

City of Arnold, Missouri

Public Hearing
Council Chamber

September 15, 2021
7:00 p.m.

A. Fixing the Annual Rate of Levy for Taxes.

City Council

Immediately Following the Public Hearing

Zoom Link – Internet Audio/Video:

<https://us02web.zoom.us/j/85841321929?pwd=RWdBSDUvUEpCU2M3d1NzUld2UVF2QT09>

Dial-in Number: 312-626-6799 Meeting ID: 858 4132 1929 Passcode: 709400

Agenda

1. Pledge of Allegiance and Opening Prayer
2. Roll Call
3. Business from the Floor
4. Consent Agenda:
 - A. Regular Council Minutes **September 2, 2021**
 - B. Payroll Warrant **#1377 in the Amount of \$321,453.64**
 - C. General Warrant **#5794 in the Amount of \$858,456.58**
5. Ordinances:
 - A. **Bill #2805:** An Ordinance Amending Chapter 235 (Garbage, Trash and Refuse) of the Arnold Code Ordinance by Deleting and Replacing the Chapter in its Entirety.
 - B. **Bill #2806:** An Ordinance Repealing and Amending Chapter 210 (Animals) of the Arnold Code Ordinance and Establishing a New Chapter 210 Entitled Animal Welfare and Control.
 - C. **Bill: #2807:** An Ordinance Fixing the Annual Rate of Levy for Taxes.

D. **Bill # 2708:** An Ordinance Amending Chapter 600, Alcoholic Beverages, Article I of the Code of Ordinances Relating to Liquor Licenses Regarding Sale of “To-Go” Containers.

E. **Bill # 2709:** An Ordinance Amending Chapter 600, Alcoholic Beverages, Article I of the Code of Ordinances Relating to Liquor Licenses Regarding Allowed Times of Sale.

6. Resolutions:

None

7. Motions:

A. A Motion to Approve Liquor License Applications.

8. Administrative Reports:

9.. Adjournment:

Mayor Ron Counts called the meeting to order at 7:00 p.m.

The council meeting was a hybrid meeting with both Zoom and in person attendance due to COVID. The City provided a link as well as a dial-in number to attend via Zoom.

The pledge of allegiance was recited. Councilman Gary Plunk asked for a moment of silence in honor of the 13 service members who lost their lives in Afghanistan, then offered the prayer.

ROLL CALL

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, McArthur, Cooley, Mullins, Plunk, Hood, Seidenstricker, Fulbright, Fleischmann (excused), Richison, Bookless, Lehmann, Sweeney, Crutchley, Wagner, Kroupa and Chief Shockey (excused).

BUSINESS FROM THE FLOOR

None

CONSENT AGENDA

- A. REGULAR COUNCIL MINUTES AUGUST 19, 2021**
- B. PAYROLL WARRANT NO 1376 IN THE AMOUNT OF \$324,405.32**
- C. GENERAL WARRANT NO 5793 IN THE AMOUNT OF \$263,802.54**

Butch Cooley made a motion and so moved to approve the consent agenda. Seconded by Rodney Mullins. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Consent agenda approved.**

ORDINANCES

BILL NO 2803 – AN ORDINANCE DELETING VARIOUS SECTIONS OF CHAPTER 700 (WATER, SEWERS AND SEWAGE DISPOSAL) OF THE ARNOLD CODE OF ORDINANCES was read twice by City Clerk Tammi Casey. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Ordinance passed.**

BILL NO 2804 – AN ORDINANCE ACCEPTING CERTAIN STREETS FOR CITY MAINTENANCE was read twice by City Clerk Tammi Casey. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO 21-47 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH COMARCO ST. LOUIS, INC. TO REPLACE THE POLICE DEPARTMENT EXTERIOR FRONT DOOR

Gary Plunk made a motion and so moved to approve Resolution No 21-47. Seconded by Mark Hood. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Resolution passed.**

RESOLUTION NO 21-48 – A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE CHANGE ORDER #2 TO THE 2012 ARNOLD TENBROOK ELECTRIC UPGRADE PROJECT

This Resolution was canceled from the agenda as the Change Order was no longer needed.

RESOLUTION NO 21-49 – A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL WITH DOCUNAV SOLUTIONS

Jason Fulbright made a motion and so moved to approve Resolution No 21-49. Seconded by Brin McArthur. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Resolution passed.**

RESOLUTION NO 21-50 – A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL WITH SCANNING AMERICA

Tim Seidenstricker made a motion and so moved to approve Resolution No 21-50. Seconded by Mark Hood. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Resolution passed.**

RESOLUTION NO 21-51 – A RESOLUTION AUTHORIZING APPROVING AN AGREEMENT WITH MIDWEST POOL MANAGEMENT

Gary Plunk made a motion and so moved to approve Resolution No 21-51. Seconded by Rodney Mullins. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Resolution passed.**

MOTIONS

A. A MOTION TO APPROVE LIQUOR LICENSE APPLICATIONS

Tammi Casey informed council the Liquor Committee met earlier this evening and reviewed the liquor license application for GoPuff. The Committee is forwarding a recommendation of approval by unanimous vote.

Butch Cooley made a motion and so moved to approve the liquor license application for GoPuff. Seconded by Tim Seidenstricker. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Motion carried.**

Also, Ace Shisha Lounge has applied for a liquor license and the Liquor Committee is forwarding a recommendation of approval by unanimous vote.

Rodney Mullins made a motion and so moved to approve the liquor license application for Ace Shisha Lounge. Seconded by Butch Cooley. Roll call vote: McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Motion carried.**

B. A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING LITIGATION AND REAL ESTATE PURSUANT TO RSMo SECTION 610.021 (1) (2)

Jason Fulbright made a motion and so moved to hold a Closed Session immediately following the council meeting. Seconded by Tim Seidenstricker. McArthur, yes; Cooley, yes; Mullins, yes; Plunk, yes; Hood, yes; Seidenstricker, yes; Fulbright, yes; Fleischmann, (excused); 7 Yeas: **Motion carried.**

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts – Informed council that Jeff Campbell, who served on the Planning Commission, has passed away and he will be missed.

Brian McArthur – Ward 2 – Stated that Jeff Campbell will be greatly missed and was a valued member of the Planning Commission.

ADMINISTRATIVE REPORTS

Bryan Richison – Informed everyone that City Hall will be closed Monday in observance of Labor Day.

Robert Sweeney – Echoed the sentiments regarding Jeff Campbell.


Mayor Counts announced a ten-minute recess before going into Closed Session.

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Closed session ended at 8:20 p.m.

A motion to adjourn the meeting was made by Butch Cooley. Seconded by Tim Seidenstricker. Voice vote: All Yeas: Motion carried.

Meeting adjourned at 8:20 p.m.


City Clerk Tammi Casey, CMC/MRCC-S

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 9/2/2021

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BILL NO - RESOLUTION - MOTION

		ROLL CALL	CONSENT AGENDA	BILL NO 2803	BILL NO 2804	RESOLUTION NO 21-47	RESOLUTION NO 21-49
COUNCIL MEMBERS:							
MAYOR	<u>RON COUNTS</u>	PRESENT					
COUNCIL:	<u>BRIAN MCARTHUR</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>BUTCH COOLEY</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>RODNEY MULLINS</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>GARY PLUNK</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>MARK HOOD</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>TIM SEIDENSTRICKER</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>JASON FULBRIGHT</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>EJ FLEISCHMANN</u>	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:		DAVE CRUTCHLEY		PRESENT
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:		JUDY WAGNER		PRESENT
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:		DAN KROUPA		ARRIVED 7:04
FINANCE DIRECTOR	BILL LEHMANN	PRESENT	POLICE DEPT.		CHIEF SHOCKEY		EXCUSED
CITY ATTORNEY	BOB SWEENEY	PRESENT					

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 9/2/2021

PAGE: 2

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: BRIAN MCARTHUR

COUNCIL: BUTCH COOLEY

COUNCIL: RODNEY MULLINS

COUNCIL: GARY PLUNK

COUNCIL: MARK HOOD

COUNCIL: TIM SEIDENSTRICKER

COUNCIL: JASON FULBRIGHT

COUNCIL: EJ FLEISCHMANN

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV DAVID BOOKLESS

FINANCE DIRECTOR BILL LEHMANN

CITY ATTORNEY BOB SWEENEY

	RESOLUTION NO 21-50	RESOLUTION NO 21-51	MOTION TO APPROVE GOPUFF LIQUOR LICENSE	MOTION TO APPROVE SHISHA LIQUOR LICENSE	MOTION TO HOLD CLOSED SESSION	
	YES	YES	YES	YES	YES	
	YES	YES	YES	YES	YES	
	YES	YES	YES	YES	YES	
	YES	YES	YES	YES	YES	
	YES	YES	YES	YES	YES	
	YES	YES	YES	YES	YES	
	YES	YES	YES	YES	YES	
	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	
			PARKS DIR:		DAVE CRUTCHLEY	
			PUBLIC WORKS:		JUDY WAGNER	
			TREASURER:		DAN KROUPA	
			POLICE DEPT.		CHIEF SHOCKEY	

The Work Session was a hybrid meeting with both Zoom and in person attendance. In order to provide public access to the meeting, the City provided a link as well as a dial-in number to the public.

Those in attendance as noted by City Clerk Tammi Casey; Mayor Ron Counts, McArthur (absent), Cooley, Mullins, Plunk, Hood, Seidenstricker (via Zoom), Fulbright (absent), Fleischmann, Richison, Bookless, Lehmann, Sweeney, Crutchley, Wagner, Kroupa and Chief Shockey.

CHAPTER 210 (ANIMALS)

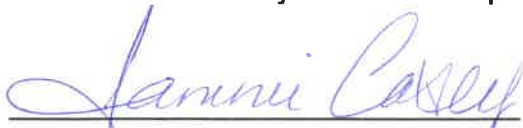
David Bookless reviewed staff proposed changes to Chapter 210 of the City Code. Some of which are to reorganize the entire chapter, add a section making purpose and authorization easier to understand, replace the term "health officer" with "animal control officer" along with adding definitions of each for clarity. It also clarifies the language and creates a revocation process as well as language related to vaccination requirements. Language has been added to clarify the definition of cruelty and what constitutes the same, as well as adding specific language explicitly prohibiting keeping or breeding of animals for fighting purposes. Language regarding owner's responsibility for chipping and the paying of animal control related fees as well as clarification on when and how animals may be humanly euthanized has been added. Proposed changes also add an inspection program for commercial kennels.

FUNCTIONALLY OBSOLETE FEATURES

Sarah Turner informed council that staff has identified six features regarding functionally obsolete home features that should be addressed. Staff is looking for council direction as to how they would like them to proceed regarding each of these items, which are; stilt homes, flat roof homes, minimum house size and width, bedroom to bathroom ratio, off street parking and gravel driveways. Ms. Turner provided a summary of the current code for each of these features and options as to how each could be updated, if council so desires. Discussion and questions followed by council. Mayor Counts requested regulations regarding basement requirements be added to the list of items to be updated. Ms. Turner will take the findings discussed tonight to the Planning Commission, who will in turn bring their recommendations back to council for approval.

Butch Cooley made a motion and so moved to adjourn. Seconded by Rodney Mullins.

The Work Session adjourned at 7:57 p.m.



City Clerk Tammi Casey, CMC/MRCC-S

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: WORK SESSION

DATE: 9/9/2021

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

		IN ATTENDANCE					
MAYOR	<u>RON COUNTS</u>	PRESENT					
COUNCIL:	<u>BRIAN MCARTHUR</u>	-					
COUNCIL:	<u>BUTCH COOLEY</u>	PRESENT					
COUNCIL:	<u>RODNEY MULLINS</u>	PRESENT					
COUNCIL:	<u>GARY PLUNK</u>	PRESENT					
COUNCIL:	<u>MARK HOOD</u>	PRESENT					
COUNCIL:	<u>TIM SEIDENSTRICKER</u>	VIA ZOOM					
COUNCIL:	<u>JASON FULBRIGHT</u>	-					
COUNCIL:	<u>EJ FLEISCHMANN</u>	PRESENT					
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:	DAVE CRUTCHLEY			PRESENT
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:	JUDY WAGNER			PRESENT
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:	DAN KROUPA			PRESENT
FINANCE DIRECTOR	BILL LEHMANN	PRESENT	POLICE DEPT.	CHIEF SHOCKEY			PRESENT
CITY ATTORNEY	BOB SWEENEY	PRESENT					



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	September 16, 2021
TITLE:	Chapter 210 Animals - Text Amendment
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	Draft Ordinance

EXECUTIVE SUMMARY:

A City-initiated request to amend Chapter 210, *Animals*, of the Arnold Code Ordinances and establishing a new Chapter 210 to be entitled “Animal Welfare And Control”.

REVIEW & ANALYSIS:

As part of the Community Development Department’s ongoing reorganization, the administration and enforcement of Chapter 210, *Animals*, is being managed by a formalized *Animal Control Office* within the Community Development Department, which required some minor modification of terms in the code. While drafting these changes, Staff found it be an opportune time to update the entire chapter based on the years of experience implementing the chapter as written and observing how other communities manage their programs. You discussed the proposed changes at your work session on September 9, 2021; which can be summarized as follows:

- Chapter retitled “Animal Welfare And Control” to better reflect its intent and purpose.
- Chapter is reorganized for ease of use and understandability.
- Added sections making plain the purpose of the Chapter and the City’s authority in these matters.
- Replace all references to the City Health Department and Health Officer with Animal Control Office and Animal Control Officer.
- Added and revised definitions of terms for purposes of clarity.
- Clarified language in various built-in waiver provisions; and created a revocation process where applicable.
- Clarified language related to vaccination requirements.
- Added language to clarify what constitutes cruelty to animals.
- Added language about animals that don’t raise to the level of being vicious, but still put the people in fear when on public streets.
- Explicitly prohibited the keeping or breeding of animals for purposes of fighting.
- Updated insurance requirements for animals declared vicious.
- Established microchipping requirements for animals declared vicious and for those adopted out.
- Established that an owner remains responsible for paying incurred fees regardless of the final disposition of the animal (e.g. Euthanized abandoned, surrendered, etc.).
- Clarified that the City, except in emergency situations requiring immediate action, will seek a veterinarian’s judgment as to whether an animal should be euthanized due to it being “beyond cure through reasonable care and treatment”.
- Added a *no additional fee* inspection program for commercial kennels to help ensure adequate care and control is being provided.

RECOMMENDATION:

Staff recommends approval of the draft ordinance attached hereto.

AN ORDINANCE REPEALING AND AMENDING CHAPTER 210 (ANIMALS) OF THE ARNOLD CODE ORDINANCES AND ESTABLISHING A NEW CHAPTER 210 ENTITLED ANIMAL WELFARE AND CONTROL.

WHEREAS, the Arnold City Council desires to amend Chapter 210 (Animals) of the City of Arnold Code of Ordinances as provided herein;

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

SECTION 1: Chapter 210 (Animals) of the City of Arnold Code of Ordinances, inclusive, is hereby repealed and amended, so as to read in its entirety as follows:

“Chapter 210 Animal Control and Welfare

Article I In General

Section 210.010 Title.
Section 210.020 Purpose.
Section 210.030 Authority.
Section 210.040 Definitions

Section 210.010 Title.

This Chapter shall be known and cited as the Arnold , Missouri Animal Control and Welfare Ordinance.

Section 210.020 Purpose.

This Chapter is made for the purpose of regulating the ownership and possession of animals within the corporate boundaries of the City of Arnold, Missouri, in order to protect and promote the public health and safety, reduce and prevent the entrance of zoonotic diseases into the City of Arnold, Missouri, and provide for the welfare of domesticated animals within the corporate boundaries of the City of Arnold, Missouri. Any animal used by law enforcement agencies for enforcement, protection and rescue activities shall not be subject to the provisions of this Chapter. Designated service animals shall be exempt from some portions of this Chapter as provided by Federal law.

Section 210.030 Authority.

This Chapter is enacted under authority vested in the City of Arnold, Missouri by Missouri Revised Statutes Chapters 273, 322, and 578.

Section 210.040 Definitions.

As used in this Chapter, the following terms mean:

ADEQUATE CARE

The provision of normal and prudent attention to the needs of an animal, to include, but not be limited to, provisions for wholesome food, fresh and clean water, appropriate shelter and adequate health care as is necessary to maintain the good health and welfare of the specific species, breed, or age of the animal.

ADEQUATE CONTROL

To physically restrain or govern an animal so that the animal does not pose a threat of injury to itself, to another animal, to personal property or to a human being. Working dogs, service animals or show animals, when actively engaged in working, service or show; or training for work, service or show, may be exempted based on specific conditions unique to the function of the animal.

ADEQUATE FOOD

The provision at suitable intervals of not more than twelve (12) hours, unless the dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all of which foodstuff is served in a safe receptacle, dish or container.

ADEQUATE HEALTH CARE

The provision to each animal of all immunizations and preventative medical care, exercise and rest required to maintain good animal health, and such medical care and attention as is necessary to return a sick or injured animal to good health, or when in the best interest of the animal, the provision of humanely euthanizing the animal for poor health reasons.

ADEQUATE HOUSING (ADEQUATE SHELTER)

The continuous provision of a primary enclosure consisting of four (4) walls, a roof and floor, that provides entrance and egress from one (1) opening, that provides the animal with protection from the elements and the extremes of weather conditions, is of sufficient size to allow the animal adequate space to stand, turn around and lay down, maintained in a sanitary condition, provides proper ventilation and appropriate space depending on the species of animal as defined by the regulations of the USDA, as revised, and satisfies the provisions of the Missouri Animal Care Facilities Act.

ADEQUATE WATER

The provision, either continuously, or at intervals suitable to the age and species of the animal, which intervals shall not exceed eight (8) hours of clean, wholesome, potable water supplied in a safe animal watering receptacle, dish or container.

ADOPTER

A person who is legally competent to enter into a contract and who is adopting or buying a dog or cat from a releasing agency.

ANIMAL

Every living vertebrate except a human being, and any living creature kept as a pet by an owner (as defined herein).

ANIMAL ABANDONMENT

The leaving or discarding of an animal in any place without making provisions for the animal's adequate care and control, including the leaving or discarding of animals at any animal care facility without the prior consent of the facility.

ANIMAL ABUSE

The causing of illness, injury or suffering to an animal.

ANIMAL CARE FACILITIES ACT (ACFA)

The required provisions of animal care as prescribed by Section 273.325, et. seq., of the Revised Statutes of the State of Missouri.

ANIMAL CONTROL

The office within the Community Development Department established by the City of Arnold, Missouri, created for the purpose of operating the municipal pound and enforcing the Animal Control and Welfare Ordinance.

ANIMAL CONTROL OFFICER

The designated City employee, or their assigns, whose primary responsibility is the enforcement of the provisions of this Chapter or other chapters or sections where the position is referenced in the City of Arnold Code of Ordinances, the animal welfare laws of the State of Missouri, and the regulations and procedures promulgated thereunder.

ANIMAL CONTROL VEHICLE

Any vehicle owned and operated by the City of Arnold, Missouri, and assigned to Animal Control for the transportation of animals and the enforcement of this Chapter.

ANIMAL CRUELTY

The act of any person or persons to knowingly or intentionally cause illness, injury or suffering to an animal.

ANIMAL NEGLECT

Any failure by the owner (as defined herein) of any animal to provide adequate care or adequate control of any animal as defined in this Chapter.

ANIMAL SHELTER

A facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption.

AT LARGE

A condition under which an animal is off the property of its owner (as defined herein) or other consenting property owner and not under the physical restraint of

a responsible person who is capable of controlling the animal. An animal that is actively engaged with its owner (as defined herein) present, in hunting, training, herding or showing shall not be considered running at large.

ATTACK

Any aggressive contact or non-bite injury to a human being or other domesticated animal by another animal.

BITE

Any injury to a human being or other domesticated animal by another animal resulting from the penetration of the victim's skin by the teeth of the animal.

BOARDER

Any person other than the owner (as defined herein), who provides overnight kenneling of animals for profit, for more than twenty-four (24) hours.

BREEDER

Any person who maintains unsterilized dog(s) and/or cat(s) for the purpose of breeding with the intent to cause the whelping of, sale of or transfer of ownership of the same.

CAT

All members of the Felis domesticus, either male or female.

CERTIFICATE

A certificate issued at the time of the vaccination of an animal 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.

DIRECTOR

The Director of the Community Development Department or a City of Arnold, Missouri staff member assigned to act on their behalf.

DOG

Canis familiaris, either male or female.

DOMESTICATED ANIMAL

Any pet, service animal, or farm animal, all as defined herein.

EUTHANIZE

To put to death in a humane manner.

EXPOSED TO RABIES

Any animal, whether it has been registered or vaccinated for rabies or not, or other animal which has been bitten, been fighting with or has consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.

FARM ANIMAL

Any animal normally located on a farm including, but not limit to swine, goat, lamb, sheep, horse, pony, donkey, cattle, chicken, duck, turkey, emu, ostrich and llama.

FERAL ANIMAL

Any traditionally domesticated animal that has been born in the wild or becomes undomesticated and returned to its wild nature; that can survive on its own without intervention of humans; is unsociable to humans; and is not a pet currently licensed with the City of Arnold, Missouri.

HARBOR OR KEEP

To provide food, water, shelter, or veterinary care to an animal or animals at the same location for more than seventy-two (72) hours.

HUMANE EUTHANASIA

The act or practice of putting an animal to death in a humane or instantaneous manner under guidelines and procedures established by rules promulgated by the Director.

HUMANE MANNER

Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

IMPOUND

The apprehending, catching, netting, tranquilizing, confining, or, if necessary, the destruction of any animal by the Animal Control Officer.

IMPOUNDING FACILITIES

Any premises designated by the City for the purposes of impounding and caring for all animals found in violation of this Chapter.

INTACT FEMALE

With respect to a dog, refers to a female dog between the ages of six (6) months and ten (10) years of age which is capable of being bred; and with respect to a cat, refers to a female cat between the ages of six (6) months and eight (8) years which is capable of being bred.

KENNEL

Any place or tract of land, whether indoors or outdoors, whether enclosed or not, used for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of four (4) or more dogs over four (4) months of age, or keeping six (6) or more cats over four (4) months of age, or the keeping of more than five (5) dogs and cats. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over four (4) months old by persons not operating a kennel as herein defined.

LICENSE

A tag and/or certificate issued by the City of Arnold, Missouri evidencing that an animal or kennel has been registered with and licensed by the City of Arnold.

LICENSING AUTHORITY

The agency or department of the City of Arnold, or any designated representative thereof, charged with administering the issuance and/or revocation of permits and licenses under provisions of this Chapter.

NERVE TISSUE ORIGIN

Vaccine which is manufactured, using tissue of the nervous system as a growth medium.

OWN OR POSSESS

A property interest in an animal, actual or claimed, or the exercise of dominion or control over the animal or the intent to exercise dominion or control over an animal with the present ability to do so.

OWNER

Any person, partnership, or corporation owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more, unless it is being boarded for a fee by a legally licensed kennel as defined herein.

PERFORMING ANIMAL EXHIBITION

Any spectacle, display, act, or event in which performing animals are used to engage in combat to provide entertainment for the public.

PERMIT

For the purposes of this Chapter, the word "permit" shall include the failure to take the necessary action to prevent the specified event or circumstance from occurring (including, but not limited to, animals running at large, or attacking other animals or humans).

PERSON

Any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

PET

Any animal kept for pleasure rather than utility.

PHYSICAL RESTRAINT

An approved means by which an animal is secured (by a leash, tether, cable, chain or other appropriate tie down; by a fence, structure or other form of physical barrier) that confines the animal to the property of its owner. Voice command, shock or other forms of electronic restraint do not constitute physical restraint.

POUND OR DOG POUND

A facility operated by the State or any political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals.

PRACTITIONER

A veterinarian licensed by the State of Missouri to practice veterinary medicine.

PUBLIC NUISANCE

Any animal or animals which satisfies any one of the following:

1. Damages, soils, defiles, or defecates on private property other than the owner's or on public walks or recreation areas unless such waste is immediately removed and properly disposed of by the owner;
2. Molests passersby or passing vehicles;
3. Attacks other animals;
4. Trespasses on school grounds;
5. Is repeatedly at large;
6. Damages private or public property;
7. Barks, whines, howls, or causes noise in an excessive, continuous, or untimely fashion so as to cause a public peace disturbance.

RABIES COMPENDIUM

The latest edition of the American Veterinary Medical Association's Compendium of Animal Rabies Prevention and Control.

REGISTRAR

Any veterinarian, Animal Control Officer, or any other person acting under the direction or control of a veterinarian or Animal Control Officer who performs the services of vaccination-registration.

RELEASING AGENCY

An animal pound, shelter, humane organization, or animal control agency, whether public or private, but not including an individual who occasionally renders humane assistance or shelter in his/her home to a dog or cat.

RESTRAINT

An animal, off the premises of its owner's real property, is under restraint within the meaning of this Chapter if any of the following occur:

1. It is controlled by a line or leash not more than six (6) feet in length, when said line or leash is held by a competent person;
2. When within a vehicle being driven, parked or stopped;
3. When not more than twenty-five (25) feet from a competent person, if such animal is not annoying or worrying any human being or domesticated animal, or trespassing on private property, or in a public area where animals are forbidden.

SERVICE ANIMALS

Service animals are working animals, not pets. A service animal is trained to provide a service directly related to the person's disability. A service animal whose sole function is to provide comfort or emotional support does not qualify as a service animal.

SEVERE INJURY

Any physical injury that results in broken bones or disfiguring lacerations requiring sutures or cosmetic surgery or breaking of skin.

STATE VETERINARIAN

The State veterinarian as provided by Chapter 267, RSMo.

STERILIZATION

The surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce, or the use of an approved serum which will permanently render the animal unable to reproduce.

TAG

Any object, regardless of shape and material, which bears a registration number and the words "Rabies Vaccination-Registration", which has been issued by authority of the Animal Control Officer.

USDA

The United States Department of Agriculture (L. 1992, S.B. 636 S 1).

VACCINATE

The injection, by a veterinarian or his/her authorized agent, of a specified dose of antirabies vaccine, or other animal vaccine generally required, into the body of an animal, such vaccine having the U.S. Government license number approval stamped on the label of the vaccine container and having been approved by the Animal Control. Vaccine used for a vaccination of animals 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 State license and operating on a participating basis with the Animal Control Officer as required by this Chapter.

VETERINARY HOSPITAL

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL

As used in this Section, "*vicious animal*" is defined to mean:

1. Any animal with the known propensity, tendency, or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of human beings or domesticated animals; or
2. Any animal which, without provocation, has attacked or bitten a human being or domesticated animal; or
3. Any animal which, without provocation, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack.

WILD ANIMAL

Shall be, but is not limited to, any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, python or boa constrictor longer than six (6) feet in length, leopard, panther, tiger, lion, lynx, wolf, wolf-hybrid, or other animal which can normally be found in the wild state.

Article II Control and Care

Section 210.050 Control of Animals

Section 210.060 Service Animals.

Section 210.070 Animal Care, General.

Section 210.080 Maximum Number of Pets Per Household.

Section 210.090 Registration and Vaccination, Required

Section 210.100 Disposal Of Fecal Matter.

Section 210.110 Tethering, Confinement, Transportation and Treatment of Animals;
Animal Neglect, Abuse, or Cruelty Prohibited.

Section 210.120 Dogs or Other Animals Putting Persons in Fear.

Section 210.130 Fighting.

Section 210.140 Assault On, Disabling, or Killing a Police Animal.

Section 210.150 Confinement of Female Animals in Heat.

Section 210.160 Performing Animal Exhibitions.

Section 210.170 Vicious Animals.

Section 210.180 Keeping of Wild Animals.

Section 210.190 Keeping of Farm Animals.

Section 210.200 Keeping of Backyard Chickens

Section 210.050 Control of Animals

A. Owner Required to Control Animal.

1. All animals, except cats, shall be kept under restraint.
2. No owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance. The owner of every animal shall be held responsible for every behavior of such animal under the provisions of this Chapter.

3. All animals, while on the premises of its owner's real property, shall be kept in such a manner that such animals shall not become at large, as follows:
 - a. Confined in a building or secure structure or enclosure in such a manner so that such animal shall remain confined or secured therein and shall not become at large;
 - b. Confined behind a fence or other enclosure of sufficient height, strength and construction so as to prevent the animal confined therein from jumping over, through or crawling under such fence or other enclosure and so that such animal shall not become at large;
 - c. Secured by a chain, tether or leash or other type of restraint of sufficient length and strength so that such animal is at all times wholly on the owner's real property and shall not become at large; or
 - d. Any combination of the requirements of (a), (b), and (c) above so that such animal shall not become at large.
4. The Animal Control Office shall have the authority to require any owner of any animal to take any of the actions required hereunder as may be deemed appropriate by the Animal Control Officer so as to prevent any animal from becoming at large.

B. Owner required to Control Animal, Exceptions

1. The provisions of this Section shall not apply to dogs being used in hunting, field trials 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 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, the 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; provided however, that the dog bear a vaccination tag as required by this Chapter.

C. Animal Trespass.

1. 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.
2. This Section shall not apply to the provisions of Section 578.007 or Sections 272.010 to 272.370, RSMo.

Section 210.060 Service Animals.

- A. Service animals as defined in this Chapter or service animals meeting the definition of "service animal" as provided by Department of Justice regulations shall be permitted in public areas of buildings, facilities or other areas owned or managed by the City;
- B. Any animal that does not meet the definition of "service animal", such as a pet or "support animal", is prohibited from all buildings, facilities or other areas owned or operated by the City, unless otherwise specifically authorized by the City.
- C. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Section 210.070 Animal Care, General.

- A. No owner shall fail to provide his/her animals with adequate food, water, shelter and protection from the weather, vaccination, veterinary care when needed to prevent suffering, and with humane care and treatment.
- B. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- C. No owner of an animal shall abandon such animal.
- D. No person shall crop an animal's ears, dock its tail, or perform a procedure to devocalize, or declaw the animal, except a licensed veterinarian.
- E. Any person who, as the operator of a motor vehicle, strikes a domesticated animal shall immediately report such injury or death to the appropriate local authority.
- F. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his/her own property common rat poison mixed only with vegetable substances.

Section 210.080 Maximum Number of Pets Per Household.

- A. The maximum number of pet animals that may be kept at or in a residential dwelling is:
 - 1. Three (3) dogs over four (4) months of age;
 - 2. Five (5) cats over four (4) months of age;
 - 3. A combination of up to five (5) animals over four (4) months of age, but no more than three (3) dogs.

- B. Notwithstanding any other provision of the Code of Ordinances, the keeping of chickens is controlled by Section 210.190.
- C. Keeping more animals than what is described in this Section constitutes a kennel. In order to operate a kennel a conditional use permit must first be obtained.
- D. Waiver To The Maximum Number Of Pets. The City recognizes the importance of pets to the quality of life. To that end, in certain circumstances, the maximum number of pets allowed per household may be waived by the City Administrator after a recommendation is received by the Community Development Department.
 - 1. Must meet one (1) of the below criteria to request the waiver:
 - a. The waiver is requested by a member of a State registered, not-for-profit rescue organization (documentation must be submitted with waiver request) and provides fostering to no more than two (2) additional dogs over the three (3) limit, with a total of five (5) maximum number of pets in a home.
 - b. The waiver is requested by a property owner, or renter with property owner's permission, due to a recognized medical condition supported by a note or letter from a licensed medical practitioner recognized by the American Medical Association.
 - 2. Process:
 - a. Submit a letter and the above required documentation, dependent upon the criteria met, to the Community Development Director for review.
 - b. The recommendation is then forwarded to the City Administrator for their final decision.
 - c. The applicant will be made aware of the decision.
 - d. The decision of the City Administrator is final.
 - 3. Disqualification and/or Revocation of Waiver. Fostering which amounts to possession shall disqualify the individual from a waiver. The determination of possession shall be in the sole discretion of the Community Development Director or designee.

Section 210.090 Required Registration and Vaccination, Required

- A. Any owner, harbinger or keeper is guilty of failure to register and vaccinate when they:
 - 1. Fail to arrange registration and vaccination of any cat, dog, puppy, or kitten with the City of Arnold when or before the puppy or kitten reaches six (6) months of age, but not before it reaches four (4) months of age; or

2. Fails to arrange registration and vaccination of any dog or cat within thirty (30) days of acquisition by the owner, harbinger or keeper; or
 3. Fails to have a collar or harness bearing a current tag on the vaccinated dog or cat at all times.
- B. This provision shall not apply to animals owned by a licensed facility or government operated or licensed animal shelter.

Section 210.100 Disposal Of Fecal Matter.

- A. All fecal accumulations in any pen, run, cage, yard, room or dwelling unit where any dog, cat or other animal is kept shall be removed and disposed of in such a manner as to prevent the breeding of flies and creation of offensive, disagreeable or noxious odors or other nuisance conditions. No person shall permit fecal matter to accumulate in any pen, run, cage, yard, room or dwelling unit where a dog, cat or other animal is kept for a period of time longer than twenty-four (24) hours.
- B. Any person having physical possession and/or control of any dog, cat or other animal, whether on personal property owned by another or in a public place, including, but not limited to, streets, sidewalks, parking lots, and public parks, shall possess and carry a device, mechanism or container designed for the removal of fecal matter deposited by said dog, cat or other animal and shall, upon such a deposit by said dog, cat or other animal, immediately remove any and all such fecal matter.
- C. Fecal matter shall be contained and disposed of as solid waste. No person shall discharge, or cause to be discharged, any fecal matter into any municipal storm drain system or any watercourses, including, but not limited to, creeks, streams, ponds or lakes. No person shall dispose of any fecal matter as yard waste, with yard waste collection or in a home composting plot.

Section 210.110 Tethering, Confinement, Transportation and Treatment of Animals; Animal Neglect, Abuse, or Cruelty Prohibited.

- A. A person commits the offense of animal neglect, abuse, or cruelty 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; or
 3. Ties, hitches or fastens an animal to any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness, not of the choker type, pinch type, or reversed-spike type. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length and free from obstruction or items which may cause the tying device to become caught, wrapped or twisted or prevent the animal from reaching food, water or shelter, but must be short enough

to prevent the animal from leaving the property of its owner, sidewalk, right-of-way or any other place a human being would have a legal right to be; or

4. Fails to keep all areas where an animal is confined or tethered in a clean, healthy and sanitary living environment. The person responsible for the animal shall sanitize the area regularly to prevent health, odor or sanitation problems; or
 5. Fails to treat all animals humanely. Animals shall not be beaten, tormented, or overworked, except that reasonable force may be used to drive off vicious animals. No animal shall be induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices which may cause physical injury or suffering; or
 6. Fails to provide all animals with adequate food, water, veterinarian care and control to ensure the proper health, welfare and safety of the animals. Dogs and cats must be provided adequate shelter, and all other animals must be provided shelter appropriate to their species, when exposed to the elements for more than fifteen (15) minutes. During periods of extreme temperatures or weather conditions, all shelters must provide some form of suitable insulation as appropriate for the specific species, breed, health, age and condition of the animal being sheltered; or
 7. Fails to maintain or transport all animals in a manner that is consistent with preserving the animal's health, safety and welfare. No owner (as defined herein) of any animal shall leave an animal inside the confines of a vehicle during periods of heat in excess of ninety degrees Fahrenheit (90° F.) or colder than forty degrees Fahrenheit (40° F.) for periods of time longer than ten (10) minutes, without having made climate control provisions for the animal in order to maintain the animal's good health. Inadequate shelter may be indicated by the shivering of the domesticated animal due to cold weather for a continuous period of ten (10) minutes or by symptoms of frostbite or hypothermia. During periods of outdoor temperature colder than forty degrees Fahrenheit (40° F.), the domesticated animal's shelter must contain dry, clean bedding material that neither retains moisture nor is susceptible to freezing, and is sufficient to retain the domesticated animal's normal body heat. No owner (as defined herein) shall transport an animal in an open truck or vehicle bed without restraint sufficient to ensure the safety of the animal; or
 8. Commits any act of animal neglect, animal abuse, or animal cruelty as defined in this Chapter, or purposely or intentionally causes injury or suffering to an animal, whether or not he or she is the owner (as defined herein) of the animal or any other person.
 9. 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.
- 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 this Section, 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 210.120 Dogs or Other Animals Putting Persons in Fear.

No person shall own, keep or harbor any dog or other animal which, by jumping upon or threatening persons upon public streets, shall cause persons to be put in fear of injury.

Section 210.130 Fighting.

No person shall keep or breed animals for the purpose of fighting other animals or humans, nor shall any person enter an animal in a fight.

Section 210.140 Assault on, Disabling, or Killing a Police Animal.

- A. A person commits the ordinance violation of killing or disabling a police animal when such person knowingly causes the death of a police animal, or knowingly disables a police animal to the extent it is unable to be utilized as a police animal, when that animal is involved in a law enforcement investigation, apprehension, tracking, or search and rescue, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department and a rescue unit or agency.
- B. A person commits the ordinance violation of assault on a police animal when such person knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department or a rescue unit or agency.

Section 210.150 Confinement of Female Animals in Heat.

Every unsterilized female animal when in heat shall be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for planned breeding.

Section 210.160 Performing Animal Exhibitions.

- A. No performing animal exhibition shall be permitted in which animals are induced or encouraged to perform in a manner which will cause, or is likely to cause, physical injury or suffering.
- B. All equipment used on a performing animal shall fit properly and be in good working condition.

Section 210.170 Vicious Animals.

- A. Every animal which is determined to be a vicious animal by the licensing authority shall only be maintained in accordance with the provisions of this Section.
- B. Any animal that has been determined as vicious as provided in Subsection (A) of this Section; or any animal that has attacked any person or other animal in a particularly vicious manner as to cause severe injury or harm; or any animal that has on more than one (1) instance attacked or bitten a person or other animal shall be confined in accordance with the following:
 - 1. Shall be kept within a cage of such strength and design as to prevent escape; or
 - 2. Shall be kept on a chain, tether, or leash of such strength and design as to prevent escape; and
 - 3. In addition to the requirements of Subparagraphs (1) and (2) above shall be confined in a yard completely enclosed by a fence of such height, strength and construction so as to prevent the animal from jumping over, through, or crawling under such fence, and notices shall be posted on the premises conspicuously visible to the public and reading in letters not less than two (2) inches high with such message to convey to the general public that a dangerous animal is on the premises.
 - 4. The licensing authority shall have the authority to specify and approve the methods of confinement and warning sign required by this Section.
 - 5. The owner of any animal that is confined pursuant to this Section shall, at all times, properly maintain the approved methods of confinement and warning sign as to prevent the animal from escaping and becoming at large and prevent the public from coming in contact with the animal.
- C. Any animal determined to be vicious or any animal that is to be confined in accordance with this Section may be held by the City at the owner's expense until all the provisions of this Section have been met.
- D. The owner of any animal to be confined pursuant to this Section shall be required to comply with all provisions herein within ten (10) days of notice by the licensing authority or shall present evidence of reasonable good faith efforts to comply, in which event the licensing authority may extend the period to comply as necessary to meet the

requirements of this Section. The owner of any animal held by the City, shall pay the charges for such confinement on a weekly basis and in the event that the owner fails to make such payment within seven (7) days of the mailing of the bill from the City hereunder, then the animal shall be deemed abandoned. All fees shall be paid in full prior to the release of the animal.

- E. The owner of any animal that has been determined as vicious pursuant to Subsection (A) or confined in accordance with Subsection (B) of this Section as a further condition of maintaining such animal shall at all times keep and maintain liability insurance in a sum not less than three hundred thousand dollars (\$300,000.00) to cover any damage, harm or injury that may be caused by such animal. Proof of such coverage shall explicitly demonstrate that any animal that has been determined as vicious pursuant to Subsection (A) or confined in accordance with Subsection (B) of this Section, is specifically covered by the plan in the amount stated herein.
- F. Every vicious animal shall be securely muzzled and kept in a cage or on a leash of such strength so as to prevent escape from the owner whenever such animal is off the premises of its owner.
- G. Any animal that has been determined as vicious or any animal that has been ordered to be confined in accordance with the provisions of this Section that is found off the premises of the owner in violation of this Section may be seized by any Police Officer or other authorized City enforcement personnel and the owner prosecuted for violation of this Code. In the instance where the licensing authority determines that an animal constitutes a significant threat to the public or in those instances where a vicious animal or animal confined in accordance with the provisions of this Section is found repeatedly at large, the animal may be seized by enforcement personnel and held at owner's expense until the case can be brought to trial. Confinement of such animal shall require the owner of the animal to pay the City for such confinement as provided in Subsection (D) hereof. Upon establishment of the evidence of the vicious character of such animal by testimony, the Municipal Court may order such animal to be euthanized and the owner subject to the penalties of this Chapter.
- H. Any animal that has been determined as vicious or any animal that has been ordered to be confined in accordance with the provisions of this Section shall be microchipped and shall only be considered so upon receipt of written confirmation signed by the licensed veterinarian who performed the microchipping.

Section 210.180 Keeping of Wild Animals.

- A. No person shall keep or permit to be kept on his/her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses, or veterinary care facilities.
- B. No person shall keep or permit to be kept any wild animal as a pet without a special permit.

1. Applications for a wild animal permit shall be submitted to the Community Development Department in a form and format stipulated by the Department and shall include the identification of the specific wild animal for which the permit is sought and the specific location at which the wild animal will be housed.
2. The Community Development Director will evaluate the application using the following criteria:
 - a. The applicant can provide a sanitary, safe area for the wild animal to be kept in a humane condition.
 - b. The wild animal is not of a breed or species that makes frequent loud noises or emits any kind of odor that would be a nuisance to the surrounding neighborhood.
 - c. The wild animal is not of a breed or species that is known to carry communicable diseases that can transfer to humans in a manner that would create a public health hazard.
 - d. The wild animal is not poisonous.
 - e. The wild animal does not produce any kind of toxic odor or substance.
 - f. The wild animal is not a carnivorous predator in its natural state in the wild.
 - g. The wild animal does not have any traits or characteristics that would endanger the public or cause a public health hazard.
 - h. Applicant shall provide proof of, and maintain at all times, liability insurance coverage for the wild animal in a sum not less than three hundred thousand dollars (\$300,000.00) to cover any damage, harm or injury that may be caused by such wild animal. Proof of coverage shall identify the species and breed of the wild animal and explicitly demonstrate that the wild animal is specifically covered by the plan in the amount stated herein.
3. After reviewing the application and gathering any necessary information, the Community Development Director will notify the applicant of the permit's approval or denial.
4. Permits are only for the specific wild animal at the specific location. If the location of the animal is changed a new permit will be required. If the wild animal dies or otherwise ceases being housed at the location, any replacement wild animal, even of the same breed or species, will require a new permit. Any additional wild animal kept, even of the same breed or species of wild animal that already has a permit, will require an individual permit.
5. If a permit is denied by the Community Development Director the applicant has ten (10) business days after receiving notification of the denial to appeal to the City Administrator. The City Administrator's decision is final.

- C. The Animal Control Officer shall have the power to release or order the release of any infant wild animal under temporary permit which is deemed capable of survival.

Section 210.190 Keeping of Farm Animals.

- A. *Permit for Domestic Animals Required.* It shall be unlawful to keep any domestic animal without having first obtained a special annual permit from the City.
- B. *Minimum Lot Area Required.* It shall be unlawful for any person to keep or maintain any domestic animal on any property within the City of Arnold that contains less than one (1) acre in lot area.
- C. *Permit Required.* It shall be unlawful for any person to keep or maintain any domestic animal within one hundred fifty (150) feet of any residence, church, school, or hospital.
- D. *Findings Prerequisite to Issuance of Permit.* The Animal Control Office shall issue a special permit for the keeping or maintenance of a domestic animal if it finds:
1. That the animal will be at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human health and safety or the property of others.
 2. That the animal is receiving adequate care (defined as normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and care as necessary to maintain good health in a specific species of animal).
 3. That the keeping of such animal shall not create a nuisance as described below:
 - a. Causes noise in an excessive, continuous, or untimely fashion;
 - b. Damages private or public property; or
 - c. That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health.
 4. That quarters for such animals shall be provided by the owner and adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.
- E. *Inspection of Premises — Revocation of Permit.* Prior to the annual renewal of any special permit issued under this Chapter, the City shall inspect the premises subject to such special permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in in this Chapter. If it is determined during any such inspection that any of the conditions therein specified are being violated, the City shall refuse to renew any such special permit, or it shall revoke such special permit in the event that such violation is not corrected within such period of time as it shall direct.

- F. *Appeal Process.* Any permit revoked or denied under the provisions of Sections 210.110 through 210.150 and/or Sections 210.180 through 210.190 may be appealed to the Director of Community Development. Such appeal must be submitted in writing within ten (10) calendar days of the mailing or delivery of the notice revocation or denial. The decision of the Director of Community Development may be appealed to Circuit Court provided that such appeal is filed within thirty (30) days after the mailing or delivery of the notice of final decision in accordance with Chapter 536, RSMo.

Section 210.200 Keeping Of Backyard Chickens.

- A. *Permit Required.* It shall be unlawful to keep any backyard chicken without having first obtained a special annual permit from the City.
- B. *Minimum Requirements For Keeping Of Backyard Chickens A Prerequisite To Issuance Of A Permit.* In addition to satisfying the findings required in Section 210.140, applicants seeking to keep or maintain chickens must meet the following additional criteria:
1. Single-Family Dwelling Only. No duplexes or attached housing including multi-family.
 2. Minimum Lot Size. One-half (1/2) acre.
 3. Number Of Chickens.
 - a. Six (6) chickens per one-half (1/2) acre.
 - b. Regardless of lot size, the maximum number of chickens shall not exceed fifteen (15).
 - c. Every third chicken shall count as one (1) dog or one (1) cat for purposes of determining the maximum number of pets per household as provided by Section 210.170 of the Code of Ordinance
 4. Chickens must be securely constrained and enclosed in a suitable coop and enclosed pen to prevent escape.
 5. Enclosed Pen. A pen is an enclosure where chickens feed and roam.
 - a. Pens shall be constructed to include ten (10) square feet of outdoor space per chicken.
 - b. Pens shall be maintained in a ventilated, safe, sanitary condition, and free from predators.
 - c. Pens must be surrounded by wire netting or other fence to prevent their escape and must be kept in good repair and free from peeling paint, untreated or rotted wood and rust. Tarps are not an acceptable material for fencing or as a top.

- d. Wire netting or fencing shall not exceed six (6) feet in height.
 - e. Pens must be on level ground and graded in a direction away from the property line preventing runoff to adjacent properties.
6. Coops. A coop is structure where chickens roost, nest and/or are kept.
- a. Coops shall be constructed to include two (2) square feet of space inside the coop per chicken.
 - b. Building material must be suitable to the main dwelling and weather and predator proof.
 - c. Coops shall not exceed twelve (12) feet in height.
 - d. Coops must be elevated off the ground, placed on level ground, and graded in a direction away from the property line preventing runoff to adjacent properties.
 - e. Coops may only be used for the housing of chickens and not for storage of any household or chicken related items.
7. Location Of Coop And Enclosed Pen.
- a. Rear yard only.
 - b. Pen and coop must be a minimum of fifty (50) feet from neighbor's dwelling and/or pools, play structures, decks, and similar items.
 - c. Pen and coop must be a minimum of fifteen (15) feet from primary dwelling on lot.
 - d. Pen and coop must maintain a minimum fifteen-foot setback from the side and rear property line.
8. Cleanliness Of Site/Disposal. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures or structures shall be evidence of lack of sanitary maintenance of the premises and shall constitute a public nuisance.
- a. Any manure or other waste from the chicken hens shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent the spreading of offensive smells or diseases.
 - b. Deceased chicken must be disposed of either through burial or incineration in accordance with Federal, State, and County regulations.

- c. All enclosures, refuse containers, and all feed containers intended for the use of chickens shall be constructed, maintained and kept in such a manner as to be completely rodent-proof.
- d. The floors of every such enclosure shall be smooth and tight, and maintained so as to prevent accumulation of filth or water or harboring of vermin thereunder.

9. Miscellaneous Regulations.

- a. Chickens may not be kept inside habitable areas of the dwelling.
- b. No roosters.
- c. The coop used exclusively for chickens will not count toward the accessory structure.
- d. No breeding of chickens or sale is permitted.
- e. No slaughtering of any chickens is permitted.
- f. No diseased or sick chickens.
- g. Should, for any reason, the keeping of backyard chickens cease for a period of sixty (60) days, the permit to keep such backyard chickens shall be considered voluntarily surrendered, and any coop/housing or other yard establishment for the housing of backyard chickens shall be removed within ten (10) business days subsequent to such surrender.
- h. The City shall have the right to enter the property to investigate any complaints and abate any violations.
- i. No selling of eggs.

C. Application Process.

1. Submit application, fee, site plan and documentation meeting the above requirements for review, inspection and approval by the Animal Control Office.
2. Upon approval, submit information for a building permit, if applicable.
3. The permit must be renewed annually after inspection and certification of compliance with these regulations.
4. Please note, it is the applicant's responsibility to understand and obey any subdivision restrictive covenants or indentures.

D. Revocation of Permit to Keep Backyard Chickens and Appeal of Revocation.

1. A permit allowing for the keeping of backyard chickens may be revoked at any time, without a hearing, if the City determines in its sole discretion that an infectious avian agent of potential significant copathogenicity, such as avian flu, is identified within the continental United States. At such time, the owner shall take such steps as health officials of the local, County, State or Federal government instruct with regard to the quarantine or destruction of any such chicken or coop.
2. Except as provided above, if the holder of a permit allowing for the keeping of backyard chickens allows an unsanitary condition, or any violation of this Section to exist for more than fourteen (14) calendar days after notice from the City, then such permit allowing for the keeping of backyard chickens may be revoked after hearing, upon a determination by the Animal Control Officer or designated officer or officers, that said coop/housing, hutch, or other yard establishment are being maintained in an unsanitary condition, or in violation of this Section, or other laws applicable to said structure. All chickens and coop/housing, hutch, or other yard establishment shall be disposed of or removed from the City not more than fourteen (14) calendar days following receipt of notice of revocation after an administrative hearing before the Community Development Director, unless circumstances warrant earlier removal at the sole discretion of the Animal Control Officer or designated officer or officers.
3. The hearings provided for in Subsection (b) of this Section shall be heard by the Animal Control Officer or designated officer or officers, however, the officer who issued the notice shall not act as the hearing officer.
4. Misstatements of fact on an application for permit or the failure to comply with any of the requirements of this Section shall warrant revocation by the Animal Control Officer or designated officer or officers or his or her designee following a hearing as described in Subsection (b) of this Section.

Article III Vaccination and Registration

Section 210.210 Method and Frequency of Vaccination.

Section 210.220 Preparation of Certificates and Tags — Form.

Section 210.230 Veterinarians to Act as Registrars.

Section 210.240 Certificates and Tags — Method of Purchase.

Section 210.250 Certificates and Tags — Fee.

Section 210.260 Tag Worn by Animal Evidence of Inoculation.

Section 210.270 Confidentiality of Registration Information.

Section 210.280 Registration Non-Transferable.

Section 210.290 Registration of Imported Dogs and Cats.

Section 210.210 Method and Frequency of Vaccination.

All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest "Compendium of Animal Rabies Prevention and Control" (Rabies Compendium) published by the National Association of State Public Health Veterinarians.

Section 210.220 Preparation of Certificates and Tags — Form.

A. The Animal Control Officer shall prepare vaccination certificates in quadruplicate, together with correspondingly numbered tags for distribution to veterinarians in a form he/she deems is best calculated to further the progress of the program provided for in this Article. Spaces shall be provided for the following information and for such other information as the Animal Control Officer may require to be filled in by the veterinarians legally authorized to vaccinate animals:

1. Name and address of applicant;
2. The breed, markings, sex and name of the vaccinated animal;
3. The date the vaccination was administered and the type of vaccine administered;
and
4. The duration of the vaccine administered.

Section 210.230 Veterinarians to Act as Registrars.

It shall be the duty of every veterinarian to be a registrar under this program and when vaccinating any animal to fill out in quadruplicate copies of the certificate obtained from the Animal Control Officer, with the information required in Section 210.220, and immediately present one (1) copy to the owner of the vaccinated animal and mail two (2) copies to the Animal Control Officer by the tenth (10th) day of the following month for filing and statistical purposes. The Animal Control Officer shall maintain cross files of certificates by the name of the owner and the number of the certificate. The remaining copy of the certificate shall be retained by the person performing the vaccination. The owner's copy of the certificate shall be retained by the owner of the vaccinated animal for inspection by the Animal Control Officer.

Section 210.240 Certificates and Tags — Method of Purchase.

Each registrar shall order from the City the number of certificates and tags needed to perform his/her duties as a registrar, and pay to the City with the order any applicable fee for each certificate and tag ordered. The registrar shall be reimbursed and paid the fee for each certificate and tag by the owner of or other person assuming the responsibility over the dog or cat being vaccinated and registered.

Section 210.250 Certificates and Tags — Fee.

The fee for each combined unit of corresponding vaccination-registration certificate and tag for the purpose of maintaining the system of vaccination-registration established by this Article shall be established from time to time by the City Council and adopted by

resolution. Maintenance expenses shall include materials, notification, filing, investigation, and enforcement to increase and maintain a high level of rabies immunization in the City.

Section 210.260 Tag Worn by Animal Evidence of Inoculation.

At the time of the vaccination of any animal pursuant to this Article, the person performing the vaccination shall deliver to the owner of the animal the tag obtained from the Animal Control Officer as evidence of such inoculation. Every owner of a vaccinated animal shall attach the tag evidencing rabies vaccination and registration to the collar or harness of the vaccinated animal and such collar or harness shall be worn by the animal at all times. Any animal without a tag shall be deemed to be not vaccinated.

Section 210.270 Confidentiality of Registration Information.

No person shall divulge, distribute, disseminate, give, transfer, show, make available or allow a copy to be made of the name or address of any owner of an animal registered under this Article to or by any person other than an officer of the City, State or Federal office or department for the purpose of registration, tax collection, law enforcement, or rabies or other disease control in his/her respective jurisdiction; nor shall any of the persons authorized to be in possession of such names and addresses use such information for any purposes other than those allowed above, nor shall any other person make any use, relating to animals, of any such name or address that has been obtained as a direct or indirect result of the vaccination-registration program provided for in this Article; nor shall any person pose as or falsely claim to be an Animal Control Officer's employee or an agent of the Animal Control Officer or any other governmental agency while soliciting, or making a survey of the names or addresses of animal owners in any area in which this Article is in effect.

Section 210.280 Registration Non-Transferable.

Registration shall not be transferred from animal to animal, and no person shall affix a registration tag to an animal 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 an animal 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.

Section 210.290 Registration of Imported Dogs and Cats.

All dogs and cats brought into the City shall comply with rabies vaccination requirements. If such animal remains more than thirty (30) days, such animal shall be registered in accordance with the provisions of this Article. Any legally acceptable certificate of rabies vaccination, the initial and residual efficiency of which has been approved by the City, shall be exchanged for a current vaccination-registration certificate and tag upon payment of any applicable fee.

Article IV Impoundment

Section 210.310 Authority to Impound.

Section 210.320 Confinement Period.

Section 210.330 Notification of Owner.

Section 210.340 Reclamation Fees.

Section 210.350 Vaccination Required Prior to Release.

Section 210.360 Disposition of Unclaimed Animals.

Section 210.370 Adoption.

Section 210.310 Authority to Impound.

Unrestrained and/or nuisance animals shall be taken by the Animal Control Officer or Animal Control Officer's authorized agent and impounded in an animal shelter and there confined in a humane manner.

Section 210.320 Confinement Period.

Impounded animals shall be kept for not less than one (1) week of the capture.

Section 210.330 Notification of Owner.

If, by a vaccination tag or identification tag, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or mail.

Section 210.340 Reclamation Fees.

- A. An owner, harbor reclaiming an impounded animal shall pay a reclamation fee, said fee shall be established from time to time by the City Council and adopted by resolution.
- B. No owner, harbinger or keeper shall be relieved of liability for payment of any fee incurred as may be prescribed by law by virtue of an animal being euthanized, abandoned, or relinquished to the City of Arnold. It shall be unlawful to fail to pay any fee incurred in association with the impoundment of an animal.

Section 210.350 Vaccination Required Prior to Release.

All animals shall be vaccinated, registered, and bear appropriate tag before being released to the owner. The Animal Control Officer shall have authority to cause vaccination-registration of those animals having identifiable owners seeking to reclaim the animal. A vaccination fee shall be established from time to time by the City Council and adopted by resolution. Said fee shall cover the cost of vaccination-registration and shall be assessed and paid for each animal not being vaccinated at time of capture, except in cases of repeated offense, as otherwise provided in this Chapter. The vaccination fee will apply in addition to other outstanding impound fees and reclamation fines.

Section 210.360 Disposition of Unclaimed Animals.

- A. Any animal not reclaimed by its owner within fourteen (14) calendar days shall become the property of the City of Arnold, and shall be:
 - 1. Placed for adoption in a suitable home; or

2. Relinquished to a nonprofit (as defined in Section 501(c)(3) of the Internal Revenue Code) animal adoption organization that agrees to the sterilization of the dog or cat if it has not already been sterilized; or
3. Humanely euthanized.

Section 210.370 Adoption.

- A. No impounded animal shall be released for adoption without being microchipped, vaccinated and sterilized or without a written agreement from the adopter guaranteeing that the animal will be microchipped, vaccinated and sterilized within thirteen (13) days after the date of adoption in the case of an adult animal, or sterilization of an adopted infant female or male puppy or kitten thirteen (13) days after it is six (6) months of age. The written agreement with the adopter guaranteeing that the microchipping, vaccination and sterilization will be performed by a licensed veterinarian shall contain the following information:
 1. The date of the agreement.
 2. The name, address, and signature of the releasing agent and the adopter.
 3. A description of the animal to be adopted.
 4. A statement printed in conspicuous bold print that the vaccination and sterilization of the animal is required pursuant to Sections 273.400 to 273.405, RSMo.
 5. A vaccination and sterilization completion date.
- B. An adoption fee shall be established from time to time by the City Council and adopted by resolution. Said fee shall be paid prior to the release of any animal that is to be adopted. The adoption fee shall be based upon the costs of registration, tags, physical examination, heartworm or Feline Leukemia test, vaccination, microchipping, and sterilization expenses.

Section 210.380 Animal Considered Microchipped, Vaccinated and Sterilized When — Exceptions.

- A. The City shall agree to give title, possession, and control of the animal so long as the adopter complies with the terms and conditions of the adoption agreement.
- B. The City shall consider the animal microchipped, vaccinated and sterilized upon receipt of written confirmation signed by the licensed veterinarian who performed the microchipping, vaccination and sterilization.
- C. Exceptions to the sterilization requirements of Sections 273.400 to 273.405, RSMo., shall not apply to a dog or cat that is claimed from the City by a person who already owns the animal.

- D. All costs of sterilization pursuant to Sections 273.400 to 273.405, RSMo., shall be paid by the prospective adopter, unless otherwise provided.
- E. The requirements of Sections 273.400 to 273.405, RSMo., shall not apply to canines of a breed regularly used for lawful hunting or livestock production, as specified by rules of the Missouri Department of Agriculture, to be used in the practice of livestock production or management of the practice of lawful hunting. The adopter may sign a statement that states he/she is going to use the canines for such purpose in lieu of the sterilization agreement.

Section 210.390 Diseased or Injured Animal — When Owner Unknown.

Every animal impounded which is found upon arrival at the animal shelter to be diseased or injured, which in a veterinarian's judgment, is beyond cure through reasonable care and treatment, and whose owner is unknown may be immediately disposed of by euthanasia.

Section 210.400 Emergency Euthanasia

Whenever an emergency situation exists, which requires the immediate euthanasia of animal suffering from imminently fatal injuries, an Animal Control Officer or their designee, a law enforcement officer, or a veterinarian may humanely destroy the animal by humane euthanasia.

Section 210.410 Unwanted Animals.

Owners who relinquish title to their impounded animals in writing shall pay a fee as established from time to time by the City Council and adopted by resolution, and the animal may be immediately euthanized.

Article V Rabies Control and Animal Bite Procedure

Section 210.510 Abandonment of Animals Subject to Rabies Prohibited.

Section 210.520 Quarantine Required for Animals Exhibiting Rabies Symptoms.

Section 210.530 Conditions for Release of Animals Under Observation.

Section 210.550 Destruction of Suspect Animal — Report Required.

Section 210.560 General Quarantine.

Section 210.570 Biting Prohibited — Procedure in Event of Bite.

Section 210.580 Duty of Physicians and Veterinarians to Report Bites or Suspect Animals.

Section 210.590 Interference With Enforcement Officer Prohibited.

Section 210.510 Abandonment of Animals Subject to Rabies Prohibited.

No owner of any dog, cat or other animal subject to rabies shall abandon such animal in the City.

Section 210.520 Quarantine Required for Animals Exhibiting Rabies Symptoms.

- A. Any dog, cat or other animal which exhibits objective symptoms of rabies, after written certification by the Animal Control Officer to the owner, shall be quarantined. The animal may be held for ten (10) calendar days at the City's animal shelter for clinical observation, and, if alive after this period, shall be returned to the owner after payment

of the shelter service fine provided for in this Article. The animal's owner may alternatively elect to quarantine for a similar ten (10) calendar day period. If such animal shall die during the observation period, regardless of location, the head shall be removed and submitted to a qualified laboratory for examination.

- B. Before an animal quarantined hereunder shall be returned to the owner, or if quarantined by the owner, before such quarantine shall be lifted, said animal shall be vaccinated as required under and in accordance with the procedures set out in this Chapter of the Code of Ordinances, if such animal is not already vaccinated.

Section 210.530 Conditions for Release of Animals Under Observation.

All dogs, cats and other animals under clinical observation for rabies must fulfill all conditions of this Article prior to release.

Section 210.540 Report of Suspect Animals Required.

- A. Any person within the City having information or knowledge of any dog, cat or other animal that:
1. Exhibits clinical symptoms suggestive of rabies;
 2. Has been exposed to rabies; or
 3. Is suspected of exposure to, or having contacted rabies shall report such knowledge or information to the City Animal Control Officer or Police Department.

Section 210.550 Destruction of Suspect Animal — Report Required.

Any person destroying a dog, cat or other animal infected with rabies or suspected of being infected with rabies shall immediately notify the City and shall surrender the carcass of such animal upon demand. The owner or custodian of any such destroyed animal shall immediately provide the Animal Control Officer with full particulars thereof, including the time, date, location, the names and addresses of any person bitten by such animal, and also the name and address of the owner or person having custody of any animal exposed to the animal destroyed.

Section 210.780 General Quarantine.

- A. Whenever rabies becomes prevalent in any locality within the City subject to this Section, the Animal Control Officer shall recommend a quarantine order affecting that portion of the City, or affecting the entire City, according to the necessity of the case. The City may issue a quarantine order pursuant to such recommendation. The Animal Control Officer, during the first (1st) 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 Article or not, shall be confined in the home of the owner of the animal, or tied up or placed on a leash 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 Animal Control Officer so designates.

- B. The quarantine may be terminated by the City 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 City Council.

Section 210.790 Biting Prohibited — Procedure in Event of Bite.

- A. No dog, cat or other animal shall be kept in any way by its owner so as to permit it to bite members of the public or other animal.
 - 1. The owner of any dog, cat or animal kept on the premises which bites any person or other animal, regardless of the circumstances, or irrespective of whether such animal is vaccinated or registered, shall be required to place such animal in the custody of the Animal Control Officer for confinement in a manner satisfactory to the Animal Control Officer and in a manner that will prevent contact with people and other animals for a period of ten (10) calendar days, following the evening of the day of the bite, for the purpose of clinical observation. If such animal develops clinical symptoms suggestive of rabies, it shall be allowed to die a natural death, or, if for any reason, such 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-calendar-day period, such animal is alive and healthy, it may be released to its owner upon payment of applicable fines. Before an animal confined hereunder shall be returned to the owner, said animal shall be vaccinated as required under and in accordance with the procedures set out in this Chapter, if such animal is not already vaccinated.
 - 2. All animals under clinical observation as the result of biting a person must fulfill all other conditions of this Article prior to release.
 - 3. It shall be the duty of any person bitten by any dog, cat or animal kept on the premises or the parent or guardian of any minor bitten by a dog, cat or other animal to report the same to the Animal Control Officer immediately. Such report shall contain the name and address of the owner and of the dog, cat or animal, the day and time bitten, and location where bitten, and a general description of the dog, cat or animal. The person bitten shall also make himself/herself available so as to permit viewing of the wound by the Animal Control Officer, his/her agents, and all other concerned parties and persons.
 - 4. In any case where a dog, cat or animal kept on the premises has attacked or bitten a person or other animal in a vicious manner, then such dog, cat or animal may be seized and impounded by City enforcement personnel. In addition to any penalties which may be imposed for violation of this Chapter, the Municipal Court may order such animal to be euthanized.

Section 210.800 Duty of Physicians and Veterinarians to Report Bites or Suspect Animals.

It shall be the duty of every physician to report immediately to the Animal Control Officer 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 Animal Control Officer the owner's name and address, and the animal's vaccination-registration number.

Section 210.810 Interference With Enforcement Officer Prohibited.

- A. It shall be unlawful for any person to conceal an animal or interfere with the Animal Control Officer in the performance of his/her legal duties as provided in this Article. The Animal Control Officer shall have the right of entry onto any unenclosed lots or lands for the purpose of collecting any animal which is on such lot or land in violation of this Article and whose presence on such lot or land constitutes a violation of any of the provisions of this Article. The Animal Control Officer shall have the right of entry to any property or premises within any quarantined area during the period of a quarantine for the purpose of examining or obtaining any dog, cat or other animal suspected of having rabies, having been exposed to rabies, or having bitten a person or other animal.
- B. No person shall refuse to deliver up to the Animal Control Officer any animal subject to rabies which such person owns, when requested to do so under the provisions of this Article.

**Article VI
Commercial Kennels**

Section 210.610 Kennel Licenses — Adequate Care and Control of Kenneled Animals Required.

Section 210.610 Kennel Licenses — Adequate Care and Control of Kenneled Animals Required.

- A. Prior to initiating operations, the operator of a kennel (See “*Boarder*”) shall register with the City Clerk and procure a Business License per the provisions and fees contained in Chapter 600 (Business and Occupation).
- B. Prior to the issuance of a license, the kennel and its premises shall be subject to an inspection by the Animal Control Officer or their designee to determine that the kennel operator can provide adequate food, adequate water, housing and sanitary facilities for animals under the control of the kennel. Operation of a kennel without a license shall constitute a violation of this Chapter.
- C. The Animal Control Officer or their designee is authorized to inspect kennels during normal business hours as frequently as the Animal Control Officer or their designee deem appropriate. If such inspection reveals that adequate food, adequate water, adequate housing or sanitary facilities are not being provided, the Animal Control

Officer or their designee may suspend and act to revoke the kennel operator's license. A suspended license will not be re-activated until a subsequent inspection reveals the presence of adequate conditions as required by this Chapter.

- D. If a license is suspended by the Animal Control Officer or their assigns, the operator of the kennel may, within ten (10) days of the suspension, make a written appeal to the Community Development Director. The Community Development Director's decision on the matter shall be final.
- E. Whenever it is shown or whenever the Council has knowledge that a licensee under Chapter 600 (Business and Occupation) has violated any provision of this Chapter, or has knowingly violated any of the other ordinances of the City as may be applicable to his/her place of business, the Council, after notice and a hearing thereon, shall have the power to revoke the license.
- F. The provisions of this Section are in addition to, not in lieu of, other provisions of this Chapter or the Code of Ordinances. In the case of an inconsistency in this Chapter or Code of Ordinances, the specific shall control.

Article VII Penalties and Enforcement

Section 210.710 Penalties

Section 210.720 Enforcement.

Section 210.730 Additional Remedies

Section 210.710 Penalties

Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction of any such violation shall be subject to penalties pursuant to Section 100.140 General Penalty – Violations.

Section 210.720 Enforcement.

The civil and criminal provisions of this Chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this Chapter to interfere with a Animal Control Officer in the performance of his/her duties.

Section 210.730 Additional Remedies.

Nothing provided in this Article is intended to prevent the City from seeking other remedies it may have with respect to the abatement of nuisances, including the institution of civil actions.

SECTION 2: Saving clause. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 3: If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 4: All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS ____ DAY OF _____, 2021.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	September 16, 2021
TITLE:	Chapter 235 Garbage, Trash and Refuse - Text Amendment
DEPARTMENT:	City Clerk & Community Development
PROJECT MANAGER:	Tammi Casey, City Clerk & David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	Draft Ordinance

EXECUTIVE SUMMARY:

A City-initiated request to amend Chapter 235 (Garbage, Trash and Refuse) of the Arnold Code Ordinances by deleting and replacing it with a new Chapter 235 (Garbage, Trash and Refuse).

REVIEW & ANALYSIS:

In response to known deficiencies in the Chapter 235 (Garbage, Trash and Refuse), the City Clerk's office and the Community Development Department undertook the modification of the chapter based on the years of experience implementing the chapter as written and observing how other communities manage their programs. Changes in the chapter can be summarized as follows:

- Made clear the responsibility of residences, businesses, etc. to have solid waste collected.
- Formalized the City's practice of holding special clean-up events from time-to-time.
- Formalized that there are legal consequences for violating the ordinance.
- Added and revised definitions of terms for purposes of clarity.
- Clarified that when the City or its contractor provide trash containers, such containers must be used.
- Made clear that it is unlawful not to register, subscribe, and pay for the City's contracted residential trash service.
- Clarified language relative to the how residents make payment for the City's contracted trash service.
- Clarified when trash containers can be brought to the curb and when they must be removed from same.
- Where previously the chapter required those engaging in the business of collecting or transporting solid waste get a permit, without having established a permitting process, a section addressing such permits has been added.
- Replaced all references to the Health Officer with Code Enforcement Officer.
- Made clear that no person is permitted to bring solid waste to City Parks for disposal.
- Updated language relating to the recently updated Chapter 610 (Peddlers, Solicitors, and Canvassers).

RECOMMENDATION:

Staff recommends approval of the draft ordinance attached hereto.

AN ORDINANCE AMENDING CHAPTER 235 (GARBAGE, TRASH AND REFUSE) OF THE ARNOLD CODE ORDINANCES BY DELETING AND REPLACING THE CHAPTER IN ITS ENTIRETY.

WHEREAS, the Arnold City Council desires to amend Chapter 235 (Garbage, Trash and Refuse) of the City of Arnold Code of Ordinances as provided herein;

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

SECTION 1: Chapter 235 (Garbage, Trash and Refuse) of the City of Arnold Code of Ordinances, inclusive, is hereby repealed and amended, so as to read in its entirety as follows:

“Chapter 235 Garbage, Trash and Refuse

Article I

In General

Section 235.010 Duty to Have Solid Waste Collected.

All residential , commercial, industrial and institutional locations within the city limits shall have solid waste collection services. Every owner, occupant or lessee of any residential, office, commercial or industrial premises shall maintain regular supervision and surveillance over all waste collection carts and containers on the premises. If no waste carts or containers have been placed, or the city or other duly authorized person does not empty such waste carts or containers for a period of seven days, such owner, occupant or lessee shall notify the city.

Section 235.020 Special Clean-Up Events.

The City Administrator or his/her designee may from time to time establish special clean-up events which permit residents to dispose of solid waste, yard waste, and/or recyclables under terms and conditions which may vary from article II "Residential Collection" of this chapter, and are unique to the special clean-up event.

Section 235.030 Abatement.

Trash, yard waste, brush, recyclables or bulky rubbish placed in violation of this chapter is hereby declared a public nuisance and may be abated and a lien placed on the property in accordance with Chapter 220 of this Code.

Section 235.040 Violations.

Except as may be specifically provided in this chapter, a person commits an offense if he or she intentionally, knowingly, recklessly or with negligence violates any provision of this chapter.

Section 235.050 through Section 235.100. (Reserved)

Article II Solid Waste

Division 1

Generally

Section 235.110 Definitions.

For the purposes of this Article, the following terms shall be deemed to have the meanings indicated below:

BULKY RUBBISH

Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste collection vehicles by solid waste collectors, with the equipment available therefor.

CITY

The City of Arnold, Missouri

CODE ENFORCEMENT OFFICER

The Building Commissioner or his/her designee.

COLLECTION

Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

COMMERCIAL SOLID WASTE

Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

COMMERCIAL UNIT

A place where a business is conducted by a person in the normal pursuit of gainful profit.

COMPOSTING

A controlled biological reduction of organic waste to humus.

CONTRACTOR

Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the City.

CURBSIDE

A location adjacent to and not more than five (5) feet from any street.

DEMOLITION AND CONSTRUCTION WASTE

Waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under Section 260.200, RSMo.

DIRECTOR

The individual designated by the City Administrator to manage and administer the solid waste management program of the City.

DISPOSABLE YARD WASTE CONTAINER

Disposable paper sacks with a capacity of twenty (20) to thirty-five (35) gallons primarily designed for disposal of grass clippings and yard waste.

DWELLING UNIT

Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

GARBAGE

Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

HAZARDOUS WASTES

Any waste or combination of wastes, as determined by the commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment.

MULTIPLE HOUSING FACILITY

A housing facility containing more than one (1) dwelling unit under one (1) roof.

OCCUPANT

Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON

Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING

Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

REFUSE

Solid waste.

RESIDENTIAL SOLID WASTE

Solid waste resulting from the maintenance and operation of any dwelling unit, including any dwelling unit located within any multiple housing facility.

SOLID WASTE

Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "yard wastes" as defined herein.

SOLID WASTE CONTAINER

Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE MANAGEMENT

The entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes.

STORAGE

Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION

The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES

Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

Section 235.120 Occupant's Duty to Provide Containers.

- A. Except for customers of disposal services provided by the City or its contractor, the occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishments; and to maintain such solid waste containers at all times in good repair.
- B. For customers of disposal services provided by the city or its contractor, only containers provided by the city or its contractor shall be used for the storage of all solid waste except bulky rubbish and demolition and construction waste. A customer of city or its contractor's disposal services shall not alter any container, use it for any purpose other than its intended use, or move it to a different address.

Section 235.130 Solid Waste to Be Placed in Containers.

The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided in this Article, and shall maintain such

solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the City for a period longer than ten (10) days.

Section 235.140 Solid Waste Containers Required for Multiple Housing Facilities.

- A. Any person owning multiple housing facilities within the corporate limits of the City shall provide, as a minimum for solid waste disposal, one (1) two (2) yard container, or its equivalent, for each four (4) dwelling units, or portions of four (4) dwelling units, contained in said multiple housing facilities. The term "or its equivalent" shall mean containers required by this Section may be a lesser size provided that such containers are approved by the Director and are emptied at intervals sufficient to prevent containers from overflowing and comply with all other aspect of this Section.
- B. Containers required by this Section shall be a dumpster type container with a hinged lid unless some other type of container is authorized by the Director. Containers shall be emptied weekly unless a more frequent interval is required by the Director in accordance with the provisions of this Section.
- C. Notwithstanding other provision of this Code to the contrary, any container required by this Section that is overflowing, has an accumulation of solid waste around it, or is full as to prevent the lid from properly closing is hereby declared to be a nuisance. In any instance where it has been determined that the minimum standard of one (1) two (2) yard container for each four (4) dwelling units or portion of four (4) dwelling units is not sufficient to prevent solid waste from overflowing the container or becoming a nuisance, the Director is hereby empowered to require the owner of such multiple housing facility to provide a larger container and/or more frequent collection intervals sufficient to abate the nuisance and prevent it from occurring.

Section 235.150 Commercial Solid Waste Containers.

Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be water-proof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 235.170.

Section 235.160 Yard Wastes.

Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon adjacent public rights-of-way.

Section 235.170 Director's Rule Promulgation Authority.

- A. The Director may make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:
 - 1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 - 2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
 - 3. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 5. Storage of solid waste in solid waste containers.
 6. Sanitation, maintenance and replacement of solid waste containers.
 7. Schedules of and routes for collection of solid waste.
 8. Collection points of solid waste containers.
 9. Collection and disposal of solid waste.
 10. Processing facilities and fees for the use thereof.
 11. Disposal facilities and fees for the use thereof.
 12. Records of quantity and types of wastes received at processing and/or disposal facilities.
 13. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, demolition and construction waste, bulky rubbish, tires, automobiles, oils, greases, etc.
 14. Haulers' vehicle weights; utilizing private driveways to turn around; keeping vehicles on pavement or road surfaces.
- B. The Director or such other City Official who is responsible for preparing utility and other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges as provided for in this Article.
- C. A copy of any and all rules and regulations made and promulgated under the provisions of this Section shall be filed in the office of the City Clerk.

Section 235.180 Prohibited Practices.

- A. It shall be unlawful for any person to:
1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge provided in this Article for solid waste collection and disposal;
 2. Interfere in any manner with solid waste collection equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City;
 3. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
 4. Dispose of solid waste at any facility or location which is not approved by the City and Missouri Department of Natural Resources;
 5. Engage in the business of collecting, transporting, processing or disposing of residential non-commercial solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked;

6. Place a dead animal in a waste container;
7. Collect or empty solid waste containers before the hour of 6:00 A.M. or after the hour of 9:00 P.M., including residential solid waste containers and commercial solid waste containers of any kind;
8. Use of private residential driveways by collection vehicles for purposes of turning the vehicle around.
9. Whenever the City provides for refuse collection and removal services from residences by contract with a private or public entity or agency, it shall be unlawful for any property owner or occupant of a residence eligible for the contracted service:
 - a. To fail to register with the City's service provider; or
 - b. To fail to subscribe to such service; or
 - c. To permit such subscription to lapse or be terminated.

Section 235.190 Service Charge for Collection and Disposal.

- A. There is hereby imposed, for the collection and disposal of residential solid waste and for the collection and disposal of residential solid waste which may be utilized for recycling purposes, a service charge upon the owner or owners of each dwelling unit within the City, whether such dwelling unit utilizes such services or not. The service charge shall be in the amount as provided by the City Council.
- B. It shall be the duty of every owner of property within the City upon which a dwelling unit is located to notify the City Clerk and City's contractor of the transfer of ownership or the sale of such property or any dwelling unit located thereon, and the name and address of the new owner or owners.
- C. The City or its contractor may enforce collection of such charges by bringing appropriate legal action against the owner of any dwelling unit which has not paid the service charge and any penalties or interest due and payable thereon, including the costs and expenses of collection and a reasonable attorney's fee. Any such delinquency shall be and become and remain a lien upon the property upon which such dwelling unit is located from the date of filing such lien with the office of the Recorder of Deeds of Jefferson County until paid.

Section 235.200 Penalty for Delay in Payment of Service Charges.

All service charges provided for in this Division shall be due and payable as billed by the City or its contractor. Failure to pay for such service may result in the amount being referred for collection and/or the placement of a lien on the property where service is being provided.

Section 235.210 Inspections — Violation Notices.

In order to insure compliance with the laws of this State, this Article and the rules and regulations authorized herein, the City Administrator or his/her designee is authorized to inspect all phases of solid waste management within the City. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Article, the rules and regulations

authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State, the Director shall issue notice for each such violation stating therein the violations found, the time and date and the corrective measures to be taken, together with the time in which such corrections shall be made.

Section 235.220 through Section 235.350. (Reserved)

Division 2

Collection

Section 235.360 City to Provide.

The City may provide for the collection of solid waste as set out in this Division.

Section 235.370 Authority of City to Contract for Service.

The City may provide for the collection of all residential solid waste in the City; provided however, that the City may provide the collection service by contracting with a person, company, corporation, County or other City or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.

Section 235.380 Waste Becomes Property of Collection Agency Upon Collection.

All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.

Section 235.390 Material to Be Placed at Curb.

No solid waste containers, tree limbs, yard wastes, or other solid wastes shall be placed on the street or in the gutter or drainage ditch. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this Article to be placed at curbside for collection shall be so placed by 6:00 A.M. on the day of collection, but shall not be so placed earlier than 6:00 P.M. on the day prior to the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection.

Section 235.400 Collectors' Right of Entry.

Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Article. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

Section 235.410 Collection Frequencies.

- A. The following collection frequencies shall apply to collections of solid waste within the City:
1. All residential solid waste shall be collected at least once weekly.
 2. All commercial solid waste shall be collected once weekly, and shall be collected at such lesser intervals as may be fixed by the Director upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

Section 235.420 Storage.

- A. If residential solid waste containers are stored outdoors, they must be stored upon the residential premises on the side or back of the residence.

- B. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes.
- C. The storage site shall be well drained and fully accessible to collection equipment, City of Arnold personnel and fire inspection personnel.

Section 235.430 Vehicles.

All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste; or, as an alternate, the entire bodies thereof shall be enclosed with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

Section 235.440 Removal, Disposal of Earth and Rock Material.

Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities; however, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

Section 235.450 through Section 235.520. (Reserved)

Division 3

Disposal

Section 235.530 Facility.

Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all the requirements of the Missouri Solid Waste Management Law, Sections 260.200, RSMo. et seq., and the rules and regulations adopted thereunder.

Section 235.540 Hazardous Wastes.

The Director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, State and Federal regulations.

Division 4

Permits

Section 235.550 Required.

- A. No person, including any person contracting with the City for the collection of solid waste, shall engage in the business of collecting or transporting of solid waste within the corporate limits of the City without first obtaining an annual permit therefor from the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit. Permits shall be approved by the City Administrator.
- B. Said annual permit shall be in lieu of the otherwise required business license; and the

fee for said permit shall be an amount equal to the otherwise required Business License.

- C. No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than one million dollars (\$1,000,000.00) for each occurrence, not less than two million dollars (\$2,000,000.00) aggregate and not less than twenty-five million dollars (\$25,000,000.00) umbrella liability. Should any such policy be canceled, the City shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation and provisions to that effect shall be incorporated in such policy. Any subcontractor shall provide insurance coverage in like amount as is required of the contractor.
- D. Each applicant for any such permit shall state in his/her application therefor:
1. The nature of the permit desired as to collect or transport solid waste or any combination thereof;
 2. The characteristics of solid waste to be collected or transported;
 3. The number of solid waste transportation vehicles to be operated thereunder;
 4. The precise location or locations of solid waste processing or disposal facilities to be used;
 5. Boundaries of the collection area; and
 6. Such other information as required by the City.
- E. If the application shows that the applicant will collect or transport solid wastes without hazard to the public health or damage to the environment and is in conformity with the laws of the State of Missouri and this Chapter and is approved by the City, the City Clerk shall, upon receiving the City Administrator's written approval of application, issue the permit authorized by the ordinance. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee of one hundred dollars (\$100.00) for each permit. If, in the opinion of the City Administrator, modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the City Administrator shall notify the applicant in writing setting forth the modification to be made and time in which it shall be done.
- F. If the applicant does not make the modifications pursuant to the notice in Subsection **(D)** hereof within the time limit specified therein, or if the application does not clearly show that the collection or transportation of solid wastes will not create a public health

hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the City Administrator, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to re-apply after the rejection of his/her application, provided that all aspects of the reapplication comply with the provisions of this Chapter.

- G. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall re-apply for a permit as set forth in Subsections (B) and (C). No permits authorized by the ordinance shall be transferable from person to person.

Section 235.560 Enforcement.

- A. In order to ensure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the City Administrator or his/her designee is authorized to inspect all phases of solid waste management within the City of Arnold. No inspection shall be made of any residential solid waste container unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter concerning processing or disposal of solid waste or the laws of the State of Missouri, the City shall issue notice for such violation stating therein the violation or violations found, the time, and date and the corrective measure to be taken together with the time in which such corrections shall be made.
- B. In all cases, when the corrective measures have not been taken within the time specified, the City shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is not a public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- C. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the City Administrator may within thirty (30) days of the act for which redress is sought appeal directly to the Circuit Court of Jefferson County, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

Section 235.570 through Section 235.780. (Reserved)

Article III

Landfills

Section 235.790 Definition.

"Landfill", for the purpose of this Article, is defined as, but not limited to, the ultimate repository for rubbish, trash or discarded items at any location in the City where accumulation of garbage, filth, slop or vegetable matter or other articles are allowed to accumulate.

Section 235.800 Declared Nuisance — Prohibited.

The keeping of any landfill is hereby declared and defined to be a nuisance, and no person shall permit, cause, keep, maintain or create a landfill, as defined by this Article, within the City or within a one-half (1/2) mile limit of the City.

Section 235.810 Code Enforcement Officer to Enforce Article.

- A. The Code Enforcement Officer is hereby empowered to abate or remove, either by filling up, draining, cleaning, purifying, discontinuing or removing, any landfill as defined in this Article.
- B. It shall be the duty of the Police Chief to serve all orders and notices signed by the Code Enforcement Officer as provided for by this Article and to attend to the abatement and removal of and to perform any such other duties in relation to abatement of landfills as the Code Enforcement Officer may direct.

Section 235.820 Notice to Owners, etc., Required Before Abatement.

The Code Enforcement Officer shall, before proceeding to abate or remove a landfill as defined in this Article, notify the owner, tenant, lessee or occupant or his/her agent, employee or manager having charge of or doing business in or occupying any house or building of any kind or any vacant lot, yard or piece of ground in or on which such landfill exists to abate, discontinue or remove the nuisance, which notice shall be served in the same manner as writs or summons are served in civil cases. If the owner, tenant, lessee, agent, employee, manager or other person named in a notice cannot be found in the City, the Code Enforcement Officer shall cause the notice to be posted at the location in question for at least one (1) week.

Section 235.830 Abatement — Costs.

- A. If a landfill is not abated, discontinued or removed within three (3) days after the service or after the time for the posting of the notice has lapsed as provided for in Section 235.820, the Code Enforcement Officer may proceed to abate or remove the landfill.
- B. The Council shall estimate the cost of abating or removing any landfill and shall levy and assess the cost as a special tax bill against each lot.

Section 235.840 through Section 235.930. (Reserved)

Article IV

Anti-Littering Regulations

Section 235.940 Definitions.

- A. As used in this Article, the following terms will have the meanings ascribed to them:

AIRCRAFT

Any contrivance used or designed for navigation or for flight in the air, including, but not limited to, airplanes, helicopters, unmanned aerial vehicles (drones), lighter-than-air dirigibles and balloons.

COMMERCIAL HANDBILL

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

1. Which advertises for sale any service, merchandise, product, commodity or thing; or
2. Which directs attention to any business, merchandise or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
3. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind which is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided however, that nothing contained in this paragraph shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where a license is or may be required by any law of the State, any provision of this Article or other ordinance of the City; or
4. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

DRIVE-IN RESTAURANT

Any restaurant where food, frozen desserts or beverages sold from such restaurant are regularly available for consumption out of doors, on bicycles or in motor vehicles or other types of vehicles.

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER

Garbage, refuse, rubbish, and all other waste material.

NEWSPAPER

Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, shall mean and include any periodical or current magazine containing items of general or local interest not limited to advertising, and regularly published with not less than four (4) issues per year.

NON-COMMERCIAL HANDBILL

Any printed or written matter, any sample, or device, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced

original or copies of any matter or literature other than a commercial handbill or newspaper.

PARK

A park, reservation, playground, beach, recreation center, or any other public area in the City owned or used by the City and devoted to active or passive recreation.

PARKWAY

A strip of land located between a sidewalk and a physical street, or a strip of land between two (2) streets, whether such land is located on a part of the street right-of-way or not.

PLACE OF BUSINESS

Any place other than a private premises, a public building, or a public place.

POLITICAL HANDBILL

Any printed or written matter, any sample, or device, circular, dodger, leaflet, pamphlet, newspaper, magazine, paper, poster, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature endorsing, opposing or stating a position on any point of legislative, executive or judicial action or proposed action or for a candidate for any office, other than a commercial handbill or newspaper.

PUBLIC BUILDING

Any building owned or occupied by any governmental agency.

PUBLIC PLACE

Any and all streets, including street rights-of-way, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

PUBLIC RECEPTACLE

A litter storage and collection receptacle furnished by any person or by any governmental agency for use by the public.

REFUSE

All putrescible and non-putrescible solid wastes, except body wastes, including, but not limited to, garbage, rubbish, ashes and solid market and industrial wastes.

RUBBISH

Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, including, but not limited to, paper, wrappings, cigarettes, cardboard, tin cans, wood, glass, bedding, crockery and similar materials.

VEHICLE

Every device in, upon or by which any person or property is or may be transported.

Section 235.950 Litter in Public Places.

No person shall throw or deposit litter in or upon any sidewalk, parkway, gutter, street, alley or other public place within the City except in public receptacles or other receptacles for collection.

Section 235.960 Placement of Litter in Receptacles so as to Prevent Scattering.

Persons placing litter in receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any place.

Section 235.970 Duty to Keep Sidewalks, etc., Free of Litter.

A. All persons occupying any place of business, public building, or private premises shall keep such place of business, public building or private premises as the case may be, including the sidewalk, parkway, gutter, street, to the edge of the pavement or traveled portion which is the farthest from the pavement, adjoining or abutting to the place so occupied, free and clear of litter. To this end:

1. No person or authority owning, occupying or in control of a place of business, public building or private premises shall sweep into or deposit, or cause to be swept or deposited, in any sidewalk, parkway, gutter, street or alley, or other public place within the City an accumulation of litter from any place of business, public building, or private premises, except the placing of litter in receptacles for collection so constructed as the litter will be prevented from being carried or deposited by the elements upon any place for collection scheduled within twenty-four (24) hours of the placing of the receptacle by what is colloquially known as a "garbage collector".
2. The operator of a drive-in restaurant shall at least once in each twelve-hour period during which it is open for business collect and dispose of, in receptacles so constructed as the litter will be prevented from being carried or deposited by the elements upon any place, all litter on the premises of such drive-in restaurant, including the sidewalk, parkway, gutter, street, to the edge of the pavement or traveled portion which is the farthest from the pavement, and alley, to the centerline thereof, adjoining or abutting to such premises.
3. The occupier of a place of business and the authority in control of a public building shall, at least once in each twenty-four-hour period during which it is open for business or open to the public, as the case may be, collect and dispose of all litter on the premises of such place of business or public building, as the case may be, in receptacles constructed in such a manner that litter will be prevented from being carried or deposited by the elements upon any place, including the sidewalk, parkway, gutter, street, to the edge of the pavement or traveled portion which is the farthest from the pavement, and alley, to the centerline thereof, adjoining or abutting to such premises. For purposes of this Subsection, the operator of any shopping center shall be deemed to be the occupier of all common areas of such shopping center, including, but not limited to, parking areas, parking lots, and landscaped areas which are not leased or rented to any particular tenant, but not including any sidewalks, parkways, or gutters adjoining or abutting to any premises rented to a particular tenant.

4. The occupier of any private premises shall, at least once in each calendar week, collect and dispose of all litter on his/her private premises in receptacles constructed in such a manner that litter will be prevented from being carried or deposited by the elements upon any place, including the sidewalk, parkway, gutter, street, to the edge of the pavement or traveled portion which is the farthest from the pavement, and alley, to the centerline thereof, adjoining or abutting to his/her private premises.

Section 235.980 Trucks Causing Litter.

No person shall drive, move or direct or employ a driver or subcontractor to any employee of, any truck or other vehicle within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substance, litter or foreign matter of any kind, except at a construction site in which case to clean mud off street at least twice a day (Noon and quitting time) or whenever conditions are hazardous to a property owner.

Section 235.990 Truck Loads Causing Litter.

No person shall drive or move, or direct or employ a driver to drive or move, any truck or other vehicle within the City unless the truck or other vehicle is so constructed and loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public way.

Section 235.1000 Litter, Trash, Garbage, and Other Rubbish in City Parks.

A. No person shall throw or deposit litter in any park within the City except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any place. Where receptacles are not provided or where the receptacles are full, all such litter shall be carried away from the park by the person responsible for its presence and properly deposited elsewhere.

B. No person shall bring litter, trash, garbage, or other rubbish to a City Park for disposal.

Section 235.1010 Litter in Lakes, Rivers and Fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, river or any other body of water in a park or elsewhere within the City.

Section 235.1020 Throwing or Distributing Handbills in Public Places.

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, parkway, gutter, street or other public place within the City, nor shall any person hand out or distribute or sell any commercial handbills in any public place; however, it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

Section 235.1030 Placing Handbills on Vehicles.

No person shall throw or deposit any commercial handbill in or upon any vehicle; however, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

Section 235.1040 Depositing Handbills on Uninhabited or Vacant Premises.

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Section 235.1050 Prohibition on Distribution of Handbills Where Properly Posted.

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisements", or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises, or if such person has registered with the City as a "no soliciting household".

Section 235.1060 Distributing Handbills at Inhabited Premises — Exemption for Certain Items.

- A. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; however, in case of inhabited private premises which are not posted as provided in this Article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon the inhabited private premises if the handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, except that mailboxes may not be so used when prohibited by Federal postal law or regulations.
- B. The provisions of Subsection (A) of this Section shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements in an unbound condition upon any sidewalk, parkway, gutter, street, alley or other public place or upon private property.

Section 235.1070 Dropping Litter from Aircraft.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill, or any other object.

Section 235.1080 Posting Notices.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole, or shade tree, or upon any public structure or building, except as may be authorized or required by law.

Section 235.1090 Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private place or property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain receptacles in such a manner that the litter will be prevented from being carried or deposited by the elements upon any place.

Section 235.1100 Litter on Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

Section 235.1110 Political Handbills — Effect of Article.

All provisions of this Article relating to commercial and non-commercial handbills shall also relate to political handbills, except that political handbills may be posted or deposited on a vehicle or handed to a person or to an occupant of a vehicle if it would be otherwise legal to do so; provided further, that any person posting political handbills on other than occupied private property may do so only with the owner's permission.

Section 235.1120 Clearing of Litter by City — Costs.

- A. Notice To Remove. The Code Enforcement Officer is hereby authorized and empowered to notify the owner and/or occupant of any premises within the City to properly dispose of litter located on such premises, or the sidewalks, parkways, gutters, streets, to the edge of the pavement or traveled portion which is the farthest from the pavement, or alleys, to the centerline thereof, adjoining or abutting to such premises. Such notice shall be in writing, and shall be given:
1. In person; or
 2. By registered mail or certified mail, requesting a return receipt signed by the addressee or an agent of the addressee, addressed to the owner at his/her last known address as furnished to or by the City; or
 3. By posting a copy of such notice on the premises for a period of not less than five (5) days in such a way that it might also be seen by persons not in possession of such premises.
- B. Action Upon Non-Compliance. Upon the failure, neglect or refusal of any owner notified pursuant to Subsection (A) of this Section to properly dispose of litter within five (5) days after the giving of the written notice provided for in Subsection (A), the Code Enforcement Officer is hereby authorized and empowered to obligate the City to pay for the collection and disposal of such litter, or to order its collection and disposal by the City.
- C. Charge Included In Tax Bill Or Other Bill. When the City has affected the collection and disposal of litter or has paid for its collection and disposal pursuant to this Section, the cost thereof, if not paid by such owner prior thereto, may be charged to the owner of such property by forwarding a bill to such owner by the City.
- D. Recorded Statement Constitutes A Lien. Where the full amount due the City under this Section is not paid by the owner within ninety (90) days after the sending of a bill for the collection and disposal of such litter as provided for in Subsections (A) and (B) of this Section, the Code Enforcement Officer shall cause to be recorded in the office of the Recorder of Deeds of the County, or his/her successor, a verified statement showing the cost and expense incurred for the work, the date the work was done, and the legal description of the premises on which such work was done. The recording of the verified statement shall constitute a lien on such premises and shall remain in full force and effect for the amount due in principal and interest; plus costs of court, if any, for collection, including a reasonable attorney's fee until final payment has been made. Such costs and expenses may be collected in any manner allowed by law. A copy of the verified statement recorded in accordance with this Section and certified as a true and complete copy by the Recorder of Deeds of the County, or his/her successor, or the recorded, verified statement itself shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily,

and shall be full notice to every person concerned that the amount of the statement, plus interest and appropriate costs and penalties, constitutes a charge against the property designated or described in the statement, and that the same is due and collectible as provided by law. In lieu of the above procedure of collecting said costs, the cost of such removal or abatement shall be certified to the City Clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Clerk or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

Section 235.1130 Dumping in Floodplain Zones.

No person shall throw, dump or deposit litter, garbage, refuse or rubbish on any property within the City that is located within an area zoned as Flood Plain (FP), except within a public receptacle.”

SECTION 2: Saving clause. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 3: If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 4: All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____, 2021.

[SIGNATURES ON FOLLOWING PAGE]

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

Z:\CITYDOCS\ORDINANC\2021\2805 Ordinance Amending Chapter 235 Garbage, Trash and Refuse (Municipal Code Text Amendment).docx
September 9, 2021

City of Arnold
NOTICE OF PUBLIC HEARING

A hearing will be held at 7:00 p.m., September 16, 2021, at Arnold City Hall at which citizens may be heard on the property tax rates proposed to be set by the City of Arnold. The tax rates shall be set to produce the revenue for the budget for the fiscal year beginning September 1, 2021, shows to be required from the property tax. This tax rate is determined by dividing the amount of revenue required by the current assessed valuation. The result is multiplied by 100 so the tax rate will be expressed in cents per \$100 valuation.

ASSESSED VALUATION (after Board of Equalization)

Category	Current Tax Year	Prior Tax Year
Real Estate	\$ 326,430,978	\$ 302,444,034
New Construction	2,723,422	1,933,266
Railroad & Utility	<u>9,775,916</u>	<u>9,330,059</u>
	\$ 338,930,316	\$ 313,707,359

PROPOSED TAX RATE & REVENUE BUDGETED

	Levy per \$100 Valuation		Amount of Property Tax Revenue	
	FY 2022	FY 2021	FY 2022	FY 2021
General Fund	36.30 cents	38.37 cents	\$ 1,230,317	\$ 1,203,695

Tammi Casey, City Clerk
City of Arnold

BILL NO. 2807

ORDINANCE NO. _____

AN ORDINANCE FIXING THE ANNUAL RATE OF LEVY FOR TAXES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

Section 1. Rate. The tax rate hereby levied for the fiscal year beginning September 1, 2021, and ending August 31, 2022 is Thirty-Six and Thirty Hundredth Cents (\$0.3630) per One Hundred Dollars (\$100.00) assessed valuation.

Section 2. Effective Date. This ordinance shall be in full force and effect upon its passage and approval.

READ TWO TIMES, PASSED AND APPROVED THIS ____ DAY OF September 2021.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney

BILL NO. 2708

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 600, ALCOHOLIC BEVERAGES,
ARTICLE I OF THE CODE OF ORDINANCES RELATING TO LIQUOR
LICENSES REGARDING SALE OF “TO-GO” CONTAINERS**

WHEREAS, the City of Arnold (“City”) provides liquor licenses for duly qualified persons and organizations; and

WHEREAS, the Legislature of the State of Missouri voted and passed Senate Bill 126 regarding liquor sales, with an effective date of August 28, 2021; and

WHEREAS, it is the desire of the City of Arnold to adhere to the liquor laws and regulations promulgated by the State of Missouri and update its Ordinances in accordance with any newly enacted laws and regulations of the State of Missouri;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ARNOLD, MISSOURI, AS FOLLOWS:**

Section 1. Chapter 600, Alcoholic Beverages, Article I, Section 600.250, License fees, Description, in Lieu of, Disposition, Time of Sale, of the Code of Ordinances is hereby amended by adding the following:

“B. Notwithstanding any other provision of the law to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption, may sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises by any employee of the retailer who is twenty-one years of age or older, for off-premises consumption if all the following requirements are met:

- (1) The container of the alcoholic beverage is rigid, durable, leak-proof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A “sealable” container does not include a container with a lid with sipping holes or openings for straws;
- (2) The contents of each container do not exceed one hundred twenty-eight ounces;
- (3) The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this subdivision, a “meal” is defined as food that has been prepared on-premises;
- (4) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;
- (5) The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and
- (6) The container is either:
 - (a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or
 - (b) The container opening is sealed with tamperproof tape. For purposes of this subdivision, “tamperproof” means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

Containers that are filled under this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, “THIS BEVERAGE CONTAINS ALCOHOL.”

Section 2. This Ordinance shall be in full force and effect from and after its passage by the City Council and its approval by the Mayor.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF SEPTEMBER 2021.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

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September 16 , 2021

BILL NO. 2709

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 600, ALCOHOLIC BEVERAGES,
ARTICLE I OF THE CODE OF ORDINANCES RELATING TO LIQUOR
LICENSES REGARDING ALLOWED TIMES OF SALE**

WHEREAS, the City of Arnold (“City”) provides liquor licenses for duly qualified persons and organizations; and

WHEREAS, the Legislature of the State of Missouri voted and passed Senate Bill 126 regarding liquor sales, with an effective date of August 28, 2021; and

WHEREAS, it is the desire of the City of Arnold to adhere to the liquor laws and regulations promulgated by the State of Missouri and update its Ordinances in accordance with any newly enacted laws and regulations of the State of Missouri;

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

Section 1. Chapter 600, Alcoholic Beverages, Article I, Section 600.070(B), Times of Sale Restricted, Closed Place, of the Code of Ordinances is hereby repealed and replaced with following Section 600.070(B) to read as follows:

“B. Notwithstanding any other provisions herein to the contrary, when January first (1st), March seventeenth (17th), July fourth (4), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and the Sunday referred to as “Super Bowl Sunday”, then any person having a license to sell intoxicating liquor by the drink may be open for business, and sell intoxicating liquor by the drink under the provisions of said license on that day after 6:00 A.M. on Sunday and until 1:30 A.M. on Monday.”

Section 2. Chapter 600, Alcoholic Beverages, Article I, Section 600.250(A)(2) and (4), License fees, Description, in Lieu of, Disposition, Time of Sale, of the Code of Ordinances is hereby repealed and replaced with the following Section 600.250(A)(2) and (4) to read as follows:

“(2) *Sunday by drink license (including original package sales).* Issued for the sale of all kinds of intoxicating liquor at retail by the drink for consumption on the premises only between the hours of 6:00 A.M. on Sunday and until 1:30 A.M. on Monday, and shall also the sale of intoxicating liquor in the original package as defined in the Chapter, regardless of where the intoxicating liquor is to be consumed. Only persons issued a “retail liquor by the drink license” may apply for this additional license. The annual fee shall be three hundred dollars (\$300.00).”

“(4) *Original package license (Sunday sales).* Issued for the sale of all types of intoxicating liquor in the original package, as defined in this Chapter, neither for consumption on the premises nor for resale, on Sunday between the hours of 6:00 A.M. and 1:30 A.M. Only persons having been issued a license for “original package (not including Sunday sales)” license may apply for this additional license. The annual fee shall be three hundred dollars (\$300.00).”

Section 3. This Ordinance shall be in full force and effect from and after its passage by the City Council and its approval by the Mayor.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF SEPTEMBER 2021.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney