

**CITY OF TWIN OAKS  
BOARD OF ALDERMEN MEETING  
VIRTUAL MEETING  
WEDNESDAY, JANUARY 6, 2021, 7:00 p.m.**

To balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Board of Aldermen will not be open to public attendance *in person* but shall be accessible by the public by telephone (audio only) or by using their tablet/laptop/pc (audio/video) at:

**Telephone:** (312) 626-6799

**Computer:** <https://us02web.zoom.us/j/5197276201?pwd=SHZXODU1cGtKOWJNSTFUUFERSQnY5Zz09>

**Webinar ID:** 519-727-6201

**Passcode:** 9YgwmB

In addition, the meeting will also be livestreamed on Facebook so that the public may watch and listen to the meeting virtually. The livestream of the meeting will be accessible by tablet/laptop/PC or mobile device at [www.facebook.com/twinoaksmo](http://www.facebook.com/twinoaksmo).

The Board apologizes for any inconvenience these requirements may pose but it is extremely important all measures in compliance with the orders issued by public health authorities be taken to protect employees, residents, and elected officials during these extraordinary times.

Residents and others who wish to comment may also email their comments to City Clerk Frank Johnson, [fjohnson@cityoftwinoaks.com](mailto:fjohnson@cityoftwinoaks.com), by 6 p.m. on December 16, 2020, and their comments will be shared with the Board at the appropriate time. There is also an ability to comment during the videoconference meeting by opening the participants tab and clicking “raise hand” during the meeting when the Board reaches the “Citizen Comment” agenda items. The Agenda Packet for this meeting is available for viewing and download on the City’s Website – [www.cityoftwinoaks.com](http://www.cityoftwinoaks.com).

**Tentative Agenda**

- 1) REGULAR MEETING CALLED TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) ROLL CALL
- 4) APPROVAL OF AGENDA
- 5) APPROVAL OF CONSENT AGENDA
  - a) Board of Aldermen Regular Session Minutes from December 16, 2020
  - b) Board of Aldermen Work Session Minutes from December 16, 2020
- 6) REPORT OF COMMITTEES/COMMISSIONS/CONTRACTORS
  - a) Police Report — Officer John Wehner

7) NEW BUSINESS

- a) Bill No. 21-1: AN ORDINANCE AMENDING CHAPTER 205 RELATING TO ANIMAL REGULATIONS

8) DISCUSSION ITEMS

- a) Reciprocal Recreational Agreement with City of Ballwin

9) ATTORNEY'S REPORT

10) CITY CLERK'S REPORT

11) MAYOR AND ALDERMEN COMMENTS

12) FINAL CITIZEN COMMENTS

(Remarks shall be limited to three (3) minutes on any one subject unless time is extended by the Board)

13) ADJOURNMENT

Frank Johnson  
City Clerk

POSTED: Jan. 4, 2021, 3 p.m.

**Please note:** Any person requiring physical or verbal accommodations should contact the city office 12 hours prior to meeting at 636-225-7873. Copies of public records for this agenda are available for public inspection before and at the time of the meeting.

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF ALDERMEN OF TWIN OAKS,  
VIRTURAL MEETING  
ST. LOUIS COUNTY, MISSOURI  
WEDNESDAY, DECEMBER 16, 2020**

The meeting of the Twin Oaks Board of Aldermen was called to order at 7:00 pm. Roll Call was taken:

Mayor: Russ Fortune – yea

Aldermen: April Milne – yea Lisa Eisenhauer – yea  
Dennis Whitmore – yea Tim Stoeckl – yea

Also Present: Frank Johnson, City Clerk  
Paul Rost, City Attorney

Permanent records are kept of all minutes and ordinances. Each ordinance is read a minimum of two times by title, unless otherwise noted.

**APPROVAL OF THE AGENDA**

Mayor Fortune removed the Park Committee report from the Agenda since Cindy Slama, Park Chairman, was not able to attend the meeting. He asked if there were any additional changes to the agenda. Hearing none, Alderman Stoeckl motioned to approve the Agenda, seconded by Alderman Milne. The motion passed by a voice vote.

**APPROVAL OF THE CONSENT AGENDA**

Mayor Fortune asked if there were any changes to the Consent Agenda consisting of the December 2, 2020 Regular Session Minutes, the December 2, 2020 Work Session Minutes, the Bills List from November 28, 2020 to December 11, 2020 and the Credit Card List from October 17, 2020 to November 15, 2020. Alderman Whitmore and Alderman Milne had corrections to the Regular Meeting Minutes. Alderman Milne motioned to approve the Consent Agenda as amended seconded by Alderman Stoeckl. The motion passed by voice vote of four yes, zero no.

**REPORTS OF COMMITTEES/COMMISSIONS/CONTRACTORS**

**November Financials:** Jeff Blume, Financial Consultant, reviewed the Financial Statements for November 2020 with the Board. Mr. Blume stated in November the revenue collections were down. This should pick up in December. Mr. Blume reminded

the Board that what is collected by St. Louis County in December will not be received by the City until February 2021.

**Budget Narrative:** Mr. Blume reviewed the Narrative/Transmittal Letter which is at the beginning of the City's 2021 Budget. This letter states where the City is financially and is a guide through the document. Alderman Milne asked Mr. Blume if the letter could be put on the City's new letterhead. Alderman Whitmore reviewed several corrections he would like made to the letter. Alderman Whitmore also asked if a statement could be included regarding the arrival of Dunkin Donuts in the City as well as Aldi. City Clerk Johnson stated that Aldi is still in the preliminary stages.

### **PUBLIC HEARING**

The Public Hearing for public comment and consideration of the recommendation of the Planning & Zoning Commission concerning the amendments to Chapter 400 of the City's Zoning Regulations was called to order by Mayor Fortune at 7:20 p.m. Mayor Fortune stated the first reading of Bill 20-21 was read at the December 2<sup>nd</sup> Board meeting. The Board was able to review the narrative provided by Attorney Rost since the December 2<sup>nd</sup> Board meeting.

Attorney Rost stated that the zoning review done by the Planning & Zoning Commission has been a 12 to 14 month process. He gave an overview of the changes for the public. The biggest change made was to accessory structures in a residential district. Lot size is now the main determining factor in approval of a structure.

Mayor Fortune stated that there has been a revamp on parking regulations on residential property. The regulations are now clear and concise.

There were no citizen comments or questions on these changes. Mayor Fortune thanked Alderman Eisenhauer, Attorney Rost and the Planning & Zoning Commission for all of their work on this project

There being no further questions or discussion, Mayor Fortune closed the Public Hearing at 7:26 p.m.

### **OLD BUSINESS**

#### **Bill No. 20-21-An Ordinance Approving Text Amendments to the Zoning Code Of The City Of Twin Oaks And Adopting Revisions To The Official Zoning Map:**

Second reading of Bill No. 20-21 was read. Alderman Whitmore motioned to approve Bill No. 20-21, seconded by Alderman Eisenhauer and the motion passed on a roll call vote as follows: Aldermen Milne-yea, Eisenhauer-yea Whitmore-yea and Stoeckl-yea. Mayor Fortune stated that Bill No. 20-21 being duly passed becomes Ordinance No. 20-21.

## NEW BUSINESS

### **Resolution 20-29-A Resolution Of The Twin Oaks Board Of Aldermen Approving And Authorizing An Agreement With Gerstner Electric, Inc. For Work On**

**Woodland Oaks Drive:** Mayor Fortune asked for any questions concerning Resolution 20-29. Mayor Fortune voiced a concern of the possible cost of electric repairs in Twin Oaks Park. Since this light is not an emergency situation should it be postponed until the Board has received a proposal to fix the electric situation in the Park. City Clerk Johnson stated that this light is budgeted for in the 2020 budget. The electric repairs in the Park are included in the 2021 budget.

Alderman Whitmore asked if the electric issue was caused by the Christmas lights installed in the Park for the holidays. City Clerk Johnson stated that this has been an ongoing problem.

Alderman Milne stated that since the light at Woodland Oaks has been budgeted for in 2020 she would like to recommend going ahead with the project.

Mayor Fortune asked for a motion to approve Resolution 20-29. Alderman Milne motioned to approve Resolution 20-29, seconded by Alderman Stoeckl. The motion passed by voice vote of four yes and zero no.

### **Resolution 20-30-A Resolution Of The Twin Oaks Board Of Aldermen Approving And Authorizing An Agreement With NuToys Leisure Products, Inc. For Installation**

**Of Soft Playground Surface:** City Clerk Johnson gave a brief explanation of the scope of work to be done. This expense is considered Park Maintenance. Mayor Fortune asked for any questions concerning Resolution 20-30. Mayor Fortune asked for a motion to approve Resolution 20-30. Alderman Whitmore motioned to approve Resolution 20-30, seconded by Alderman Eisenhauer. The motion passed by voice vote of four yes and zero no.

## DISCUSSION ITEMS

There were no discussion items.

## ATTORNEY'S REPORT

Attorney Rost has reviewed the City's Dangerous Animal section in the codebook. He has some suggestions which will make this section clear and updated. He would like to work on this and bring a recommendation to the Board. The Board was in agreement

## CITY CLERK'S REPORT

### **General Updates**

#### **Restaurant Assistance**

- Staff reached out to every restaurant in the City with a phone call to offer assistance and inform them of the temporary outdoor dining extension (where applicable). Received one specific request for assistance from Imo's in regards to an issue with the traffic light at the north exit to the shopping center on Big Bend. It reportedly will sometimes not cycle, leaving drivers unable to go west or north.
- Staff contacted St. Louis County's Traffic Department to investigate, who stated that the light uses a video detection system and that they occasionally have had issues with these systems failing to detect drivers. They asked that drivers report any problems to their signals malfunction hotline when they occur.

#### **Additional Signage for Crescent Road**

- The City is currently exploring adding additional signage to Crescent Road that would clearly state where the one-way traffic begins with the goal of educating drivers to stay in their proper lane. The City may also look at restriping the centerline for added visibility.

#### **Dog Bite**

- St. Louis Animal Control is continuing to investigate this incident. They have received statements from both parties and are waiting on a report from the veterinary. Officer Wehner will work with the County to issue any ordinance violations following the investigation's conclusion.

#### **Aldi's Development**

- BFA estimates they will have their review of the preliminary plans completed by Dec. 16.

#### **Dunkin Donuts**

- Based on recent discussions with the developer, construction could begin on this project in the next several weeks. Lease negotiations that are nearly finalized had partly been responsible for delaying the start date.

### **Project Updates**

#### **Park Paths Patching and Sealing**

- The City received bids from Topps Paving and Sealing for patching two sections (101 square yards total) for \$3,451 and for seal coating approximately 2,428 square yards for \$3,035.

- Contracts for the work have been sent to Topps for approval. Project is planned for spring 2021.

### **Playground Surface Repair**

- The playground surface in the swings area has started to separate from the concrete edge. This two-step project will first involve Focal Pointe cutting and removing a 1' wide strip around the perimeter and then NuToys will install pour-in-place surface.
- The cost for the removal by Focal Pointe is \$1,487 and the cost for the install of new surface by NuToys is \$6,065, for a total cost of \$7,552. Work will be done in the spring as it requires consistent warmer temperatures.

### **Woodland Oaks Light**

- Gerstner estimates the cost of replacing the broken fixture and installing the pole at \$6,895.50. It assumes trenching a similar amount of conduit as the Boly Entrance project.

### **Rose Garden Irrigation**

- We received an estimate for \$1,200 from Alternative Rain to replace the drip irrigation system in the Rose Garden with a spray system. Work was completed on Dec. 9.

### **Creek Bed Repair**

- DJM completed the project on Dec. 1.

### **Crescent Road Sidewalk Project**

- Topographic survey completed on Nov. 23. BFA expects to have preliminary design completed by the end of December.

### **Autumn Leaf Runoff**

- City Attorney Paul Rost has drafted an initial agreement for a Stormwater Management Easement. We will be meeting with BFA on Monday to discuss next steps on finalizing the agreement.

### **Autumn Leaf Sewer Backups**

- Approval for this work was issued on Nov. 17. Contractor is now estimating work to begin on Dec. 16. We will send out information to residents once it's confirmed.

### **Crescent Triangle Footbridge**

- Installed and completed by maintenance staff on December 9.

## **MAYOR AND ALDERMAN COMMENTS**

Alderman Whitmore stated that the new bridge in the Crescent Road triangle is a nice addition to this area. He feels, however that the new plantings in this area are a little disappointing in the size and quality of the plants.

Alderman Whitmore feels the City dropped the ball in their response to the dog attack which occurred at the Golden Oak entrance to the Park. He stated that the City should have done more concerning to more quickly address the concerns from residents about the incident.

Alderman Whitmore thanked City Clerk Johnson for all of his work for the City and he appreciates his dedication.

Alderman Eisenhower thanked City Clerk Johnson for working through the COVID situation and keeping the lines of communication open. It has been very refreshing.

Alderman Stoeckl was in agreement with Alderman Whitmore in regards to the City's response to the dog attack. He felt that the residents in the condos should have been notified of the incident. He wished everyone a Merry Christmas and will be glad when the Board meetings can be held at City Hall once again.

Alderman Milne also thanked City Clerk Johnson for all of his work for the City. She said that it is refreshing the way the Board is kept informed on issues as they arise. She also is pleased with the bridge in the Crescent Road triangle. In the future she would like to see more seating and picnic tables in this area.

Mayor Fortune thanked the Board for all of their hard work this year. He also feels City Clerk Johnson has done a great job getting the City and the Board through this year.

City Clerk Johnson thanked the Board for their support while he was getting on his feet as City Clerk.

## **FINAL CITIZEN COMMENTS**

Jeff Graves thanked everyone for their hard work and wished everyone a Merry Christmas.

## **ADJOURNMENT**

There being no further business, Alderman Whitmore motioned to adjourn the regular meeting at 8:07 p.m., seconded by Alderman Eisenhower and the motion passed with the unanimous consent of the Board of those present.



Drafted By: \_\_\_\_\_  
Theresa Gonzales,  
Administrative Assistant

Date of Approval: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Frank Johnson  
City Clerk

\_\_\_\_\_  
Russ Fortune,  
Mayor, Board of Aldermen

**MINUTES OF THE WORK SESSION  
VIRTURAL MEETING  
CITY OF TWIN OAKS BOARD OF ALDERMEN  
WEDNESDAY, DECEMBER 16, 2020**

The Work Session was called to order by Mayor Fortune at 6:00 p.m. pursuant to public notice and agenda. Roll Call was taken:

Mayor Russ Fortune-yea

Aldermen Lisa Eisenhauer –yea  
Tim Stoeckl-yea  
April Milne – yea  
Dennis Whitmore – yea

Also Present: Frank Johnson, City Clerk  
Paul Rost, City Attorney

**RECIPROCAL RECREATION AGREEMENT WITH CITY OF BALLWIN**

City Clerk Johnson informed the Board that the office has received several inquiries about reciprocal memberships to the Ballwin Pointe. At this time the City has an agreement with the City of Des Peres for the Lodge and the City of Fenton for Riverchase. The agreements state that Twin Oaks residents pay the resident rates and the City will pay the difference between the resident and non-resident rate.

The City of Ballwin has the Pointe Recreation Center, the North Pointe Aquatic Pool and the 9-hole golf course. The Board was in agreement to have City Clerk Johnson talk with the Recreation Director for the City of Ballwin and see what an agreement would contain for our residents.

**OCCUPANCY PERMIT FEES AND INSPECTIONS**

City Clerk Johnson stated that he has been reviewing the fees charged for Occupancy Inspections in the City. At this time the City contracts with St. Louis County for home inspections. The County charges the City \$95.50 per inspection and we in turn charge the resident \$150.00. When the apartments came along the City had John Williams, Public Works, do the inspections after his regular work hours. The City pays Mr. Williams \$75 per inspection and in turn the City charges the apartments \$75 per inspection. City Clerk Johnson stated St. Louis County charges \$45 per inspection.

City Clerk Johnson stated there is nothing wrong with the way the City is doing the inspections at this time, however he would like to propose having St. Louis County do

the apartment inspections for consistency purposes. He would like to propose lowering the fee charged for home inspections to \$95.50 and the fee charged for apartment inspections to \$45.

Alderman Milne was in favor of charging Twin Oaks residents what St. Louis County charges the City.

City Clerk Johnson also stated that Valley Park Fire Department has been doing inspections at the apartments as well. He has spoken with Taylor of Propper Development and normally the fire department will do yearly inspections of a building. Mayor Fortune stated that he will speak with the Chief about the fire inspections.

Alderman Eisenhauer stated that the City should not publish the exact amounts of the inspections in the codebook. This way when costs change the codebook will not need to be updated.

Attorney Rost stated he will draw up an ordinance for this change. He will state in the ordinance that the fee is just a reimbursement of our cost from the County.

### **ADJOURNMENT**

Alderman Eisenhauer motioned to adjourn the Work Session Meeting at 6:25 p.m., seconded by Alderman Milne and motion passed with the unanimous consent of the Board of those present.

Drafted By: \_\_\_\_\_  
Theresa Gonzales,  
Administrative Assistant

Date of Approval: \_\_\_\_\_

ATTEST:

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Frank Johnson,  
City Clerk

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Russ Fortune,  
Mayor, Board of Aldermen



**AN ORDINANCE AMENDING CHAPTER 205 RELATING TO ANIMAL  
REGULATIONS**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN  
OAKS AS FOLLOWS:**

**Section 1:** Chapter 205 "Animal Regulations" is hereby amended by repealing the entire Chapter 205 and replacing it with the following amended Chapter 205, to read as follows:

**ARTICLE I**

**General Provisions**

**Section 205.010. Definitions.**

For the purposes 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; and reference to any person or animal without specifying gender includes both male and female; the word "shall" is mandatory and not directory.

AT LARGE —

1. Any cat shall be deemed at large when off the premises of its owner's real property and:
  - a. Not wearing a collar with appropriate tags attached; or
  - b. When creating a public nuisance.
2. Any dog or other animal shall be deemed at large when off the premises of the owner's real property and:
  - a. Not restrained by a competent person; or
  - b. When creating a public nuisance.

CAT — All domestic species or varieties of the genus felis, male or female, four (4) months of age or older.

CERTIFICATE — A certificate issued at the time of the vaccination of a dog or cat and bearing thereon the signature of the vaccinator, the registration number, the name, color, breed and sex of the animal, the name and address of the owner, the date of the vaccination and type of vaccine administered.

CHICKEN EMBRYO, ORIGIN VACCINE — Vaccine which is manufactured using the embryo of the chicken as a growth medium and also known as "Flury Strain vaccine."

COMPETENT PERSON — A human being that is capable of controlling and governing the animal in question and to whose commands the animal is obedient.

**CONSTRUCTOR** — A type of snake that when wrapped around any person or animal could cause bodily injury or even death.

**DANGEROUS** -- Any animal, whether or not running at large and whether or not unrestrained, that without provocation has bitten or has attempted to bite any person, not a trespasser, or domesticated animal without provocation causing physical injury to that person or animal or placed any person in apprehension of immediate serious physical injury.

**DOG** — All domesticated members of the *canis familiaris*, male or female, four (4) months of age or older.

**EUTHANIZE** — To put to death in a humane manner.

**EXPOSED TO RABIES** — When bitten by, or fought with, or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing.

**FIERCE** — See the definition of "dangerous."

**HEALTH DEPARTMENT** — St. Louis County Health Department, Animal Care and Control Division, and any person, persons, departments, or agencies authorized by the City of Twin Oaks to enforce this Chapter or that otherwise possesses lawful jurisdiction over diseased animals.

**HOUSEHOLD** — Those members of a family, including servants and attendants, living in the same dwelling unit.

**IMPOUND** — The apprehending, catching, trapping, netting, tranquilizing, confining or, if necessary, the destruction of any animal by the Health Department.

**IMPOUNDING FACILITIES** — Any premises designated by the Health Department or its contractor for the purpose of impounding and caring of all animals found in violation of this Chapter.

**KENNEL** — Any place or tract of land, whether indoors or outdoors, whether enclosed or not, in, at or upon which dogs or cats are kept, housed, bred, raised, fed, displayed, or sold. The owner of more than three (3) dogs or three (3) cats or a combination of more than three (3) cats and dogs in a combined total, whether owned for pleasure or profit, breeding, or exhibiting, shall be deemed to be the operator of a kennel.

**KITTEN** — All domestic species or varieties of the genus *felis*, male or female, under the age of four (4) months.

**NERVE TISSUE ORIGIN** — Vaccine manufactured using tissue of the nervous system as a growth medium.

**OWN or OWNS** — The act of harboring, sheltering, keeping, controlling, managing, possessing, or having custody of or a part interest in any animal in the City of Twin Oaks.

The occupant of any premises on which a dog or puppy 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 or puppy within this definition. Under no circumstances are the normal and ordinary accepted definitions of the terms harboring, sheltering or keeping to be limited to the words of the aforementioned presumption.

**OWNER** — Includes any person who, or firm or corporation which owns any animal. In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

The occupant of any premises on which a dog, cat or other animal remains for a period of seven (7) days or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring, sheltering, or keeping the aforementioned dog, cat, or animal within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering or keeping to be limited to the words of the aforementioned presumption. If a minor owns a dog, puppy, or other animal subject to the provisions of this Chapter, the head of the household of which such minor owner is a member shall be deemed to be the owner of such dog, puppy, or animal for the purpose of this Chapter and under this Chapter shall be responsible as the owner, whether or not such household head is himself/herself a minor. If not a member of a household, such minor owner shall himself/herself be directly subject to the provisions of this Chapter.

**PUP OR PUPPY** — All domesticated members of the *canis familiaris*, male or female, under four (4) months of age.

**REGISTRAR** — Any veterinarian, or any other person acting under the direction or control of a veterinarian, who performs the services of vaccination-registration.

**RESTRAINT** — A dog, cat, or other animal, off the premises of its owner's real property, is under restraint within the meaning of this Chapter:

1. If it is controlled by a line or leash not more than ten (10) feet in length, when said line or leash is held by a competent person; or
2. When within a vehicle being driven, parked, or stopped.

**TAG** — Any object, regardless of the shape and material, which bears a registration number and the words "Rabies Vaccination-Registration," which has been issued by authority of the Health Department.

**UNDOMESTICATED** — Any animal or reptile generally known as "wild," such as lions, tigers, wolves, bears, jaguars, wildcats, poisonous or constrictor snakes and other of this general class and description.

**VACCINATE** — The injection, by a veterinarian or his/her authorized agent, of a specified dose of anti-rabies vaccine into the body of an animal, such vaccine having the United States Government license number approval stamped on the label of the vaccine container



and having been approved by the Health Department. Vaccine used for vaccination of specific animal shall be stored and kept under conditions proper for the vaccine and shall show no signs of spoilage or otherwise be unfit for producing immunity against rabies.

VACCINATION-REGISTRATION — The procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate. The above words shall be interchangeable.

VETERINARIAN — Any veterinarian holding a current Missouri license and operating on a participating basis with the Health Department as required by this Chapter.

VICIOUS — See the definition of "dangerous."

WILD — See the definition of "undomesticated."

## ARTICLE II

### Prohibitions

#### **Section 205.020. Raising or Keeping Certain Animals Prohibited.**

- A. It shall be unlawful for any person within the City to own, keep or harbor on their premises any horse, cattle, cow, swine, or any similar animal.
- B. It shall be unlawful for any person within the City to own, keep or harbor on their premises any chickens, ducks, turkeys, pigeons, or other domestic fowl.
- C. It shall be unlawful for any person within the City to own, keep or harbor on their premises any wild or undomesticated animal or reptile of any kind.

#### **Section 205.030. Commercial Raising of Animals, Fowl and Reptiles Prohibited.**

No person shall be permitted to engage in the raising of animals, fowl, or reptiles for commercial purposes in the City.

#### **Section 205.040. Duties of Animal Owners**

- A. *Running At Large Prohibited — Leash Requirements.* It shall be an offense under this Section for any owner of any dog or puppy to permit or allow such dog or puppy, whether licensed or not, to run at large by permitting or allowing such dog to go off the premises of such owner or any keeper thereof, unless such dog or puppy is under "restraint", as such term is defined in Section 205.010. In any prosecution charging a violation of the provisions of this Section 205.040, proof that a dog or puppy was running at large in violation of this Section, together with proof that the defendant named in the complaint was, at the time of the violation, the owner of such dog or puppy, shall constitute a prima facie presumption that the owner of such dog or puppy was the person that permitted such dog or puppy to run at large. The provisions of this Section shall not apply to dogs used for tracking in conjunction with police activities, nor to dogs under the control of the St. Louis County Police Department, City of St.

Louis, or other municipal police force, 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.

B. *Attack or Threat of Attack.* It shall be an offense for any owner of any dog or puppy, whether licensed or not, to encourage, permit, or allow such dog or puppy to, without provocation:

1. Attack or bite; or
2. Threaten to attack or bite; or
3. Otherwise approach, charge, or chase, in a threatening or vicious manner or apparent attitude of attack, any person(s), or domestic animals, dogs, or cats restrained by any person passing upon the public streets or sidewalks or any public grounds or private property, other than the property of that owner; or
4. Otherwise cause fear or annoyance to:
  - a. Such persons, regardless of whether any person is actually injured by such dog or puppy; or
  - b. The neighborhood generally.

An owner's absence from the premises or his or her unwillingness or inability to restrain his or her dog or puppy, whether on owner's premises or off, shall not be a defense to any violation of this Section.

C. *Public Nuisance.* The owner of any dog, puppy or any other animal is guilty of creating a public nuisance if such owner allows its dog, puppy, or other animal to:

1. Molest passersby or passing bicycles or vehicles;
2. Attack other animals;
3. Trespass on school grounds;
4. Damage public or private property, other than private property of the owner of such animal; or
5. Excessively or continuously bark, whine, or howl in violation of Section 205.070.

D. *Failure to Control.* It shall be unlawful for an owner or other competent person to fail to properly govern the behavior of an animal to the point that the animal bites a person or other domestic animal or exhibits an unprovoked threat of attacking or biting a person or 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 such actions are caused by a person unlawfully entering the owner's property.

**Section 205.050. Reserved.**

**Section 205.060. Animal Waste.**

It shall be unlawful for any person owning, controlling, possessing, having the management or care, in whole or in part, of any dog or other animal, whether licensed or not, to allow or permit such animal to defecate upon any private property owned by another, or public property, unless such person shall remove all feces so deposited by such animal.

**Section 205.070. Loud and Obnoxious Animal Noises — Prohibited.**

- A. It shall be considered unlawful and declared a public nuisance for any animal to continually screech, bark, meow, howl, yelp, or chase vehicles or otherwise annoy a neighbor or neighborhood and any owner of such animal, upon being notified to do so by any officer of the City or the Police Department of the City, shall take such action as may be necessary to prevent the animal from continuing the acts constituting the nuisance or shall dispose of such animal.
- B. Five (5) days after such notice, as provided for in Subsection (A) hereof, is given by the City or a representative thereof to the owner or possessor of such animal, or the person occupying the premises where such animal is located, of a violation of Subsection (A), the failure to control or prevent a continuation of the acts complained of shall be prima facie evidence of the causing, allowing or creation by such owner or possessor, so notified, of a public nuisance.

**Section 205.080. Damaging or Defacing Property or Structures.**

If any dog, cat or other animal running at large shall commit a nuisance upon the premises of someone other than the owner by damaging or defacing the property or improvements on the property or by depositing excrement or other matter, solid or liquid, on the property, the owner of such dog or cat, upon being notified to do so by any officer of the City, shall take such action as may be necessary to prevent the dog or cat from continuing the acts constituting the nuisance or shall dispose of the dog or cat and failure to do so shall constitute a violation of this Article.

ARTICLE III

**Dog, Cat, and other Animal Regulations**

**Section 205.090. Vaccination — Registration of Dogs and Cats Required — Exception — Tags.**

An owner of any dog or cat that is kept anytime during the year within the City of Twin Oaks shall have such dog or cat vaccinated against rabies and registered. Such dogs or cats must be vaccinated at least once each year if a nerve tissue origin vaccine is used, unless a chicken embryo or other three-year type vaccine approved by the Health Department is administered, in which case the dogs or cats shall be inoculated at least once every three

(3) years, or if other vaccine approved by the Health Department is administered, then at the frequency approved by the Health Department.

- A. Puppies and kittens shall be confined to their owner's premises.
- B. Every dog or cat, which has been vaccinated in accordance with the provisions of this Chapter, shall at all times wear the registration tag issued.
- C. It shall be unlawful for any person to own any dog or cat unless such dog or cat has been vaccinated against rabies and wears a current, unexpired registration tag, and the owner possesses a certificate issued in accordance with the provisions of this Chapter.

**Section 205.100. Registration Tags, Including Unlawful Possession, Counterfeiting, Alteration and/or Obliteration.**

- A. Registration tags shall not be transferred from dog to dog or cat to cat, and no person shall affix a registration tag to a dog or puppy or cat or kitten other than the animal for which the tag was issued at the time of its rabies vaccination-registration, nor shall any person affix a registration tag to a dog or cat that has not been vaccinated against rabies, nor shall any person counterfeit, alter, obliterate, or attempt to counterfeit, alter, or obliterate any rabies-registration tags.
- B. Female Dogs, Confinement. All female dogs or cats shall be kept securely confined in an enclosed place while in heat.
- C. Animals Impounded, When — Where Kept.
  - 1. The Health Department or other persons designated by it shall have the power to catch, confine and impound dogs, cats and other animals as follows:
    - a. Dogs or cats not wearing valid, unexpired vaccination- registration tag;
    - b. All female dogs or cats registered or unregistered, not securely confined in an enclosed place, while in heat;
    - c. All dogs and puppies which are at large;
    - d. All animals infected or suspected of being infected with rabies, including animals known to have been bitten by a rabid animal, whether the animal to be impounded is running at large or on a leash or whether it is confined to its owner's premises;
    - e. All unconfined or unleashed animals with fierce or dangerous propensities;
    - f. Dogs or cats not vaccinated for rabies within the previous twelve (12) months with nerve tissue vaccine, nor within the preceding thirty-six (36) months with chicken embryo or Flury Strain vaccine, nor if another vaccine approved by the Health Department was used, within the proceeding time

period, approved by the Health Department as the duration of effective protection against rabies which that vaccine gives;

- g. Dogs or other animals which have bitten a person or animal, or which have been bitten by a dog or animal suspected of having rabies, or which are suspected of having rabies or have been exposed to rabies.
2. Dogs or other animals impounded in accordance with this Section shall be impounded under the supervision of and in a manner satisfactory to the Health Department.
3. All dogs or cats shall be vaccinated and registered before being released to the owner at the owner's cost. Dogs or cats that have been vaccinated and registered before becoming impounded shall be released to their owners within five (5) days after capture, provided the Health Department is of the opinion that such release will not impair the safety of the public. Every animal impounded under provisions of this regulation, which is found upon arrival at the pound to be diseased or injured, and whose owner is unknown or relinquishes ownership in writing, shall be immediately euthanized.

**Section 205.110. Health Department — Authority to Contract for Dog Impounding Terms.**

The Health Department is authorized to act on behalf of the City of Twin Oaks for the confinement, impounding, care, release and disposing of dogs and other animals acquired pursuant to the provisions of this Chapter as follows:

- A. The authority contained in Subsection (A) hereof shall be exercised after due notice inviting proposals and receipt thereof from any and all interested persons, firms, associations, and corporations, public or private.
- B. St. Louis County facilities may be utilized without inviting proposals.

**Section 205.120. Non-Rabid Animals — Claiming.**

Any animal captured or impounded by the Health Department, as authorized herein, and determined not to be infected with rabies, by the Health Department, may be redeemed by the owner or other person having the right of possession of such animal upon the presentation of a proper vaccination-registration certificate or as otherwise provided by the Health Department.

**Section 205.130. Rabid Animals — Disposal.**

The Health Department or person designated by it shall dispose of any animal infected with rabies and it shall have the power to examine and impound any animal bitten by or exposed to any other animal infected with rabies. It shall have the power to require the owners of such animal to take necessary measures to prevent further spread of rabies and to dispose of any exposed animal if such necessary measures are not taken by the owners.

**Section 205.140. Destruction of Animal Report.**

Any person destroying an animal infected with rabies or suspected of being infected with rabies shall immediately notify the Health Department and shall surrender the carcass of such animal upon demand. The owner or custodian of any such destroyed animal shall immediately provide the Health Department with full particulars thereof, including the time, date, location, the names and addresses of any person bitten by said animal, and also the name and address of the owner or person having custody of any animal exposed to the animal destroyed.

**Section 205.150. Rabies — Suspected Of, Exposed To.**

- A. Any dog, cat or other animal which exhibits objective symptoms suggestive of rabies may, after written certification by the Health Department to the owner, be impounded on or off the property of the owner. This animal shall be held for ten (10) days at the impounding facilities for clinical observation and, if alive at the termination of this period, shall be returned to the owner. As an alternative procedure, the owner, at his/her own expense, may designate any veterinary hospital in the County for a similar ten-day period. If such animal shall die during the observation period, regardless of the location, the head shall be removed and submitted to a qualified laboratory for examination.
  - 1. Any dog, cat, or other animal, which has been exposed to rabies, shall be immediately destroyed, unless the owner, at his/her expense, desires, chooses, elects, specifies or picks one (1) of the following alternative methods:
    - a. Strict isolation in a kennel or animal hospital for six (6) months;
    - b. If no previous vaccination has been given to an animal within a period of three (3) years with chicken embryo (Flury Strain) vaccine, or within one (1) year, using vaccine of nerve tissue origin, or if other vaccine approved by the Health Department was used and if the effective protection limit of the last such vaccination has passed, then such animal shall be placed on a schedule of immunizations approved by the Health Department.
    - c. If an animal has been vaccinated previously with another vaccine approved by the Health Department within the duration of the vaccine's effective protection as approved by the Health Department, the animal shall be revaccinated and restrained by a leash or confined at home for thirty (30) days.
  - 2. All animals under clinical observation for rabies must fulfill all conditions of this Chapter prior to release.

**Section 205.160. Rabies — To Be Reported.**

Any person within the City of Twin Oaks, Missouri, having information or knowledge of any animal that: exhibits clinical symptoms suggestive of rabies; has been exposed to

rabies, or is suspected of having rabies, shall report such knowledge or information to the Health Department.

**Section 205.170. Quarantine.**

- A. Whenever rabies becomes prevalent in the City of Twin Oaks, the Health Department shall recommend a quarantine order. The Health Department, during the first week after a quarantine order is issued, shall take proper measures to inform the people of the City of the existence of the quarantine order and of the penalties attached to the violation of the quarantine order. A quarantine order shall direct that all animals, whether vaccinated and registered according to the provisions of this Chapter or not, shall be confined in the home of the owner or tied up, placed on a leash, or otherwise confined under the direct physical control of a competent person not less than fifteen (15) years of age. Any animal found otherwise, during such a quarantine, shall be impounded. Animals subject to rabies which are impossible to capture or impound, after the exercise of reasonable efforts and diligence, shall be destroyed, if the Health Department so designates.
- B. The quarantine may be terminated by the Health Department after the necessity therefor no longer exists. No quarantine shall remain effective for more than six (6) months from the date of the adoption of the quarantine order unless such quarantine order is specifically extended by order of the Health Department.

**Section 205.180. Animal Bite — Procedure.**

- A. The owner of any dog, cat or other animal which bites any person, regardless of the circumstances or irrespective of whether such animal is vaccinated and registered, shall be required to place such dog, cat or animal in the custody of the Health Department for confinement in a manner satisfactory to the Health Department and in a manner that will prevent contact with people and other animals for a period of ten (10) days, following the evening of the day of the bite, for the purpose of clinical observation. All expenses shall be borne by the owner of the dog, cat, or other animal. If such dog, cat, or other animal develops clinical symptoms suggestive of rabies, it shall be allowed to die a natural death, or if for any reason such dog, cat or other animal should die while in confinement, its head shall be removed by the veterinarian and submitted to a qualified laboratory. If, at the end of such ten-day period, such dog, cat, or other domestic animal is alive and healthy, it may be released to its owner.
- B. All dogs under clinical observation as the result of biting a person must fulfill all other conditions of the Chapter prior to release.
- C. It shall be the duty of any person bitten by any animal or the parent or guardian of any minor bitten by an animal to report the same to the Health Department immediately. Such report shall contain the name and address of the owner and of the animal, the day and time bitten, the location where bitten, and a general description of the animal.
- D. It shall be the duty of every physician to report immediately to the Health Department the full name, age and address of any person under his/her care or observation who has

been bitten by an animal irrespective of whether infected with rabies or suspected of being infected with rabies or not so infected or so suspected and every veterinarian treating or having under observation any animal infected with rabies, or suspected of being rabid, or suspected of having been exposed to rabies, shall report to the Health Department the owner's name and address, and if the animal is a dog, the vaccination-registration number.

**Section 205.190. Right of Entry.**

It shall be unlawful for any person to conceal an animal or interfere with the Health Department or persons designated by it in the performance of its legal duties as provided in this Chapter. The Health Department or persons designated by it shall have the right of entry onto any unenclosed lots or lands for the purpose of collecting any dog, cat or other animal which is on such a lot or land, in violation of this Chapter and whose presence on such lot or land constitutes a violation of any of the provisions of this Chapter, or whose presence or existence is a violation of the provisions of this Chapter. The Health Department or its duly appointed representative shall have the right of entry to any property or premises within any quarantined area during the period of such quarantine for the purpose of examining or obtaining any dog, cat or any other animal suspected of having rabies, having been exposed to rabies, or having bitten a person or other animal.

**Section 205.200. Dangerous Dog or Other Animal — Notice; Restraining.**

- A. *Notice.* When any dangerous dog or any other animal that causes annoyance to persons using the public roads, streets and sidewalks or chases, worries, or molests children or other animals, or has caused any damage or injury, which propensity is known or ought reasonably to be known by the owner of such animal, it shall be the duty of such owner to confine such animal to a yard completely enclosed by a fence of such height, strength and construction so as to prevent the dog confined therein from jumping over, through or crawling under such fence and to post a notice on the premises conspicuously visible to the public and reading in letters not less than two (2) inches high "Beware of Dog" or other animal. Any dangerous animal found off the premises of its owner may be seized by any Police Officer or other agent authorized by the Health Department, and the owner or other responsible person may be brought to trial.
- B. *Municipal Court.* Upon establishment by a preponderance of the evidence of the fierce or dangerous character of such animal by testimony, under oath, the Municipal Court may order such animal to be euthanized, or the owner subjected to the penalties provided in Section 100.220 of this Code, or both euthanization and such penalties.
- C. *Restraining of Dangerous or Vicious Animals.*
  - 1. Any owner or other responsible person keeping a dangerous or vicious dog, cat, or other animal upon any premises in the City, shall keep the animal in such a place so that it cannot bite or molest tradesmen, postmen, meter readers or other persons whose lawful business requires them to enter upon the premises or so that it cannot attack persons or dogs or cats or domestic animals in the City. Any such dog, cat or other animal found not so confined shall forthwith be taken up and impounded,



and the owner or other responsible person shall be charged with a violation of this Section and shall be brought before the Municipal Judge who shall hear and determine the complaint as provided by law.

2. In such hearing before such Municipal Court, evidence of the animal's previous history of attacks or biting shall be admissible in evidence to determine its dangerous or vicious nature. In the event that any such animal is brought into custody, St. Louis County Animal Care and Control or other entity with jurisdiction may, in its discretion, refuse to allow the owner of or other responsible person for such animal to redeem until after such complaint has been heard and determined by the Municipal Court as aforesaid, and until the Municipal Court has determined the disposition to be made of such animal.

**Section 205.210. Reserved**

**Section 205.220. Reserved**

**Section 205.230. Destruction of Stray Dogs and Cats.**

Should any person violate Section 205.200, the facts of the case so support, it may be part of the sentence, upon conviction, that such dangerous animal be immediately euthanized, and such sentence shall be forthwith executed by the Health Department.

**Section 205.240. Reserved.**

**Section 205.250. Reserved.**

**Section 205.260. Dog or Cat Kennels Prohibited.**

No person shall be permitted to maintain a dog or cat kennel in the City, and the maintenance of a dog or cat kennel in the City, is hereby prohibited.

**Section 205.270. Refusal to Deliver Animals to The Health Department — Prohibited.**

No person shall refuse to deliver to the Health Department any dog, cat, or other animal subject to rabies, which such person owns, when requested to do so under the provisions of this Chapter.

**Article IV**

**Responsible Animal Owner Regulations**

**Section 205.280. Responsibility of Parent or Guardian of Minor Owning.**

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child.

**Section 205.290. Animal Neglect.**

- A. A person commits the offense of animal neglect if he or she:
  - 1. Has custody or ownership of an animal and fails to provide adequate care; or
  - 2. Knowingly abandons an animal in any place without making provisions for its adequate care.
- B. All fines and penalties for a first finding of guilt under this Section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo., or Chapter 272, RSMo.
- C. In addition to any other penalty imposed by Section 578.009, RSMo., the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:
  - 1. The care and maintenance of neglected animals within the person's custody or ownership;
  - 2. The disposal of any dead or diseased animals within the person's custody or ownership;
  - 3. The reduction of resulting organic debris affecting the immediate area of the neglect; and
  - 4. The avoidance or minimization of any public health risks created by the neglect of the animals.

**Section 205.300. Animal Trespass.**

- A. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve (12) hours.
- B. For a first conviction of animal trespass, each offense shall be punishable by a fine not to exceed two hundred dollars (\$200.00). The second and all subsequent convictions shall be punishable by imprisonment or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment. All fines for a first conviction of animal trespass may be waived by the court, provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This Section shall not apply to the provisions of Section 578.007 or Sections 272.010 to 272.370, RSMo.

**Section 205.310. Animal Abuse.<sup>1</sup>**

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<sup>1</sup> Note: Under certain circumstances this offense can be a felony under state law.

- A. A person commits the offense of animal abuse if he or she:
  - 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 which results in substantial harm to the animal.

**Section 205.320. Knowingly Releasing an Animal.<sup>2</sup>**

- A. A person commits the offense of knowingly releasing an animal if he or she, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition, or educational purposes.
- B. As used in this Section, "animal" means every living creature, domesticated or wild, but not including Homo sapiens.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

**Section 205.330. 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 205.340. Keeping A Dangerous Wild Animal.**

A person commits the offense of keeping a dangerous wild animal if he or she keeps any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, nonhuman primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge.

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<sup>2</sup> Note: Under certain circumstances this offense can be a felony under state law.

**Section 2:** Section 220.020 “Park Regulations” is hereby amended by repealing subsection O in its entirety and replacing it with a new subsection O, to read as follows:

O. *Animals.* No person shall bring or allow onto park land a dog or other domestic animal unless such animal is restrained at all times on a leash no greater than six (6) feet in length. Any person bringing or allowing a dog or other domestic animal into the park shall have with them an instrument and container to remove any wastes deposited by their animal and shall be responsible to immediately remove any waste their animal shall deposit. No person shall allow a dog or other domestic animal into any park waters or waterways for any purposes. No person shall permit or allow the running of a dog or other domestic animal at large. All domestic animals are prohibited in and around all playgrounds located on park grounds and restrooms with the exception of service animals. No person shall bring or allow a dangerous animal of any kind for which the person is responsible onto park land at any time even if restrained as described above.

**Section 3:** This ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS \_\_\_\_ DAY OF JANUARY 2021.

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Russ Fortune, Mayor

Attest:

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Frank Johnson, City Clerk

ARTICLE I  
General Provisions

**Section 205.010. Definitions.** [R.O. 2016 § 205.010; R.O. 2011 § 205.010; Ord. No. 302 §§ 1 — 2, 10-7-2009]

For the purposes 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 reference to any person or animal without specifying gender includes both male and female; the word "shall" is mandatory and not directory.

ATLARGE —

1. Any ~~dog or other animal~~cat shall be deemed ~~to be~~ at large when ~~it is~~ off the premises of its owner's real property and ~~not~~:

a. Not wearing a collar with appropriate tags attached; or

b. When creating a public nuisance.

2. Any dog or other animal shall be deemed at large when off the premises of the owner's real property and:

a. Not restrained by a competent person; or

b. When creating a public nuisance.

CAT — All domestic species or varieties of the genus felis, male or female, four (4) months of age or older.

CERTIFICATE — A certificate issued at the time of the vaccination of a dog or cat and bearing thereon the signature of the vaccinator, the registration number, the name, color, breed and sex of the animal, the name and address of the owner, the date of the vaccination and type of vaccine administered.

CHICKEN EMBRYO, ORIGIN VACCINE — Vaccine which is manufactured using the embryo of the chicken as a growth medium and also known as "Flury Strain vaccine."

COMPETENT PERSON — A human being that is capable of controlling and governing the animal in question and to whose commands the animal is obedient.

CONSTRUCTOR — A type of snake that when wrapped around any person or animal could cause bodily injury or even death.

DANGEROUS -- Any animal, whether or not running at large and whether or not unrestrained, that without provocation has bitten or has attempted to bite any person, not a trespasser, or domesticated animal without provocation causing physical injury to that person or animal or placed any person in apprehension of immediate serious physical injury.

DOG — All domesticated members of the canis familiaris, male or female, four (4) months of age or older.

EUTHANIZE — To put to death in a humane manner.

EXPOSED TO RABIES — When bitten by, or fought with, or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing.

FIERCE — See the definition of "~~vicious~~dangerous."

HEALTH DEPARTMENT — ~~The St. Louis County Health Department of the City of Twin Oaks, Animal Care and Control Division,~~ and any person, persons, departments, or agencies authorized by the City of Twin Oaks to enforce this Chapter or that otherwise possesses lawful jurisdiction over diseased animals.

HOUSEHOLD — Those members of a family, including servants and attendants, living in the same dwelling unit.

IMPOUND — The apprehending, catching, trapping, netting, tranquilizing, confining or, if necessary, the destruction of any animal by the Health Department.

IMPOUNDING FACILITIES — Any premises designated by the ~~City of Twin Oaks Health Department~~ or its contractor for the purpose of impounding and caring of all animals found in violation of this Chapter.

KENNEL — Any place or tract of land, whether indoors or outdoors, whether enclosed or not, in, at or upon which dogs or cats are kept, housed, bred, raised, fed, displayed, or sold. The owner of more than three (3) dogs or three (3) cats or a combination of more than three (3) cats and dogs in a combined total, whether owned for pleasure or profit, breeding, or exhibiting, shall be deemed to be the operator of a kennel.

KITTEN — All domestic species or varieties of the genus felis, male or female, under the age of four (4) months.

NERVE TISSUE ORIGIN — Vaccine ~~which is~~ manufactured, using tissue of the nervous system as a growth medium.

OWN or OWNS — The act of harboring, sheltering, keeping, controlling, managing, possessing, or having custody of or a part interest in any animal in the City of Twin Oaks. The occupant of any premises on which a dog or puppy 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 or puppy within this definition. Under no circumstances are the normal and ordinary accepted definitions of the terms harboring, sheltering or keeping to be limited to the words of the aforementioned presumption.

OWNER — Includes any person who, or firm or corporation which owns, ~~harbors, shelters, keeps, controls, manages, possesses, or has part interest in any animal~~ any animal. In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

The occupant of any premises on which a dog, cat or other animal remains for a period of seven (7) days or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring, sheltering, or keeping the aforementioned dog, cat, or animal within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering or keeping to be limited to the words of the aforementioned presumption. If a minor owns a dog, puppy, or other animal subject to the provisions of this Chapter, the head of the household of which such minor owner is a member shall be deemed to be the owner of such dog, puppy, or animal for the purpose of this Chapter and under this Chapter shall be responsible as the owner, whether or not such household head is himself/herself a minor. If not a member of a household, such minor owner shall himself/herself be directly subject to the provisions of this Chapter.

PUP OR PUPPY — All domesticated members of the canis familiaris, male or female, under four (4) months of age.

REGISTRAR — Any veterinarian, or any other person acting under the direction or

control of a veterinarian, who performs the services of vaccination-registration.

**RESTRAINT** — A dog, cat, or other animal, off the premises of its owner's real property, is under restraint within the meaning of this Chapter:

1. If it is controlled by a line or leash not more than ten (10) feet in length, when said line or leash is held by a competent person; or
2. When within a vehicle being driven, parked, or stopped.

~~**RURAL** — Idle land or land which is used for agricultural purposes and through a lack of streets, lots utilities and improvements is unsuited for City uses whether located within the limits of a municipality or not.~~

**TAG** — Any object, regardless of the shape and material, which bears a registration number and the words "Rabies Vaccination-Registration," which has been issued by authority of the Health Department.

**UNDOMESTICATED** — Any animal or reptile generally known as "wild," such as lions, tigers, wolves, bears, jaguars, wildcats, poisonous or constrictor snakes and other of this general class and description.

**VACCINATE** — The injection, by a veterinarian or his/her authorized agent, of a specified dose of anti-rabies vaccine into the body of an animal, such vaccine having the United States Government license number approval stamped on the label of the vaccine container and having been approved by the Health Department. Vaccine used for vaccination of specific animal shall be stored and kept under conditions proper for the vaccine and shall show no signs of spoilage or otherwise be unfit for producing immunity against rabies.

**VACCINATION-REGISTRATION** — The procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate. The above words shall be interchangeable.

**VETERINARIAN** — Any veterinarian holding a current Missouri license and operating on a participating basis with the Health Department as required by this Chapter.

~~**VICIOUS** — Any animal, whether or not running at large and whether or not unrestrained, that without provocation has bitten or has attempted to bite any person, not a trespasser, causing serious physical injury to that person or placed any person in apprehension of immediate serious physical injury or has killed or injured another animal without provocation.~~

**VICIOUS** — See the definition of "dangerous."

**WILD** — See the definition of "undomesticated."

## ARTICLE II Prohibitions

### **Section 205.020. Raising or Keeping Certain Animals Prohibited. [R.O. 2016 § 205.020; R.O. 2011 § 205.020; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

- A. It shall be unlawful for any person within the City to own, keep or harbor on their premises any horse, cattle, cow, swine, or any similar animal.
- B. It shall be unlawful for any person within the City to own, keep or harbor on their premises any chickens, ducks, turkeys, pigeons, or other domestic fowl.

- C. It shall be unlawful for any person within the City to own, keep or harbor on their premises any wild or undomesticated animal or reptile of any kind.

**Section 205.030. Commercial Raising of Animals, Fowl and Reptiles Prohibited.** [R.O. 2016 § 205.030; R.O. 2011 § 205.030; Ord. No. 302 §§ 1 — 2, 10-7-2009]

No person shall be permitted to engage in the raising of animals, fowl, or reptiles for commercial purposes in the City.

**Section 205.040. Duties of Animal Owners**

- A. *Running At Large Prohibited — ~~Impoundment Of Animals Running At Large.~~ [R.O. 2016 § 205.050; R.O. 2011 § 205.050; Ord. No. 302 §§ 1 — 2, 10-7-2009]* Leash Requirements. It shall be an offense under this Section for any owner of any dog or puppy to permit or allow such dog or puppy, whether licensed or not, to run at large by permitting or allowing such dog to go off the premises of such owner or any keeper thereof, unless such dog or puppy is under "restraint", as such term is defined in Section 205.010. In any prosecution charging a violation of the provisions of this Section 205.040, proof that a dog or puppy was running at large in violation of this Section, together with proof that the defendant named in the complaint was, at the time of the violation, the owner of such dog or puppy, shall constitute a prima facie presumption that the owner of such dog or puppy was the person that permitted such dog or puppy to run at large. The provisions of this Section shall not apply to dogs used for tracking in conjunction with police activities, nor to dogs under the control of the St. Louis County Police Department, City of St. Louis, or other municipal police force, 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.

~~It shall be the duty of every person who owns, controls, manages, harbors or possesses in whole or in part any dog or other animal or who has custody of or who permits any dog or other animal to remain in or about his/her home, place of business or other premises owned or controlled by such person in the City to wholly confine the dog or animal upon his/her premises or to secure or restrain the animal on a leash in the hands of a competent person, and any such animal not confined upon the premises of the owner or keeper or person in custody thereof, or securely restrained on a leash in the hands of a competent person, and found running at large contrary to the provisions of this Section shall be taken up and impounded.~~

- ~~B. **Section 205.050. Animals Running At Large Declared Attack or Threat of Attack.** It shall be an offense for any owner of any dog or puppy, whether licensed or not, to encourage, permit, or allow such dog or puppy to, without provocation:~~

- ~~1. Attack or bite; or~~
- ~~2. Threaten to attack or bite; or~~
- ~~3. Otherwise approach, charge, or chase, in a threatening or vicious manner or apparent attitude of attack, any person(s), or domestic~~



animals, dogs, or cats restrained by any person passing upon the public streets or sidewalks or any public grounds or private property, other than the property of that owner; or

4. Otherwise cause fear or annoyance to:

a. Such persons, regardless of whether any person is actually injured by such dog or puppy; or

b. The neighborhood generally.

An owner's absence from the premises or his or her unwillingness or inability to restrain his or her dog or puppy, whether on owner's premises or off, shall not be a defense to any violation of this Section.

**Public Nuisances — Impoundment Generally. [R.O. 2016 § 205.060; R.O. 2011 § 205.060; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

~~B.C. All animals enumerated in Section 205.040 found running at large or tied, staked or pastured in, on or along the streets, railroad right-of-way, thoroughfares or other public places in the City are hereby declared to be creating a public nuisance and shall forthwith be taken up by the Health Department and placed by him/her in some secure facility to be provided by the Health Department for that purpose.~~ if such owner allows its dog, puppy, or other animal to:

1. Molest passersby or passing bicycles or vehicles;

2. Attack other animals;

3. Trespass on school grounds;

4. Damage public or private property, other than private property of the owner of such animal; or

5. Excessively or continuously bark, whine, or howl in violation of Section 205.070.

D. Failure to Control. It shall be unlawful for an owner or other competent person to fail to properly govern the behavior of an animal to the point that the animal bites a person or other domestic animal or exhibits an unprovoked threat of attacking or biting a person or 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 such actions are caused by a person unlawfully entering the owner's property.

**Section 205.050. Reserved.**

**Section 205.060. Animal Waste. [R.O. 2016 § 205.070; R.O. 2011 § 205.070; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

It shall be unlawful for any person owning, controlling, possessing, having the management or care, ~~in the control~~ whole or in part, of any dog or other animal ~~within the City, whether licensed or not,~~ to allow or permit such animal to ~~deposit its waste~~ defecate upon any private property owned by another, or public property ~~other than such person's own premises,~~ unless such person shall remove ~~and dispose of~~

~~such waste within one (1) minute of the deposit of feces so deposited by such animal.~~

**Section 205.070. Loud and Obnoxious Animal Noises — Prohibited. [R.O. 2016 § 205.080; R.O. 2011 § 205.080; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

- A. It shall be considered unlawful and declared a public nuisance for any animal to continually screech, bark, meow, howl, yelp, or chase vehicles or otherwise annoy a neighbor or neighborhood and any owner of such animal, upon being notified to do so by any officer of the City or the Police Department of the City, shall take such action as may be necessary to prevent the animal from continuing the acts constituting the nuisance or shall dispose of such animal.
- B. Five (5) days after such notice, as provided for in Subsection (A) hereof, is given by the City or a representative thereof to the owner or possessor of such animal, or the person occupying the premises where such animal is located, of a violation of Subsection (A), the failure to control or prevent a continuation of the acts complained of shall be prima facie evidence of the causing, allowing or creation by such owner or possessor, so notified, of a public nuisance.

**Section 205.080. Damaging or Defacing Property or Structures. [R.O. 2016 § 205.090; R.O. 2011 § 205.090; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

If any dog, cat or other animal running at large shall commit a nuisance upon the premises of someone other than the owner by damaging or defacing the property or improvements on the property or by depositing excrement or other matter, solid or liquid, on the property, the owner of such dog or cat, upon being notified to do so by any officer of the City, shall take such action as may be necessary to prevent the dog or cat from continuing the acts constituting the nuisance or shall dispose of the dog or cat and failure to do so shall constitute a violation of this Article.

ARTICLE III

**Dog, Cat, and Catother Animal Regulations ~~And Requirements~~**

**Section 205.090. Vaccination — Registration of Dogs and Cats Required — Exception — Tags. [R.O. 2016 § 205.100; R.O. 2011 § 205.100; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

- A. An owner of any dog or cat that is kept anytime during the year within the City of Twin Oaks shall have such dog or cat vaccinated against rabies and registered. Such dogs or cats must be vaccinated at least once each year if a nerve tissue origin vaccine is used, unless a chicken embryo or other three-year type vaccine approved by the Health Department is administered, in which case the dogs or cats shall be inoculated at least once every three (3) years, or if other vaccine approved by the Health Department is administered, then at the frequency approved by the Health Department.
- B. Puppies and kittens shall be confined to their owner's premises.
- C. Every dog or cat, which has been vaccinated in accordance with the provisions of this Chapter, shall at all times wear the registration tag issued.
- D. It shall be unlawful for any person to own any dog or cat unless such dog or cat has been vaccinated against rabies and wears a current, unexpired registration tag, and the owner possesses a certificate issued in accordance with the provisions

of this Chapter.

**Section 205.100. Registration Tags, Including Unlawful Possession, Counterfeiting, Alteration and/or Obliteration. [R.O. 2016 § 205.110; R.O. 2011 § 205.110; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

- A. Registration tags shall not be transferred from dog to dog or cat to cat, and no person shall affix a registration tag to a dog or puppy or cat or kitten other than the animal for which the tag was issued at the time of its rabies vaccination-registration, nor shall any person affix a registration tag to a dog or cat that has not been vaccinated against rabies, nor shall any person counterfeit, alter, obliterate, or attempt to counterfeit, alter, or obliterate any rabies-registration tags.
- B. Female Dogs, Confinement. All female dogs or cats shall be kept securely confined in an enclosed place while in heat.
- C. Animals Impounded, When — Where Kept.
  - 1. The Health Department or other persons designated by it shall have the power to catch, confine and impound dogs, cats and other animals as follows:
    - a. Dogs or cats not wearing valid, unexpired vaccination-registration tag;
    - b. All female dogs or cats registered or unregistered, not securely confined in an enclosed place, while in heat;
    - c. All dogs and puppies which are at large;
    - d. All animals infected or suspected of being infected with rabies, including animals known to have been bitten by a rabid animal, whether the animal to be impounded is running at large or on a leash or whether it is confined to its owner's premises;
    - e. All unconfined or unleashed animals with fierce or dangerous propensities;
    - f. Dogs or cats not vaccinated for rabies within the previous twelve (12) months with nerve tissue vaccine, nor within the preceding thirty-six (36) months with chicken embryo or Flury Strain vaccine, nor if another vaccine approved by the Health Department was used, within the preceding time period, approved by the Health Department as the duration of effective protection against rabies which that vaccine gives;
    - g. Dogs or other animals which have bitten a person or animal, or which have been bitten by a dog or animal suspected of having rabies, or which are suspected of having rabies or have been exposed to rabies.
  - 2. Dogs or other animals impounded in accordance with this Section shall be impounded under the supervision of and in a manner satisfactory to the Health Department.

3. All dogs or cats shall be vaccinated and registered before being released to the owner at the owner's cost. Dogs or cats that have been vaccinated and registered before becoming impounded shall be released to their owners within five (5) days after capture, provided the Health Department is of the opinion that such release will not impair the safety of the public. Every animal impounded under provisions of this regulation, which is found upon arrival at the pound to be diseased or injured, and whose owner is unknown or relinquishes ownership in writing, shall be immediately euthanized.

**Section 205.110. Health Department — Authority to Contract for Dog Impounding Terms. [R.O. 2016 § 205.120; R.O. 2011 § 205.120; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

- A. The Health Department is authorized ~~and directed to make and enter into a contract to act~~ on behalf of the City of Twin Oaks for the confinement, impounding, care, release and disposing of dogs and other animals acquired pursuant to the provisions of this Chapter as follows:
  1. The authority contained in Subsection (A) hereof shall be exercised after due notice inviting proposals and receipt thereof from any and all interested persons, firms, associations, and corporations, public or private.
  2. St. Louis County facilities may be utilized without inviting proposals.

**Section 205.120. Non-Rabid Animals — Claiming. [R.O. 2016 § 205.130; R.O. 2011 § 205.130; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

Any animal captured or impounded by the Health Department, as authorized herein, and determined not to be infected with rabies, by the Health Department, may be redeemed by the owner or other person having the right of possession of such animal upon the presentation of a proper vaccination-registration certificate. ~~If the animal is not claimed in the manner provided herein within five (5) days after its capture, such animal shall be disposed of by euthanasia or sale as directed by the Health Department. Before release by such sale, the buyer shall have the dog vaccinated and registered, or as otherwise provided by the Health Department.~~

**Section 205.130. Rabid Animals — Disposal. [R.O. 2016 § 205.140; R.O. 2011 § 205.140; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

The Health Department or person designated by it shall dispose of any animal infected with rabies and it shall have the power to examine and impound any animal bitten by or exposed to any other animal infected with rabies. It shall have the power to require the owners of such animal to take necessary measures to prevent further spread of rabies and to dispose of any exposed animal, if such necessary measures are not taken by the owners.

**Section 205.140. Destruction of Animal Report. [R.O. 2016 § 205.150; R.O. 2011 § 205.150; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

Any person destroying an animal infected with rabies or suspected of being infected with rabies shall immediately notify the Health Department and shall surrender the carcass of such animal upon demand. The owner or custodian of any such destroyed animal shall immediately provide the Health Department with full particulars thereof,

including the time, date, location, the names and addresses of any person bitten by said animal, and also the name and address of the owner or person having custody of any animal exposed to the animal destroyed.

**Section 205.150. Rabies — Suspected Of, Exposed To. [R.O. 2016 § 205.160; R.O. 2011 § 205.160; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

A. Any dog, cat or other animal which exhibits objective symptoms suggestive of rabies may, after written certification by the Health Department to the owner, be impounded on or off the property of the owner. This animal shall be held for ten (10) days at the impounding facilities for clinical observation and, if alive at the termination of this period, shall be returned to the owner. As an alternative procedure, the owner, at his/her own expense, may designate any veterinary hospital in the County for a similar ten-day period. If such animal shall die during the observation period, regardless of the location, the head shall be removed and submitted to a qualified laboratory for examination.

1. Any dog, cat, or other animal, which has been exposed to rabies, shall be immediately destroyed, unless the owner, at his/her expense, desires, chooses, elects, specifies or picks one (1) of the following alternative methods:
  - a. Strict isolation in a kennel or animal hospital for six (6) months;
  - b. If no previous vaccination has been given to an animal within a period of three (3) years with chicken embryo (Flury Strain) vaccine, or within one (1) year, using vaccine of nerve tissue origin, or if other vaccine approved by the Health Department was used and if the effective protection limit of the last such vaccination has passed, then such animal shall be placed on a schedule of immunizations approved by the Health Department.
  - c. If an animal has been vaccinated previously with another vaccine approved by the Health Department within the duration of the vaccine's effective protection as approved by the Health Department, the animal shall be revaccinated and restrained by a leash or confined at home for thirty (30) days.
2. All animals under clinical observation for rabies must fulfill all conditions of this Chapter prior to release.

**Section 205.160. Rabies — To Be Reported. [R.O. 2016 § 205.170; R.O. 2011 § 205.170; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

Any person within the City of Twin Oaks, Missouri, having information or knowledge of any animal that: exhibits clinical symptoms suggestive of rabies; has been exposed to rabies, or is suspected of having rabies, shall report such knowledge or information to the Health Department.

**Section 205.170. Quarantine. [R.O. 2016 § 205.180; R.O. 2011 § 205.180; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

A. Whenever rabies becomes prevalent in the City of Twin Oaks, the Health Department shall recommend a quarantine order. The Health Department,

during the first week after a quarantine order is issued, shall take proper measures to inform the people of the City of the existence of the quarantine order and of the penalties attached to the violation of the quarantine order. A quarantine order shall direct that all animals, whether vaccinated and registered according to the provisions of this Chapter or not, shall be confined in the home of the owner or tied up, placed on a leash, or otherwise confined under the direct physical control of a competent person not less than fifteen (15) years of age. Any animal found otherwise, during such a quarantine, shall be impounded. Animals subject to rabies which are impossible to capture or impound, after the exercise of reasonable efforts and diligence, shall be destroyed, if the Health Department so designates.

- B. The quarantine may be terminated by the Health Department after the necessity therefor no longer exists. No quarantine shall remain effective for more than six (6) months from the date of the adoption of the quarantine order unless such quarantine order is specifically extended by order of the Health Department.

**Section 205.180. Animal Bite — Procedure. [R.O. 2016 § 205.190; R.O. 2011 § 205.190; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

- A. The owner of any dog, cat or other animal which bites any person, regardless of the circumstances or irrespective of whether such animal is vaccinated and registered, shall be required to place such dog, cat or animal in the custody of the Health Department for confinement in a manner satisfactory to the Health Department and in a manner that will prevent contact with people and other animals for a period of ten (10) days, following the evening of the day of the bite, for the purpose of clinical observation. All expenses shall be borne by the owner of the dog, cat, or other animal. If such dog, cat, or other animal develops clinical symptoms suggestive of rabies, it shall be allowed to die a natural death, or if for any reason such dog, cat or other animal should die while in confinement, its head shall be removed by the veterinarian and submitted to a qualified laboratory. If, at the end of such ten-day period, such dog, cat, or other domestic animal is alive and healthy, it may be released to its owner.
- B. All dogs under clinical observation as the result of biting a person must fulfill all other conditions of the Chapter prior to release.
- C. It shall be the duty of any person bitten by any animal or the parent or guardian of any minor bitten by an animal to report the same to the Health Department immediately. Such report shall contain the name and address of the owner and of the animal, the day and time bitten, the location where bitten, and a general description of the animal.
- D. It shall be the duty of every physician to report immediately to the Health Department the full name, age and address of any person under his/her care or observation who has been bitten by an animal irrespective of whether infected with rabies or suspected of being infected with rabies or not so infected or so suspected and every veterinarian treating or having under observation any animal infected with rabies, or suspected of being rabid, or suspected of having been exposed to rabies, shall report to the Health Department the owner's name and address, and if the animal is a dog, the vaccination- registration number.



**Section 205.190. Right of Entry. [R.O. 2016 § 205.200; R.O. 2011 § 205.200; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

It shall be unlawful for any person to conceal an animal or interfere with the Health Department or persons designated by it in the performance of its legal duties as provided in this Chapter. The Health Department or persons designated by it shall have the right of entry onto any unenclosed lots or lands for the purpose of collecting any dog, cat or other animal which is on such a lot or land, in violation of this Chapter and whose presence on such lot or land constitutes a violation of any of the provisions of this Chapter, or whose presence or existence is a violation of the provisions of this Chapter. The Health Department or its duly appointed representative shall have the right of entry to any property or premises within any quarantined area during the period of such quarantine for the purpose of examining or obtaining any dog, cat or any other animal suspected of having rabies, having been exposed to rabies, or having bitten a person or other animal.

**Section 205.200. ~~Bad~~Dangerous Dog or Other Animal — ~~Notice~~; Restraining. [R.O. 2016 § 205.220; R.O. 2011 § 205.220; Ord. No. 302 §§ 1 — 2, 10-7-2009]**

A. Notice. When any ~~fierce or~~ dangerous dog or any other animal that ~~has previously attacked or bitten any person or domestic animal or possesses a propensity to attack or bite man or domestic animal or cause~~causes annoyance to persons using the public roads, streets and sidewalks or ~~chase, worry or molest~~chases, worries, or molests children or other animals, ~~dogs or children or cause~~has caused any damage or injury, which propensity is known or ought reasonably to be known by the owner of such ~~dog~~animal, it shall be the duty of such owner to confine such ~~dog on a chain, tether or leash or confine~~animal to a yard completely enclosed by a fence of such height, strength and construction so as to prevent the dog confined therein from jumping over, through or crawling under such fence and to post a notice on the premises conspicuously visible to the public and reading in letters not less than two (2) inches high "Beware of Dog-"or other animal. Any ~~fierce or~~ dangerous ~~dog~~animal found off the premises of its owner may be seized by any Police Officer or other agent authorized by the Health Department, and the ~~dog and~~ owner or other responsible person may be brought to trial.

A.B. Municipal Court. Upon establishment by a preponderance of the evidence of the fierce or dangerous character of such ~~dog~~animal by testimony, under oath ~~(and reduced to writing)~~, the ~~court~~Municipal Court may order such ~~dog~~animal to be euthanized, or the owner subjected to the penalties provided in Section 100.220 of this Code, or both euthanization and such penalties.

~~100.220 of this Code, or both euthanization and such penalties.~~

**~~Section 205.210. Dogs Running At Large — Prohibited — Exception. [R.O. 2016 § 205.230; R.O. 2011 § 205.230; Ord. No. 302 §§ 1 — 2, 10-7-2009]~~**

~~A. It shall be unlawful for the owner of any dog, whether properly tagged and certified by vaccination registration or not, to permit or allow such dog to run at large on land which is non-rural in character.~~

~~B. The provisions of Subsection (A) of this Section shall not apply to dogs being used in hunting, field trails and dog shows while on public lands set aside~~

~~for those purposes, while on the private property of others with the actual, implied, customary or constructive consent of the owner of such private premises, or while on Federal, State, municipal or county roads or highways in a rural area while going to or coming from a hunting, field trial or dog show site. Nor shall the provisions or prohibitions in Subsection (A) of this Section apply to bloodhounds or other dogs used for tracking in conjunction with Police activities, nor to dogs of the Canine Corps of any police force of the City of St. Louis, 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.~~

~~**Section 205.220. Presumption With Reference To Dogs Running At Large. [R.O. 2016 § 205.240; R.O. 2011 § 205.240; Ord. No. 302 §§ 1—2, 10-7-2009]**~~

~~In any prosecution charging a violation of Section 205.210 hereunder, proof that the dog was running at large in violation of said Section; the defendant named in the complaint was, at the time described in the complaint, the person who owned such dog, shall constitute a rebuttable presumption that the owner permitted such dog to run at large.~~

~~**Section 205.230. Destruction Of Stray Dogs And Cats. [R.O. 2016 § 205.250; R.O. 2011 § 205.250; Ord. No. 302 §§ 1—2, 10-7-2009]**~~

~~The Health Department may order the destruction of any stray dog, cat or other animal running at large if such animal is unable to be captured after all reasonable efforts thereto have been made, and it shall be the duty of the Health Department or such person designated by him/her to execute such order. If any dog, cat or other animal impounded under this Article is not redeemed within one (1) week, the Health Department may cause the same to be destroyed in a quiet and painless manner or otherwise disposed of.~~

~~**B.C. Section 205.240. Restraining of Dangerous or Vicious Dogs And Cats. [R.O. 2016 § 205.260; R.O. 2011 § 205.260; Ord. No. 302 §§ 1—2, 10-7-2009] Animals.**~~

- ~~1. When any Any owner or other responsible person keeping a dangerous or vicious dog, cat or other animal that has previously attacked or bitten any other person or any other animal which has previously attacked and bitten any other dog or cat or domestic animal in the City is kept or other animal upon any premises in the City, ~~it shall be kept~~keep the animal in such a place so that it cannot bite or molest tradesmen, postmen, meter readers or other persons whose lawful business requires them to enter upon the premises or so that it cannot attack persons or dogs or cats or domestic animals in the City. Any such dog, cat or other animal found not so confined shall forthwith be taken up and impounded, and the owner or ~~keeper or other responsible~~ keeper or other responsible person ~~having custody~~ shall be charged with a violation of this Section and shall be brought before the Municipal Judge who shall hear and determine the complaint as provided by law.~~
- ~~2. In such hearing before such Municipal Judge Court, evidence of the animal's~~



previous history of attacks or biting shall be admissible in evidence to determine its dangerous or vicious nature. In the event that any such animal is brought into custody, ~~the Board of Aldermen~~ St. Louis County Animal Care and Control or other entity with jurisdiction may, in its discretion, refuse to allow the owner ~~or keeper of~~ or other responsible person for such animal to redeem until after such complaint has been heard and determined by the Municipal Judge Court as aforesaid, and until the Municipal Judge Court has determined the disposition to be made of such animal.

**Section 205.250210. Reserved**

**Section 205.220. Reserved**

**Section 205.230. Destruction Of Dangerous And Viciousof Stray Dogs Andand Cats.**

Should any person violate Section 205.200, the facts of the case so support. it may be part of the sentence, upon conviction, that such dangerous ~~and vicious dog or cat~~ animal be immediately ~~killed~~ euthanized, and such sentence shall be forthwith executed by the Health Department.

**Section 205.240. Reserved.**

**Section 205.250. Reserved.**

**Section 205.260. Dog or Cat Kennels Prohibited.**

No person shall be permitted to maintain a dog or cat kennel in the City, and the maintenance of a dog or cat kennel in the City, is hereby prohibited.

**Section 205.270. Refusal to Deliver Animals to The Health Department — Prohibited.**

No person shall refuse to deliver to the Health Department any dog, cat, or other animal subject to rabies, which such person owns, when requested to do so under the provisions of this Chapter.

**Miscellaneous  
Article IV  
Responsible Animal Owner Regulations (Model-  
Provisions)**

**Section 205.280. Responsibility of Parent or Guardian of Minor Owning.**

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child.

**Section 205.290. Animal Neglect.**

A. A person commits the offense of animal neglect if he or she:

1. Has custody or ownership of an animal and fails to provide adequate care;  
or
  2. Knowingly abandons an animal in any place without making provisions for its adequate care.
- B. All fines and penalties for a first finding of guilt under this Section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo., or Chapter 272, RSMo.
- C. In addition to any other penalty imposed by Section 578.009, RSMo., the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:
1. The care and maintenance of neglected animals within the person's custody or ownership;
  2. The disposal of any dead or diseased animals within the person's custody or ownership;
  3. The reduction of resulting organic debris affecting the immediate area of the neglect; and
  4. The avoidance or minimization of any public health risks created by the neglect of the animals.

### **Section 205.300. Animal Trespass.**

- A. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve (12) hours.
- B. For a first conviction of animal trespass, each offense shall be punishable by a fine not to exceed two hundred dollars (\$200.00). The second and all subsequent convictions shall be punishable by imprisonment or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment. All fines for a first conviction of animal trespass may be waived by the court, provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This Section shall not apply to the provisions of Section 578.007 or Sections 272.010 to 272.370, RSMo.

### **Section 205.310. Animal Abuse.<sup>1</sup>**

- A. A person commits the offense of animal abuse if he or she:
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.;

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<sup>1</sup> Note: Under certain circumstances this offense can be a felony under state law.

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 which results in substantial harm to the animal.

**Section 205.320. Knowingly Releasing an Animal.<sup>2</sup>**

- A. A person commits the offense of knowingly releasing an animal if he or she, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition, or educational purposes.
- B. As used in this Section, "animal" means every living creature, domesticated or wild, but not including Homo sapiens.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

**Section 205.330. 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 205.340. Keeping A Dangerous Wild Animal.**

A person commits the offense of keeping a dangerous wild animal if he or she keeps any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, nonhuman primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge.

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**Section 220.020.O. *Animals.*** No person shall bring or allow onto park land a dog or other domestic animal unless such animal is restrained at all times on a leash no greater than six (6) feet in length. Any person bringing or allowing a dog or other domestic animal into the park shall have

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<sup>2</sup> Note: Under certain circumstances this offense can be a felony under state law.

with them an instrument and container to remove any wastes deposited by their animal. and shall be responsible to immediately remove any waste their animal shall deposit. No person shall allow a dog or other domestic animal into any park waters or waterways for any purposes. No person shall permit or allow the running of a dog or other domestic animal at large. All domestic animals are prohibited in and around all playgrounds located on park grounds and restrooms with the exception of service ~~dogs~~ animals. No ~~vicious~~ person shall bring or allow a dangerous animal of any kind ~~shall be brought~~ for which the person is responsible onto park land at any time even if restrained as described above.

**Memo to:** Board of Aldermen  
**From:** Frank Johnson, City Clerk  
**Subject:** Reciprocal Recreation Agreement with City of Ballwin  
**Date:** December 22, 2020

City staff met with Chris Conway, Parks and Recreation Director for the City of Ballwin, on Dec. 21 to discuss a potential reciprocal use agreement for Twin Oaks residents. The proposed agreement would cover two recreational facilities: the Pointe recreation center and the North Pointe aquatic center. The golf course would not be included at this time. However, Ballwin is currently working on creating a membership program for non-residents.

**AGREEMENT STRUCTURE**

The agreement would be structured in a manner similar to what Twin Oaks currently has with the cities of Des Peres and Fenton. Twin Oaks residents would be able to purchase memberships at the resident rate and the City will be billed the difference for the non-resident rate.

Given the complexity of the different types of membership offered (see the table below), staff recommends setting a maximum subsidy budget that is offered on an annual “first-come, first-served” basis. In addition, there is not presently an effective way for staff to know the level of interest Twin Oaks residents may have in the various offerings, so this approach allows for maximum flexibility in meeting the potential demand of residents.

For the initial year, staff is recommending a budget of \$3,000 offered on a “first-come, first-served” basis. This would be enough for approximately 13 “platinum” memberships (includes Pointe and North Pointe facilities), 14 Pointe memberships, or 34 pool passes. This allocation is based on the level of demand for memberships at the Des Peres recreation center that the City has seen in the past.

**BALLWIN MEMBERSHIP RATE SCHEDULE**

Membership Type	Resident Rate	Non-Resident Rate	Difference
PLANTINUM (Pointe, North Pointe, and Golf)			
Adult	\$564	\$816	\$252
Senior	\$408	\$576	\$168
Senior Couple	\$528	\$768	\$240
Family	\$912	\$1,176	\$264
Average Subsidy Cost			\$231
POINTE ONLY			
Adult	\$372	\$576	\$204
Senior	\$204	\$360	\$156

Senior Couple	\$288	\$492	\$204
Family	\$528	\$816	\$288
Average Subsidy Cost			\$213
POOL PASS			
Adult	\$125	\$216	\$91
Senior	\$97	\$153	\$56
Senior Couple	\$153	\$233	\$80
Family	\$239	\$364	\$125
Average Subsidy Cost			\$88

# City Clerk's Report

City of Twin Oaks, Board of Alderman

January 4, 2020

## General Updates

### City Newsletter

- Staff has started working on creating a quarterly email newsletter. The newsletter will be sent using email marketing service Mailchimp with the goal of providing general updates and notices on City activities, projects and upcoming events.
- In addition, staff will also transition to using Mailchimp for sending out the news announcements from the website. In addition to the design features, Mailchimp has tools for analytics and list management not offered by CivicPlus.
- At this time, the City's email list is small enough that a paid account is not required.

### Occupancy Permit Process and Fees

- City staff informed the apartment management that starting Jan. 1, St. Louis County will perform occupancy inspections. Since changing the occupancy fees requires amending the zoning code, the changes will first go to the P&Z commission at their Jan. 26 meeting with a public hearing and board approval at the Feb. 6 meeting.

### Arctic Cat Auction

- The auction of the Arctic Cat via GovDeals was successful with the winner bidder coming in at \$5,051. The winning bidder picked up the vehicle on Dec. 31.

### Dog Bite

- St. Louis Animal Control is still continuing to investigate this incident. They have received statements from both parties and are waiting on a report from the veterinary. Officer Wehner will work with the County to issue any ordinance violations following the investigation's conclusion.

### Aldi's Development

- The City received comments from BFA on Dec. 21, which were forwarded to the developer. Currently waiting on developer response and submission of revised plans to schedule P&Z review.

## Project Updates

### Condo Curb Repairs

- The City received one bid for the concrete curb work on Autumn Leaf in the amount of \$8,550 from Crowder Construction. Due to the cost, maintenance staff is working on securing two additional bids.

### **Additional Signage for Crescent Road**

- John has purchased and received signs. Location has been marked and utility locates have been called in. Exact installation date will depend on the weather.

### **Park Paths Patching and Sealing**

- The City received bids from Topps Paving and Sealing for patching two sections (101 square yards total) for \$3,451 and for seal coating approximately 2,428 square yards for \$3,035.
- Contracts for the work have been sent to Topps for approval. Project is planned for spring 2021.

### **Playground Surface Repair**

- The playground surface in the swings area has started to separate from the concrete edge. This two-step project will first involve Focal Pointe cutting and removing a 1' wide strip around the perimeter and then NuToys will install pour-in-place isurface.
- The cost for the removal by Focal Pointe is \$1,487 and the cost for the install of new surface by NuToys is \$6,065, for a total cost of \$7,552. Work will be done in the spring as it requires consistent warmer temperatures.

### **Woodland Oaks Light**

- Work is scheduled to begin on Monday, Jan. 4.

### **Crescent Road Sidewalk Project**

- Topographic survey completed on Nov. 23. BFA expects to have preliminary design completed by the end of December.

### **Autumn Leaf Runoff**

- City Attorney Paul Rost has drafted an initial agreement for a Stormwater Management Easement. We met with BFA on Dec. 14 to discuss next steps on finalizing the agreement.
- Following the Dec. 14 meeting, BFA and City Attorney Rost have the information they need and are currently working to finalize the agreement re: the location of the easement.

### **Autumn Leaf Sewer Backups**

- Contractor is now estimating work will begin on Monday, Jan. 4, and finish by Jan. 6.