

ARTICLE I. IN GENERAL

SECTION 205.010: PURPOSE

- A. The purpose of this Chapter is to regulate and control the possession and ownership of dogs, cats and other animals in the City to the end that the public health and safety of the residents of the City will be protected from the diseases of dogs, cats and other animals, particularly rabies; and that the nuisance factor of dogs, cats and other animals running at large shall be controlled so that the owners of healthy dogs, cats and other animals will be enabled to more fully enjoy the benefits derived therefrom. The inoculating, licensing, impoundment and other provisions of this Chapter are for the purposes of controlling the incidence of rabies in dogs, cats and other animals in the City as well as promoting responsible pet ownership within the City. All violations of sections or sub-sections of this ordinance are punishable as set forth by State Statute at the discretion of the Municipal Judge of Wentzville unless otherwise mandated within the specific section or sub-section of this ordinance.

SECTION 205.020: DEFINITIONS

As used in this Chapter, the following words shall have the meanings ascribed herein, unless the context otherwise indicates:

ADEQUATE CARE: Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and species specific medical care as necessary to maintain good health of an animal.

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

ADEQUATE SHELTER: Structurally sound, properly ventilated and weather-proofed housing which is large enough to let the animal housed in it stand up, turn around and lie down; equipped with bedding that will not absorb water and/or freeze. Adequate shelter will not exacerbate existing weather conditions by, for example, absorbing heat on hot sunny days or be of excessive size which would not retain body heat in winter. Suitable drainage must also be provided so that water is not standing in or around shelter.

AFFECTED WITH RABIES: Infected with the rabies virus, as determined by standard laboratory testing.

ANIMAL: Any living animal, domestic farm or wild, excepting birds, fish, amphibians and farm animals.

ANIMAL CONTROL OFFICER: The officer designated pursuant to 205.200 of this code.

AT LARGE: When a domestic animal is anywhere in the City that is not on an owner or controlling party's private property and the domestic animal is not attached to a leash that is properly held or controlled by a competent person or in close proximity of the controlling party or other competent person and adequately controlled by voice commands. The determination that a domestic animal is property controlled by voice commands shall be made by a properly trained Animal Control Officer.

BITE: Breaking of the skin caused by an animal. Scratches are included. Animals attacking in the defense of their owner being physically attacked shall not be included.

CAT: Any male or female member of the domestic feline family.

CITY ANIMAL SHELTER: That facility which has been contracted to carry out the services described in this ordinance

COMPETENT PERSON: A person that is capable of restraining, controlling and governing a dog, cat or other domestic animal in their possession at the time of the event in question or to whose commands the dog, cat or animal is obedient.

CONTROLLING PARTY: any person(s) owning, controlling, harboring, possessing, or having the management or care, in whole or in part, of any dog, cat or other domestic animal at the time of the suspected offense.

DANGEROUS, VICIOUS OR FEROCIOUS ANIMAL:

1. Any animal that:
 - a. Bites or attacks any person, domestic animal or farm animal not withstanding jurisdiction of the offense; OR
 - b. has ever in the past has bitten, attacked or injured any of the person, domestic animal or farm animal not withstanding jurisdiction of the offense; OR
 - c. by its immediate or previous action, exhibits a threat of attacking or biting a person, domestic animal or farm animal; OR
2. Any animal that exhibits articulable behavior that causes fear to any reasonable person without provocation anywhere in the City other than the owner's private property.
3. Any animal when unprovoked, chases, lashes out at or approaches a person upon the streets, sidewalks, or any public grounds or private property other than the property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by such animal.
4. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

DOG: Any male or female member of the domestic canine family.

DOMESTIC ANIMAL: Animals that are normally considered to be household pets and are legal to be owned as pets in the city. This includes dogs, cats, birds, fish, rabbits, hamsters,

ferrets, small rodents, other common pocket pets and non-poisonous, reptiles under six (6) feet in total length.

EXPOSED TO RABIES: An animal or person that is bitten by, fought with, or has close contact with a dog or other animal shown to be affected with rabies.

FAILURE TO CONTROL: Failure on the part of an owner, competent person or controlling party to properly govern the behavior of an animal to the point that the animal bites, attacks or injures a person or other domestic animal or threatens to bite, attack or injure a person or other domestic animal. regardless of whether the animal is on or off leash. This can occur anywhere in the City including the owner's curtilage, unless the animal is protecting the owner.

FARM ANIMAL: An animal normally raised on a farm or ranch and used or intended for use in farm or ranch production or as food or fiber.

FENCE: Shall mean only a physical fence that meets all current fencing codes for the City. This shall not mean an electric fence either underground or above ground or radio wave fence that is collar controlled. If an underground electric or radio wave fence has been installed prior to passage of this ordinance, and there have been no prior incidents, then said fence shall be grandfathered in as accepted, until such time the animal escapes from the electric or radio wave fence, then the owner shall install a physical fence in compliance with current City fencing codes.

HARBORING: Any person(s) providing food or shelter for (3) three or more consecutive days;

KENNEL: An establishment where dogs, cats or other small animals are boarded for compensation, bred or raised on a commercial scale, or the keeping of four (4) or more dogs or five (5) or more cats over six (6) months of age at one time. The latter provision shall not apply to veterinary offices or licensed kennels located on commercially zoned properties.

OWNER: In addition to its ordinary meaning of having proof of ownership, owner includes any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

PUBLIC NUISANCE: Any animal that habitually barks, howls, whines, or makes other sounds that disturb a reasonable person's peace, or causes a foul or obnoxious odor to be emitted from the premises.

WILD ANIMAL: Any animal not covered under the domestic or farm animal definition, not limited to: live non-human primate, raccoon, fox, skunk, poisonous reptile, bear, wolf, cougar, leopard, jaguar, tiger, lion, lynx, bobcat, ocelot, or any other animal which can normally be found in the wild state.

SECTION 205.030: KEEPING OF LIVESTOCK, GENERALLY

A. *Livestock Prohibited, Exceptions.* The keeping of horses, cows, mules, sheep, goats, rabbits, poultry, or other domesticated animals commonly referred to as livestock is hereby prohibited within the City limits except as specifically provided in this Chapter, or unless allowed in the zoning district or existing at the time of annexation.

B. *Display In Exhibitions--Permit Required.* This Section shall not prohibit the display of any animals in other organized exhibitions; provided however, that for any exhibition which shall last for more than two (2) days a permit shall be required which may be obtained from the City and approved by the Chief of Police. The permit shall be issued free of charge and shall indicate the type of animals to be exhibited, the approximate numbers of each type of animal, and the duration of the exhibit. Before the permit shall be issued, the Chief of Police shall obtain such assurances as are necessary to provide for the health, safety and welfare of the residents of the City. (R.O. 2006 §205.040; CC 1988 §5-4; Ord. No. 550 §§1--6, 1-22-75)

C. Animals such as rabbits, hamsters, ferrets, small rodents, other common pocket pets and non-poisonous, reptiles under six (6) feet in total length are not included in Subsections (A) and (B) of this definition and may be kept in clean pens, indoors in compliance with all other provisions of this ordinance, applicable St. Charles County ordinances and State laws.

SECTION 205.040: KEEPING LIVESTOCK IN UNCLEAN PENS PROHIBITED

In zoning districts where such use is lawful, no person shall confine or keep within the City any cattle, sheep, horse, mule, fowl or any other livestock in any unclean or filthy pen, shed or other enclosure. (R.O. 2006 §205.050; CC 1988 §5-5; Ord. No. 97 §11, 3-2-44)

SECTION 205.050: HOGS

It shall be unlawful for any person to keep or use within the corporate limits of the City any pen, stall, sty or enclosure in which hogs or swine are kept except for the purpose of immediate transportation; provided however, that any land which may be lawfully annexed by the City upon which hogs or swine are kept or raised may be continued if such use is uninterrupted from a time existing prior to the annexation, and provided further that the same are kept free of filth and are not obnoxious to the health of the inhabitants of the City or otherwise constitute a public nuisance. (R.O. 2006 §205.060; CC 1988 §5-6; Ord. No. 344 §§2--3, 6-4-63)

SECTION 205.060: KENNELS

It shall be unlawful for any person to maintain a kennel within the city unless the person has obtained proper zoning approvals, permitting and licensing under Chapter 405 of the Municipal Code.

Any person, who owns, operates or maintains a kennel in violation of Chapter 405 whether in one (1) location in the city or more than one location within the city without proper permitting and licensing, shall be deemed guilty of violating this Section punishable as set forth in Article VIII hereunder.

SECTION 205.070: DEAD ANIMALS

Every person owning or caring for any animal that has died from any cause shall dispose of the animal carcass within twenty-four (24) hours after knowledge of such death, either by arranging for a person permitted under this Chapter to dispose of or transport it, or by the owner or person entitled to such body causing the same to be deposited in a permitted sanitary landfill notwithstanding any other provision of the law or rule to the contrary, allowing it to be buried in a sanitary landfill or buried, incinerated, composted, or disposed of in a manner approved by the State veterinarian within the twenty-four (24) hour period upon his/her own or any other available premises, provided that such disposition is in accordance with the provisions of Chapter 269, RSMo. (R.O. 2006 §205.120)

SECTION 205.080: KILLING OF BIRDS

It shall be unlawful to trap, hunt, shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided however, that if starlings, pigeons or similar birds are found to be congregating in such numbers in a particular locality that they constitute a public nuisance or menace to health or property in the opinion of the Mayor and a majority of the Board of Aldermen, then the Animal Control Officer, a duly appointed contractor or Chief of Police shall be instructed to confer with health authorities in the State. If, after conferring with the health authorities no satisfactory alternative is found to abate the nuisance, the birds may be destroyed in such numbers and in such manner as is deemed advisable by the City and health authorities, under the supervision of the Chief of Police. (R.O. 2006 §205.130; CC 1988 §5-14; Ord. No. 724 §22, 4-24-80)

SECTION 205.090: PROHIBITION OF WILD ANIMALS -- EXCEPTIONS -- PENALTY

- A. No person may keep, sell, own, possess, or harbor any Wild Animal.
- B. Wild Animals may not be in the City in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless such person has obtained a temporary permit for a special event specifying the use of such animal(s) from the City and with written permission from the local law enforcement agency in the City and County in which the animal is being temporarily housed.
- C. Persons found in violation of subsections (A) and (B) of this section shall be found guilty and shall be punishable under Article VIII of this ordinance.

SECTION 205.100: ANIMALS PROHIBITED AT CITY SPONSORED OR SANCTIONED EVENTS

All persons are hereby prohibited from bringing animals of any type to any city sponsored or sanctioned event, with the exception of those animals specifically named in writing during the permitting and planning processes in conjunction with City events. Police dogs and horses as well as certified service animals are exempt from this provision.

SECTION 205.110: RESPONSIBILITY FOR PESTS AND WILDLIFE

The City shall not be responsible to remove normally occurring wildlife, pests or feral cats unless there is a life or death matter that requires immediate eradication. The resident, renter, business owner, citizen or other responsible person shall be responsible for the removal of such species in the interest of public health.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

SECTION 205.200: ANIMAL CONTROL OFFICER

- A. The Chief of Police shall employ or contract with a suitable person(s) to act as Animal Control Officer(s); and properly equip officer(s) to carry out all assigned duties.
- B. The Chief of Police shall authorize any commissioned member of the Police Department or may authorize a trained Code Enforcement Officer to act in the capacity of an Animal Control Officer for the purpose of picking up, restraining animals or if necessary destroying animals found within the City in violation of this Chapter.

SECTION 205.210: POWERS OF ANIMAL CONTROL OFFICER

The Animal Control Officer(s) shall have the power and discretion to take action starting at verbal warnings, issuance of summons, taking possession of any animal and up to and including making arrests for violations of any provision of this Code pertaining to animal control

SECTION 205.220: DUTIES OF ANIMAL CONTROL OFFICER

Duties of Animal Control Officer(s) include:

- A. Enforcement of the provisions of this Chapter and any other State Laws or City Ordinances that pertain to the control of any animals within the City at the Animal Control Officer's discretion, from verbal warning up through and including destruction of the animal when necessary and proper at the discretion of the Animal Control Officer.

- B. Danger assessments and reporting to the Chief regarding animals that may affect public safety whether reported by any person or observed by the officer.
- C. Impoundment, transportation, and confinement in the City Animal Shelter of any domestic animal in violation of the provisions of this or any other applicable law or ordinance whether such violation was personally observed by the Officer or reported by a complainant.
- D. Impoundment and quarantine of any animal in the City Animal Shelter believed to have bitten a person or other animal, or an animal exhibiting symptoms of rabies for a period of not less than ten (10) days from the date of being bitten or first exhibiting rabies symptoms. . This impoundment shall be at the owner's expense in the City Animal Shelter, based on the actual rates charged by the Shelter under its contact.. Impoundment may, at the Animal Control Officer's discretion, be at the owner's residence if all of the following conditions are met:
1. The offending animal has proof of a valid rabies vaccination.
 2. The animal has not met the criteria to be a dangerous vicious or ferocious animal as defined later in this section.
 3. The owner agrees to the quarantine at the owner's home or business. This shall not apply if the animal owner's residence or business is not within the City limits.
 4. The animal owner agrees to the following guidelines:
 - a. Animal is not allowed outdoors off-leash.
 - b. Animal is allowed no contact with visitors or other animals.
 - c. Animal must reside indoors for the duration of the quarantine observation.
 - d. The Animal Control Officer or other designated Police Official shall have twenty-four (24) hour access to the animal to check on its condition.
 - e. If an animal dies while under quarantine during the ten (10) days of impoundment, regardless of location or cause of death, the Animal Control Officer shall be notified and cause the head to be removed by the veterinarian and submitted for rabies testing. The owner will be responsible for all costs involved.
- E. Immediate impoundment in the City Animal Shelter of an animal if all portions of subsection (D) of this section are not followed.
- F. Shall have the power to impound any animal in the City Animal Shelter, whether licensed or not, believed to be affected with rabies. Any impounded animal, upon examination by any certified Doctor of Veterinary Medicine, found to be affected with rabies, or known to have been bitten by a rabid animal or other creature, shall be disposed of in a humane manner upon direction of the Chief of Police.

- G. Shall while in pursuit of any animal running at large, have the right to enter any lot or land area for the purpose of impounding said animal(s).
- H. Destruction of any animal in violation of this or any other applicable law or ordinance, when such animal cannot be safely impounded, exhibits the symptoms of rabies, is deemed by the Animal Control Officer or on-duty Police Watch Commander a vicious animal, or is injured to such an extent that in the opinion of the Animal Control Officer or Watch Commander such destruction would be merciful.
- I. The issuance of a "Notice to Abate Nuisance Within Ten Days" either in person OR by U.S. Mail to the property owner, tenant, or agent OR by posting of the premises of any household or business establishment where reasonable suspicion exists that:
 - 1. Is in violation of the kennel section of this ordinance
 - 2. A public nuisance is being kept, maintained, or controlled.
 - 3. Any other section of this code is violated that does not require immediate impoundment or destruction of the animal.
- J. Impoundment of any and all animals in the City Animal Shelter in violation of subsection (I) of this section upon expiration of the notice period; and subsequent transportation of the animal to the City animal shelter.
- K. Removal at the City resident owner's written request of any unwanted animal and transportation of the animal to the City Animal Shelter for disposal, at the expense of the owner to be paid prior to the removal to the Shelter.
- L. Maintenance of records describing every dog, cat or other animal caught and impounded. Records will be kept in the Police Department database and will be immediately available to the City Clerk upon request
- M. At the officer's discretion, utilize a tranquilizer gun in lieu of destroying an animal to halt and impound an animal running at large when an imminent threat to public safety and welfare exists or an animal has become a detriment to itself.
- N. Impounding animal(s) that are living in conditions that do not meet standards outlined in Article V. of this ordinance. If modifications to the shelter or living area do not meet the standards within five (5) business days, such previously impounded animal(s) may be disposed of as permitted by this Chapter.

SECTION 205.230: INTERFERNECE ANIMAL CONTROL OFFICERS

- A. It shall be unlawful for any person to:
 - 1. Interfere with or obstruct an Animal Control Officer in the reasonable performance of the Animal Control Officer's duty in apprehending any dog, cat or other animal for impoundment or investigation under this Chapter; OR

2. Conceal from or refuse to deliver up a dog, cat or other animal upon reasonable request by an Animal Control Officer or other City of Wentzville official whenever said official has reasonable cause to believe that the dog, cat or other animal is unlicensed or has not been inoculated against rabies within a period of one (1) year, or the dog, cat or other animal is known to have been running at large in violation of this Chapter, OR
 3. Conceal, obstruct or otherwise interfere with an Animal Control Officer in the performance of any duties including but not limited to impounding of animals, investigating incident and complaints, or destroying of animals whose owners may be in violation of this chapter.
- B. Any owner found to be guilty of the above subsections shall be punished in accordance with Article VIII of this Ordinance.

ARTICLE III. LICENSE TAGS

SECTION 205.300: LICENSE TAG -- REQUIRED

The owner of each dog, cat or other animal kept within the City shall register such dog, cat or other animal with the St. Charles County Division of Humane Services as provided herein.

SECTION 205.310: FAILURE TO REGISTER

- A. An owner or controlling party shall be guilty of failure to register when he or she:
1. Fails to arrange registration of any dog, cat or other animal with the St. Charles County Division of Humane Services when the dog or cat reaches six (6) months of age, but not before it reaches three (3) months of age;
 2. Fails to arrange registration of any cat, dog or ferret within forty-five (45) days of acquisition by the owner; or
 3. Fails to register any cat, dog or ferret within forty-five (45) days of moving into the City; or
 4. Fails to have a collar or harness bearing a current tag on the vaccinated cat, dog or ferret when the animal is outside the residence of the owner except during hunting, training, field trials and dog shows.
- B. Any owner found to be guilty of the above subsection shall be punished in accordance with Article VIII of this Ordinance.

ARTICLE IV. CONTROL OF RABIES

SECTION 205.400: INOCULATION OF DOGS AND CATS REQUIRED

Every resident person who owns, controls, manages, possesses or has part interest in any dog, cat or other animal kept any time during the year or who permits a dog or cat to come upon, or in, and remain in or about such person's home, place of business or other premises in this City, shall have the dog or cat inoculated against rabies at least once each year, provided that this inoculation requirement shall not apply to dogs and cats less than six (6) months of age. (R.O. 2006 §205.230; CC 1988 §5-36; Ord. No. 416 §4, 11-15-67)

SECTION 205.410: QUARANTINE ORDER TO BE ISSUED BY MAYOR -- TO BE PUBLISHED AND POSTED

Whenever rabies becomes prevalent in the City, the Mayor shall, according to the necessity of the case, issue a quarantine order, requiring every owner or person in charge of any dog or dogs within the limits of the City, to either kill or impound his/her dog or dogs, or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the City; and in the absence of such paper, shall be posted as in case of sales of personal property. The Mayor is authorized by proclamation, to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists.

SECTION 205.420: EXPOSURE TO RABID ANIMALS

- A. To the extent permitted by law, every physician shall report to the Chief of Police pertinent information concerning any resident of the City who has been bitten by an animal suspected of being rabid, and every veterinarian shall report to the Chief of Police all pertinent information concerning rabid animals in the area under his/her care.
- B. Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the Chief of Police and shall provide the Chief of Police with all pertinent information respecting persons bitten or suspected of being bitten by the animal, and also with all pertinent information respecting any other animal exposed to the animal destroyed.
- C. The Chief of Police shall have the power to have examined and impounded any animal bitten by or exposed to any animal affected with rabies. (R.O. 2006 §205.250; CC 1988 §5-38; Ord. No. 724 §§13--14, 17, 4-24-80)

SECTION 205.430: RABID ANIMALS TO BE CONFINED

Every person owning or having custody or control of any dog, cat or other animal which has bitten a person or which is affected with rabies or any dog, cat or other animal which has been exposed to rabies or which acts in a manner suggesting that it is or may be affected with rabies shall impound the dog, cat or other animal in the contracted City Animal Shelter City for a period of ten (10) days for observation. If the person shall fail to have the dog, cat or other animal impounded as required by this Section an Animal Control Officer shall impound the dog, cat or other animal as provided by this Section and place them at the City Animal Shelter. (R.O. 2006 §205.260; CC 1988 §5-39; Ord. No. 724 §11, 4-24-80)

ARTICLE V. OWNER RESPONSIBILITY

SECTION 205.500: OWNER ACCOUNTABILITY

- A. In an effort to promote personal accountability and responsible animal ownership, it is the intent of the Board of Aldermen to govern the behavior of animal owners so that animals in their care are kept and controlled in a manner that is amenable to the City and the residents within, therefore, all violations that are cited in this chapter are to the owner regardless of whether the same or different animals are the subject of the offense. Therefore, as an example of this meaning, a violation of this Chapter shall be considered a second or subsequent violation regardless if the first violation involved a different animal. .
- B. All violations of this Article V are punishable as set forth hereunder at the discretion of the Municipal Judge, unless otherwise specified and directed by the Board of Aldermen within certain sections or sub-sections.

SECTION 205.505: NUMBER OF ANIMALS LIMITED

- A. It shall be unlawful for any owner or controlling party who is not running a licensed “kennel” to possess more than three (3) dogs or four (4) cats or four (4) other domestic animals over the age of six (6) months that are legal to be possessed in the City.
- B. The total number of domestic animals over the age of (6) months allowed to be owned, controlled or residing upon a given contiguous property shall not exceed ten (10).
- C. Neither of these sub-sections shall apply to farm animals.

SECTION 205.515: ANIMAL ABUSE

A person commits the offense of animal abuse when a person:

- 1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;

2. Purposely or intentionally causes injury or suffering to an animal; or
3. Having ownership or custody of an animal knowingly fails to provide adequate care, adequate shelter or adequate control.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 205.520: REGULATION OF ANIMAL FECES

- A. It shall be unlawful for owner or controlling party to allow or permit such animal to defecate upon any private property owned by another, condominium common elements, or public property unless such person shall promptly remove all feces so deposited by such animal and dispose of it in a proper manner in an appropriate container.
- B. The owner or controlling party shall remove fecal matter deposited by the animal on their property, someone else's property, or in a public place, including but not limited to streets, sidewalks, parking lots, and public parks and dispose of all fecal accumulations in any pen, run, cage or yard where any animal is kept in such a manner as to prevent the unsightly accumulation of fecal matter, the breeding of flies or other insects, the creation of offensive, disagreeable or noxious odors or other nuisance conditions and shall remove and properly dispose of such feces.
- C. Any person found to be in violation of the provisions of this Section shall be subject upon such finding to a fine of up to five hundred dollars (\$500.00). (R.O. 2006 §205.085; Ord. No. 1494 §§1--2, 2-25-99)

SECTION 205.525: FEMALE ANIMALS IN HEAT

- A. Owners shall ensure that all female animals are kept securely confined by owner or controlling party in an enclosed place while in heat. (R.O. 2006 §205.090; CC 1988 §5-10; Ord. No. 416 §6, 11-15-67)
- B. Any person found in violation of the provisions of this section shall be subject to punishment of up to five hundred dollars (\$500.00).

SECTION 205.530: TETHERING, PROHIBITED CONDUCT

- A. It shall be unlawful for any owner or controlling party to:
 1. Leave an animal tethered outdoors for eight (8) continuous hours or for a total of twelve (12) hours in a twenty-four (24) hour period.

2. Tether an animal except by means of:
 - a. A properly fitting harness or collar of nylon or leather construction which does not chafe or injure the animal, and
 - b. A tether in proportion to the size of the animal such that its weight and construction do not burden or encumber the animal. The tether must be at least fifteen (15) feet in length with a swivel at both ends.
3. Tether an animal in such a manner that the animal cannot access adequate shelter.
4. Tether an animal outdoors under conditions where the tether can become entangled on itself, the tethered animal, another animal or some other object or where the tether can restrict the animal's access to suitable, edible and sufficient food, clean water (cool in summer and unfrozen in winter) and appropriate shelter.
5. Tether an animal outdoors in unsafe or unsanitary conditions or when the tether does not allow the animal to defecate or urinate in an area separate from the areas where it must eat, drink or lie down.
6. Expose an animal to any weather conditions that cause imminent threat to the animal's physical well-being.
7. No person shall tether an animal on a choke, prong or pinch collar or tow chain or in such a manner as to cause injury, strangulation or entanglement of the animal on fences, trees or other manmade or natural obstacles.
8. No person shall tether an animal in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.
9. No person shall leave an animal tethered outside between the hours of 10:00 P.M. and 6:00 A.M., except temporarily tethering outdoors for a time period not exceeding fifteen (15) minutes.
10. Animals may not be muzzled while on a tether or chain.
11. For the purposes of this section, "tether" does not include the use of a leash to walk an animal.

B. Violations of this section shall be punishable under the provisions set forth under 205.535 Animal Neglect or Abandonment.

SECTION 205.535: ANIMAL NEGLECT OR ABANDONMENT

A. *Animal Neglect.* An owner or controlling party is guilty of animal neglect when he/she fails to provide adequate care, shelter or control of an animal which creates an unreasonable risk of injury to an animal or results in harm to the animal or harm to a person or other domestic animal, including failure to comply with one or more of the following:

1. Owners or controlling parties will ensure that all animals are kept in an environment that has both shelter and temperature suitable for that species and or breed. This includes environments that are inside and outside.
2. Owners or controlling parties will ensure that all areas where animals are kept are cleaned regularly so that fecal matter is disposed of so not to attract insects or rodents, become unsightly or cause objectionable odor.
3. Owners or controlling parties must provide animals with access to clean, unfrozen water in a tip-proof bowl at all times as well as nutritious food at least once daily.
4. Owners or controlling parties will ensure that animals confined to outside pens have not less than one hundred fifty (150) square feet of open space per each animal housed.
5. No owner or controlling party shall have an animal in their possession that is known to, or suspected to, have an untended injury, accidental injury or deliberate injury, or to exhibit any signs of disease, shock, temperature fluctuations, tremors, swelling, open wounds, inability to eat, blistering or abnormal bleeding, partial paralysis, discharging blood or mucus or any other sign that the animal is not in good health. Owners or controlling parties are required to seek professional veterinary medical attention.

B. *Animal Abandonment.* An owner or controlling party is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for adequate care or fails to redeem the animal from the City Animal Shelter upon notification. This includes but is not limited to any owner or controlling party that moves from a residence or business and leaves any domestic or farm animal without returning to provide adequate care for the animal(s).

C. Animal neglect and animal abandonment are both ordinance violations and are punishable as such in the Municipal Court. For a first (1st) offense of either violation, a term of imprisonment from one (1) day to fifteen (15) days, or a minimum fine of seventy-five dollars (\$75.00) up to a fine of five hundred dollars (\$500.00), or a combination of both if deemed appropriate by the Municipal Court. For a second (2nd) or subsequent violation of either offense by the same person, regardless of whether the violation involved the same animal, a term of imprisonment from one (1) day to ninety (90) days, or a minimum fine of two hundred dollars (\$200.00) up to of five hundred dollars (\$500.00), or a combination of both if deemed appropriate by the Municipal Court. Each animal and each day of violation shall constitute a separate offense. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the Court, provided that the owner or controlling party found guilty of animal neglect or abandonment shows by credible

evidence that adequate and permanent remedies for the neglect or abandonment have been made. Reasonable costs and actual impoundment fees incurred for the care and maintenance during impoundment of neglected or abandoned animals may not be waived.

D. In addition to any other penalty imposed by this Section, the owner or controlling party found guilty of animal neglect or animal abandonment shall be responsible to pay all reasonable costs and expenses necessary for:

1. The care and maintenance fees as well as fees for implantation of identifying technology imposed by the City Animal Shelter of neglected or abandoned animals during their impoundment;
2. The impoundment fee set forth in this ordinance;
3. The disposal of any dead or diseased animals within the person's custody or ownership;
4. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
5. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

SECTION 205.540: KNOWINGLY RELEASING AN ANIMAL

- A. A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or controlling party of an animal, intentionally releases any animal that is lawfully confined.
- B. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

SECTION 205.545: RUNNING AT LARGE

It shall be unlawful for any owner or controlling party to permit any animal to run at large.

- A. Owners or controlling parties are accountable, for proper containment of animals. Any owner or controlling party shall be in violation of this Section if any animal(s) within their ownership, control or custody is not:
 - a. Attached to a leash that is held by a competent person, OR
 - b. In an area of the owner's or controlling party's property that has a proper fence installed, OR
 - c. Accompanied outside by an owner or controlling party if an electronic or radio wave fence is in use ,OR

- d. On the owner or controlling party's property AND in close proximity of the owner or controlling party so that voice or physical control is maintained at all times. Whether an animal is adequately controlled by voice commands shall be determined by an Animal Control Officer.
- B. Animals found running at large will be collected by an Animal Control Officer and
 - a. If the owner is known, the animal may be returned to the owner and enforcement action taken at the discretion of the animal control officer, OR
 - b. Impoundment of the animal to the City Animal Shelter.
- C. Animals found running at large that are dangerous, vicious or ferocious or display qualities of dangerous, vicious or ferocious shall be handled as set forth in Section 205.060.B.

SECTION 205.550: NUISANCE ANIMALS

- A. It shall be unlawful for any person to own or be a controlling party of an animal that causes a public nuisance by:
 - 1. Habitually running at large (3) three or more times within a twelve (12) month period, OR
 - 2. Frequently and habitually barking, yelping or howling thereby causing the peace of any person to be disturbed more than six (6) times in a twelve (12) month period; OR
 - 3. Causing reasonably articulable fear or annoyance to a person in the immediate area by displaying aggressive behavior, including but not limited to, growling, charging, showing of the teeth, hissing or raising of fur as determined by an Animal Control Officer or other empowered City official. An Animal Control Officer shall be allowed to testify in Municipal or State Court concerning any reasonable fear he or she felt in the presence of the animal.
- B. If the Municipal Judge shall declare an animal a nuisance then he/she shall find the owner or controlling party guilty and hold them responsible by:
 - 1. Imposing a minimum of fifty dollars (\$50.00) for a first (1st) offense.
 - 2. One hundred dollars (\$100.00) for a second (2nd) offense regardless of whether or not the same animal was involved.
 - 3. One hundred fifty dollars (\$150.00) for a third (3rd) and subsequent offenses regardless of whether or not the same animal was involved.
 - 4. Each animal and each day of violation shall constitute a separate offense and shall carry separate punitive action.
 - 5. Owners or controlling parties shall be fined up to five hundred dollars (\$500.00) if the conviction involves failure to comply with a "Notice to Abate Nuisance within Ten Days" for each day of violation as well as all expenses of abatement.
 - 6. Owners or controlling parties will also be required to remove from the City limits or humanely dispose of any vicious animal as determined by the Municipal Court and or Chief of Police.

7. In addition to any other penalty imposed by this Section, the owner or controlling party found guilty of the subsections regarding Nuisance Animals shall be responsible to pay all reasonable costs and expenses necessary for:
 - i. The care and maintenance fees as well as fees for implantation of identifying technology imposed by the City Animal Shelter of neglected or abandoned animals during their impoundment; and
 - ii. The impoundment fee set forth in this ordinance.

SECTION 205.555: FAILURE TO CONTROL

- A. It shall be unlawful for an owner or controlling party to commit the offense of Failure to Control, which is defined as failure on the part of an owner, competent person or controlling party to properly govern the behavior of an animal to the point that the animal bites a person or other domestic animal regardless of whether the animal is on or off leash. This can occur anywhere in the City including the owner's curtilage, unless the animal is protecting the owner.
- B. Any person(s) found guilty of failure to control by the Municipal Judge of Wentzville shall be fined penalties according to the following schedule range at his/her discretion:
 - a. A first (1st) offense shall be punishable by a fine of not less than one hundred (\$100.00) dollars, but no more than two hundred (\$200.00) dollars.
 - b. A second (2nd) offense by a person, regardless of whether or not the same animal is involved, shall be punishable by a fine not less than two hundred one dollars (\$201.00) but no more than three hundred and fifty (\$350.00) dollars.
 - c. A third (3rd) offense, regardless of whether or not the same animal is involved shall be punishable by a fine not less than three hundred fifty (\$350.00) dollars up to five hundred (\$500.00) dollars.
 - d. A fourth (4th) and any subsequent offenses, regardless of whether or not the same animal is involved, will be punishable by a five hundred (\$500.00) dollar fine and the animal ordered removed from the city or euthanized at the owner or controlling party's expense.
- C. If an animal was impounded as a result of an owner or controlling party's failure to control, then all fees associated with impoundment payable to the City and City Animal Shelter shall be paid in addition to any fines imposed by the court.

SECTION 205.560 DANGEROUS, VICIOUS OR FEROCIOUS ANIMALS

- A. It shall be unlawful for any person to keep, harbor, possess or allow to be in or upon their premises any dangerous, vicious or ferocious animal as defined in Section 205.020, regardless of whether or not the animal is on its owner's property. Mere possession or knowledge of presence of a dangerous, vicious or ferocious animal shall be a violation of this section.

- B. Animal Control officers shall, upon determination that an animal is demonstrating or has recently demonstrated behavior that would classify the animal as a dangerous, vicious or ferocious animal under Section 205.020, by the authority of the Chief of Police, take custody of said animal and transport it to the City Animal Shelter where it shall be held until the Municipal Court hears the matter for final determination. If, however, the animal is so dangerous, vicious or ferocious that taking custody of the animal would put the officer or others at risk of attack and injury, then the officer shall, in good faith with the public safety in mind, destroy the animal on-site with no risk of liability.
- C. After the animal is impounded, , the Municipal Court shall determine whether the animal is a dangerous, vicious or ferocious animal in violation of this Section based upon evidence and testimony presented by the owner and the City through the Prosecuting Attorney. The Municipal Judge may, after finding an animal to be dangerous, vicious or ferocious, order the animal humanely destroyed. In addition, the owner shall bear the expense of the destruction of the animal by the City Animal Shelter. The City Animal Shelter shall not place for adoption an animal that is found to be dangerous, vicious or ferocious.
- D. If an animal that is dangerous, vicious or ferocious, bites, attacks or otherwise injures a person or other domestic animal, then the owner shall be held responsible either by being charged under state statutes or if charged under this ordinance, shall be punished by no less than a five hundred dollar (\$500) fine and, at the discretion of the Municipal Judge, serve an additional jail sentence of up to 90 days. In the case of any animal, whether previously declared to be dangerous, vicious or ferocious or not, that was found to have committed an unprovoked severe or fatal attack on a human being or another animal, may be ordered humanely destroyed by the Municipal Judge. In addition, the owner shall bear the expense of the destruction of the animal by the City Animal Shelter. The City Animal Shelter shall not place for adoption an animal that is found to be dangerous, vicious or ferocious.
- E. Persons who destroy a dangerous, vicious or ferocious animal in defense of themselves, other persons or other domestic animals shall not be held criminally responsible.
- F. Owners, whose animals attack, bite or injure another party in defense of their owner, other persons or domestic animals shall not be guilty under this section.
- G. Dogs owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt from being classified as dangerous, vicious or ferocious.

ARTICLE VI. IMPOUNDMENT AND REDEMPTION

SECTION 205.600: AUTHORITY

In addition to the previously stated authorities and responsibilities, Animal Control Officers, any Police Officer or any person designated by the Board of Aldermen shall have the power to catch, confine and impound dogs, cats or other animals as follows:

1. All dogs, cats or other animals which are required to have licenses and which are without a license displayed in the manner provided in this Chapter and all dogs, cats or other animals running off the owner's premises and not securely led by leash;
2. All female dogs, cats or other animals licensed or unlicensed, not securely confined in an enclosed place while in heat;
3. All dogs, cats or other animals infected with rabies and all dogs, cats and other animals suspected of being exposed to or infected with rabies, including dogs, cats and other animals known to have been bitten by a rabid animal, whether the dog, cat or other animal is running at large or on a leash, and whether it is licensed or unlicensed; and
4. All dogs, cats or other animals with vicious propensities.

SECTION 205.610: PLACE OF IMPOUNDMENT

Dogs, cats or other animals impounded in accordance with this Chapter shall be impounded in a place designated by and under the supervision of the Board of Aldermen, known as the City Animal Shelter.

SECTION 205.620: CITY ANIMAL SHELTER

The Board of Aldermen may contract with a suitable person to maintain an animal shelter to board all animals impounded by the Animal Control Officer, any Police Officer or any other agent of the City, place identifying technology into certain animals, and humanely destroy animals as deemed necessary. The contract shall require the owner of the animal shelter to:

- A. Maintain the shelter in a sanitary condition; feed and water all impounded animals daily; protect impounded animals from any cruel treatment; maintain a telephone during normal business hours and for non-working hour emergencies; and humanely dispose of all unwanted or unclaimed animals when necessary.
- B. Arrange for transportation, when deemed necessary by the animal shelter owner and the Animal Control Officer, the head of any animal which is killed or dies in impoundment to the State Division of Health or other such institution or person for the purpose of determining the presence of rabies.
- C. Maintain possession of and not release any impounded animal until:

1. The animal is properly immunized when such immunization is required by law or deemed necessary by the animal shelter owner. The animal shelter owner may collect, from the animal's owner, a reasonable fee for any immunization provided.
 2. Appropriate treatment for a sick or injured animal has been rendered when deemed necessary by the animal shelter owner, unless the animal's owner signs a hold harmless agreement releasing the animal shelter, the City of Wentzville, and all employees of either entity from all liability. Such treatment, if provided, will be at the animal owner's expense.
 3. Proof of payment of all required City impound fees and punitive fines are exhibited.
 4. Payment to the City Animal Shelter is made.
- D. Make reasonable attempt to contact animal owner immediately upon identification of animal and notify them of pick up procedures and failure to claim.
- E. Implant an identification device before releasing any animal whose owner has been cited for or found guilty of:
1. running at large;
 2. failure to control;
 3. nuisance animal;
 4. failure to register;
 5. failure to vaccinate;
 6. dangerous or vicious animal;
 7. all animal bites regardless of severity.

SECTION 205.630: REDEMPTION PROCESS AND FEES

- A. Any owner whose animal has been impounded, will be charged an impound fee. Proof of fee payment to the City Animal Shelter will be necessary before the animal is released. Fees are as follows: \$50.00 for the first impoundment, \$100.00 for the second impoundment and \$150 for the third and all subsequent impoundments.
- B. Any dog or cat which is impounded for running at large, has bitten a human being or animal (domestic or farm), is deemed a nuisance, whose owner or competent person has failed to control, or is a dangerous, vicious or ferocious animal, shall, at the cost of the owner, be permanently identified by the implantation of identification technology that will provide a permanent record of the identity of the animal and its owner. Such device shall be implanted and registered prior to the release of the animal from impoundment. It shall be the responsibility of the redeeming party to register and update the owner information for the device.
- C. Any animal impounded as under the provisions of this Chapter and determined not to be infected with rabies may be redeemed by the owner upon presentation of a proper

license, proof of inoculation and upon proof of payment of the redemption fees to the City as well as any fines imposed by the courts, required by this ordinance. In addition to the previous fees and fines, the City Animal Shelter will charge the owner a boarding fee for daily expenses incurred during the animal's confinement that is reasonable and necessary in accordance with regular daily rates charged and in specified cases, an implantation fee.

- D. If the animal is not redeemed by the owner in the manner provided in this Section, the City Animal Shelter shall be responsible to follow RSMo 578.016 regarding notifications, wait periods, destructions and adoption procedures.
- E. Once the owner is properly notified, then the owners shall be responsible for all charges, fees and expenses from the City Animal Shelter.
- F. Any person(s) taking ownership or harboring any dog or cat must keep the implanted identification technology up to date with proper contact information. If said information is not changed upon relinquishment of the animal, the last known registered owner will be responsible for the animal and all fees.
- G. All City impound fees and other fees paid to the City Animal Shelter by the owner are in addition to fines or municipal jail time rendered by the Municipal Judge.

SECTION 205.640: FAILURE TO CLAIM

- A. If an animal has been previously impounded and subsequently redeemed as a result of a prior incident on suspicion of rabies at the City Animal Shelter, and the animal has been impounded again, but the owner refuses to redeem, the Animal Shelter shall send written notification to the owner or controlling party's last known address. The owner shall redeem the animal or be charged an additional \$50.00 by the City and RSMO 578.016 shall be followed with the owner bearing the responsibility of all costs associated with the impoundment. These costs will be collected prior to release of any animal.
- B. Should City Animal Shelter choose to keep the animal past the statutorily required timeframe and enter into a civil contract, either verbal or written agreement for reclaiming the animal, then the City shall bear no further responsibility or costs for the animal other than the contracted monies.
- C. The City Animal Shelter will pursue any violations of an agreement made in accordance with sub-section (B) of this section in the civil court system and shall not involve the Animal Control Officers or any other City employee in an attempt to enforce a private civil agreement.

ARTICLE VII. INFORMATION ON DOGS AND CATS FOR SALE OR ADOPTION

SECTION 205.700: DEFINITIONS

The following words, terms and phrases, when used in this [Article VII](#), shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ANIMAL CONTROL FACILITY: Any facility operated by or under contract for the State, County, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. "*Animal control facility*" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed by the State of Missouri which operates for the above mentioned purpose in addition to its customary purposes.

ANIMAL SHELTER: A facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "*Animal shelter*" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed by the State of Missouri which operates for the above mentioned purpose in addition to its customary purposes.

CATTERY OPERATOR: Any person who operates an establishment, other than an animal control facility or animal shelter, within the City where cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption, with or without charges, cats which the person has produced and raised. A person who owns, has possession of, or harbors five (5) or fewer females capable of reproduction shall not be considered a cattery operator.

DOG DEALER: Any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in the City. However, a person who sells only dogs that the person has produced and raised shall not be considered a dog dealer under this [Article VII](#), nor shall an animal control facility or animal shelter be considered a dog dealer under this Article.

PERSON: Any person, firm, corporation, partnership, association or other legal entity, and any public or private institution.

PET SHOP OPERATOR: Any person who operates a retail establishment within the City open to the public and engaging in the business of offering for sale and/or selling animals at retail. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this [Article VII](#), and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed by the State of Missouri shall not be considered a pet shop operator under this Article. (Ord. No. 2010-3112, 1-12-11)

SECTION 205.710: INFORMATION ON DOGS AND CATS FOR SALE BY A DOG DEALER OR CATTERY OPERATOR

Every dog dealer and cattery operator within the City selling or offering for sale dogs and cats, including sales consummated via the Internet, telephone or other electronic means, shall provide the following information for every dog or cat available for sale:

1. The breed, date of birth, sex, and weight of the animal.
2. A record of vaccinations and veterinary care and medical treatment including record of surgical sterilization or lack of surgical sterilization.
3. The name and business address of both the dog or cat breeder and the facility where the animal was born, and, if the breeder is located in the State, then the breeder's license number. If the breeder also holds a license issued by another State and/or the United States Department of Agriculture, then the breeder's State and/or Federal identification number. The breeder's contact information i.e. phone, website, e-mail.
4. Any known congenital or hereditary diseases of the parents of the dog or cat, or the parents' other offspring.
5. If eligible for registration with pedigree registry, then the name and registration numbers of the sire and dam and the address of the pedigree registry where the sire and dam are registered.
6. The name and address of any other person who owned or harbored the animal between its birth and the point of sale. (Ord. No. 2010-3112, 1-12-11)

SECTION 205.720: DISCLOSURES FOR DOGS AND CATS BEING SOLD BY PET SHOPS

- A. Prior to the time of sale, including any sales consummated via the Internet, telephone or other electronic means, every pet shop operator must, to the best of his or her knowledge, provide to the consumer the following information on any dog or cat being offered for sale:
1. The breed, date of birth, sex, and weight of the animal.
 2. A record of vaccinations and veterinary care and medical treatment including record of surgical sterilization or lack of surgical sterilization.
 3. The name and business address of both the dog or cat breeder and the facility where the animal was born, and, if the breeder is located in the State, then the breeder's license number. If the breeder also holds a license issued by another State and/or the United States Department of Agriculture, then the breeder's State and/or Federal identification number. The breeder's contact information, i.e., phone, website, e-mail.

4. Any known congenital or hereditary diseases of the parents of the dog or cat, or the parents' other offspring.

5. If eligible for registration with pedigree registry, then the name and registration numbers of the sire and dam and the address of the pedigree registry where the sire and dam are registered.

6. The name and address of any other person who owned or harbored the animal between its birth and the point of sale.

7. The pet shop operator's license number issued by the Missouri Department of Agriculture.

8. The following written statement: "A copy of our policy regarding warranties, refunds, or returns is available upon request."

B. The information required in Subsection (A) shall be provided to the customer in written form by the pet shop operator and shall have an acknowledgment of disclosures (in a form approved by the City), which must be signed by the customer and the pet shop operator at the time of sale. The acknowledgment of disclosures form shall include the following:

1. A blank space for the dated signature and printed name of the pet shop operator, which shall be immediately beneath the following statement: "I hereby attest that all of the above information is true and correct to the best of my knowledge."

2. A blank space for the customer to sign and print his or her name and the date, which shall be immediately beneath the following statement: "I hereby attest that this disclosure was posted on or near the cage of the dog or cat for sale and that I have read all of the disclosures. I further understand that I am entitled to keep a signed copy of this disclosure."

3. That inspection reports of breeders in Missouri can be obtained from the Missouri Department of Agriculture's Animal Care Facility Act Program, 1616 Missouri Boulevard, P.O. Box 630, Jefferson City, MO 65101. Phone (573) 751-3076; Fax (573) 526-2059; e-mail Animal.Health@mda.mo.gov <<mailto:Animal.Health@mda.mo.gov>>. Other reports can be obtained thru The Humane Society of Missouri, 1201 Macklind Avenue, St. Louis, MO 63110, phone (314) 647-4317 and the Better Business Bureau.

C. A copy of the disclosures and the signed acknowledgment of disclosures form shall be provided to the customer at the time of sale and the original copy shall be maintained by the pet shop operator for a period of two (2) years from the date of sale. A copy of the pet store operator's policy regarding warranties, refunds, or returns shall be provided to the customer.

D. A pet shop operator shall post in a conspicuous place in writing on or near the cage of any dog or cat available for sale the information required by [Subsection \(A\) of this Section 205.520](#). For pet shop operators using the Internet to make any dog or cat available for sale,

the information required by [Subsection \(A\) of this Section 205.520](#) must be conveyed to any person responding to or inquiring about an Internet post about a dog or cat prior to the sale. (Ord. No. 2010-3112, 1-12-11)

SECTION 205.730: INFORMATION ON DOGS AND CATS FOR SALE OR ADOPTION BY AN ANIMAL CONTROL FACILITY OR ANIMAL SHELTER

Every animal control facility or animal shelter operating within the City offering to sell or offering for adoption dogs and cats, including sales or adoptions consummated via the Internet, telephone or other electronic means, shall use its best efforts to obtain and provide to any person purchasing or adopting a dog or cat the following information, if known:

1. The breed, date of birth, sex, and weight of the animal.
2. A record of vaccinations and veterinary care and medical treatment, including a record of surgical sterilization or, if no surgical sterilization, the written agreement with the adopter or purchaser guaranteeing that sterilization will be performed by a licensed veterinarian in compliance with Section 273.403, RSMo.
3. If applicable, the name and business address of both the dog or cat breeder and the facility where the animal was born, and, if the breeder is located in the State, then the breeder's license number. If the breeder also holds a license issued by another State and/or the United States Department of Agriculture, then the breeder's State and/or Federal identification number. The breeder's contact information, i.e., phone, website, e-mail.
4. Any known congenital or hereditary diseases of the parents of the dog or cat, or the parents' other offspring.
5. If eligible for registration with pedigree registry, then the name and registration numbers of the sire and dam and the address of the pedigree registry where the sire and dam are registered.
6. The name and address of any other person who owned or harbored the animal between its birth and the point of sale or adoption. (Ord. No. 2010-3112, 1-12-11)

ARTICLE VIII. PENALTIES

SECTION 205.800: AUTHORITY OF THE WENTZVILLE MUNICIPAL COURT JUDGE

- A. It shall be unlawful and an offense for any person to violate the provisions of this Chapter or any rule or regulation or order promulgated by any officer or agency of the City under the authority duly vested, and where no specific penalty is provided for such

violations herein, upon conviction of a violation of any such provisions of this Code or of any such ordinance, rule, regulation or order the violator shall be punished at the discretion of the Municipal Court by fine not exceeding five hundred dollars (\$500.00) plus court costs or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by any Statute of the State, the Statutory penalty and no other, shall be imposed for the punishment of the offense. Each day any violation of this Chapter shall continue shall constitute, except where otherwise provided, a separate offense. In addition to the penalties provided in this Chapter, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and may be abated by the City as provided by law, and each day that the offensive condition continues shall be regarded as a new and separate offense.

- B. Following the filing of charges under the provisions of this Chapter, the certification of the Chief of Police, or the Chief's designee having property authority, that an animal is vicious, and upon the motion of the Municipal Prosecutor with written notice to the Owner or controlling party's last known address, the Judge of the Municipal Court may order the following without a hearing if none is requested within five (5) business days from the date the notice is mailed,: that the animal be seized and impounded pending disposition of the charges and/or that the animal be impounded past the ten (10) day rabies quarantine period. If the owner requests in writing to the Court within five (5) days, a hearing shall be held at the next available court date. Following the filing of charges under the provisions of this Chapter, the certification of the Chief of Police, or the Chief's designee having property authority, that an animal is vicious, and upon the motion of the Municipal Prosecutor with written notice to the Owner or controlling party's last known address, the Judge of the Municipal Court, after a full evidentiary hearing, may order the animal be permanently removed from the City limits or that the animal be euthanized.
- C. Upon conviction under any of the provisions of this Chapter relating to vicious animals it shall appear to the Municipal Court that it is necessary for the public safety and welfare that the animal concerned be euthanized, the Judge shall so order and the Animal Control Officer shall transport the animal to the City Animal Shelter for euthanization per the order of the court. The expense of the impoundment and any other associated costs shall be charged to the animal owner and shall be separate from the punitive fines and/or period of incarceration.