or on a leash, or confined to an owner's premises.

(5) Any dog or cat which has not been vaccinated within a 72-hour period following release from any impounding facility as required by section 205.110.

(6) Any dog or cat not vaccinated against the rabies virus.

(7) Any animal that has bitten a person, or animal, or any animal that has lawfully been declared dangerous by the County or the City.

(8) Any animal whose owner has voluntarily and intentionally relinquished control to the director.

(9) Any cat, dog, ferret, kitten or puppy not wearing a registration tag.

(10) Any animal in imminent danger of death or in pain or suffering.

(11) Any animal that requires adequate care and the owner or anyone having care, custody or control has failed to provide such care after being notified by an animal control officer or law enforcement official.

(12) Any animal in a residence or on a property that has been condemned or posted "restricted for use."

(13) Any animal in a residence or on the property where the owners or occupants have been evicted by a law enforcement agency.

(14) Any animal in a residence or on the property where law enforcement has taken into custody the owner or occupant.

(15) Animals tethered not in compliance with any part of section 205.270 of this Code or the county Code of Ordinances.

(b) Any animal impounded pursuant to this section shall be impounded in the county animal control shelter, which, pursuant to contract between the city and the county, shall serve as the city animal shelter under this chapter, or elsewhere under the supervision of and in a manner satisfactory to the director of the division of humane services of the county, or the director's designee.

(c) Any impounded animal bearing registration tags or bearing identification of ownership shall be held ten days after the owner has been notified, unless it is claimed sooner by the owner. The director of the division of humane services of the county or the director's designee shall make reasonable efforts within 24 hours of impoundment to notify the owner, and, if unsuccessful, shall send the owner written notice by mail within 48 hours of impoundment. The written notice shall include the date by which the owner must redeem the impounded animal and state the fees payable pursuant to sections 205.150 and 205.240 of the county Code of Ordinances or section 205.490 of this Code prior to release. Once written notice is sent, the impounded animal shall be held for ten days from the date of mailing. Any impounded animal unclaimed after ten days shall be placed for adoption or humanely destroyed, but no animal shall be placed for adoption if suspected of rabies, exposed to rabies, or known to have bitten any person.

(d) If an impounded animal does not bear registration tags or identification of ownership, and is not diseased or disabled beyond reasonable recovery, that animal shall be held for five consecutive business days. If unclaimed by its owner after five days, that animal may be placed for adoption or humanely destroyed, but no animal shall be placed for adoption if suspected of being rabid, exposed to rabies, or known to have bitten any person or domestic animal.

(e) The director shall have discretion in the decision to treat or euthanize an animal, including, but not limited to, feral cats or any diseased, disabled, sick or injured animal pursuant to procedures authorized, in writing, by the director of public health.

Section 4: Subsection (c) of section 205.370 of the Municipal Code is amended to read as follows:

Sec. 205.370: Animal identification.

(c) If the animal is transferred to another owner, the previous owner shall, within ten days of the transfer of ownership inform the director in writing of the name, address and telephone number of the new owner(s) of the animal. The previous owners shall notify the new owners, in writing, of the details of the animal's record, terms and conditions of maintenance, if any, and provide the director with a copy of the notice and the new owner's acknowledgment of receipt.

Section 5: Section 205.470 of the Municipal Code is amended to read as follows:

Sec. 205.470: Animals apprehended running at large; mandatory vaccination.

Any animal which is apprehended running at large may not be released to the owner-claimant without proof that the animal has been vaccinated against rabies and proof that the animal has received an identification chip as required by Section 205.470. Any animal for which such proof is lacking shall be vaccinated for rabies prior to release from impoundment, or, in the alternative, the owner-claimant may present a receipt from a duly licensed Missouri veterinarian showing payment in full for a rabies vaccination.

Section 6: Subsection (b) of section 205.490 of the Municipal Code is amended to read as follows:

Sec. 205.490: Fees.

(b) The county department of public health, division of human services shall charge fees, based upon their actual expenses, not to exceed the fee schedule herein set out, required or requested pursuant to this chapter and the animal control ordinances of the County by instituting an impound fee with a fee schedule as follows:

Running At Large Registered/Vaccinated Fees	
1st Offense	\$20.00
2nd Offense.....	\$35.00
3rd Offense.....	\$50.00
4th Offense and additional offenses (per offense).....	\$100.00

Running At Large Not Registered/Vaccinated Fees	
1st Offense	\$25.00
2nd Offense.....	\$50.00
3rd Offense and additional offenses (per offense).....	\$100.00

Section 7: Sections 205.500 and 205.510 of the Municipal Code are adopted to read as follows:

Sec. 205.500: Application.

This Chapter shall apply to the unincorporated area of the County, and to any cities or municipalities having adopted Chapter 205 of the county Code of Ordinances.

Sec. 205.510: Redemption of animals not infected by rabies.

Any animal captured or impounded under the provisions of this Chapter, determined not to be infected with rabies, may be redeemed by the owner or other person having the right of possession of such animal upon the presentation of proper vaccination certificate and upon the payment to the Division of Humane Services of:

- (1) An impoundment registration fee as authorized by this Chapter to be charged when any animal is impounded.
- (2) A daily boarding fee as authorized by this Chapter to be charged for sheltering and feeding impounded animals.
- (3) All other expenses incurred by the County in impounding in the manner provided herein.

Section 8: The Board of Aldermen of the City of Wentzville, Missouri, approves the Agreement to provide Kennel Services in substantially the form attached hereto as Exhibit A. The terms of the Agreement shall be substantially similar to, and no less favorable to the City of Wentzville, than the terms reflected within the attached Agreement.

Section 9: The City shall and the Mayor and other appropriate officers, agents and employees of the City are hereby authorized to execute the Agreement to provide Kennel Services, in substantially the form attached hereto as Exhibit A, incorporated herein by reference, and to take such further actions and execute and deliver such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 10: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance shall be deemed valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the governing body of the City has enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. All prior resolutions or ordinances in conflict herewith shall be and are hereby repealed.

Section 11: This Ordinance shall be in full force and effect from and after its passage by the Board of Alderman and approval by the Mayor.

Ordinance No. ⁴²⁵⁸~~(ID # 11552)~~

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF
WENTZVILLE, MISSOURI THIS 26 DAY OF January, 2022.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Kathryn Bowman
City Clerk, Kathryn Bowman

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 27 DAY
OF January, 2022.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Kathryn Bowman
City Clerk, Kathryn Bowman

Approved as to Form:

[Signature]
Attorney

