



CITY OF CHESTERFIELD

Public Health & Safety Committee Meeting

February 28, 2021

5:30 PM

Conference Room 102-103

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
September 27, 2021
- IV. Street corner solicitation: The committee will review options regarding the regulation/prohibition against street corner solicitations
- V. Ord. 2198, Dangerous Animals: Chief Johnson will submit for Committee consideration a proposed revision to Ord. 2198, which will lessen restrictions for the confinement of "Dangerous Animals".
- VI. Proposed ordinance: Vehicle Prowling: The Committee will review a proposed Ordinance adding vehicle prowling (attempting to open vehicle doors for other than legitimate purposes) to the Municipal code relating to vehicle tampering.
- VII. Quarterly Update – Crime Reduction/Prevention Strategy

Chief Johnson will provide an update on the Crime Reduction/Prevention Strategy Program
- VIII. Other
- IX. Next Meeting
- X. Adjourn

MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE MEETING

SEPTEMBER 27, 2021

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- I. The meeting was called to order at 5:30 PM by Chairperson Councilmember Tom DeCampi. Councilmember DeCampi noted that this meeting is the first outdoor meeting of the Public Health & Safety Committee.

- II. Roll Call

Councilmember Tom DeCampi, Ward IV, Chairperson, Councilmember Barbara McGuinness, Ward I. Councilmember Aaron Wahl, Ward II, Councilmember Michael Moore, Ward III, and Councilmember Mary Ann Mastorokas. Also, in attendance were Chief Ray Johnson, Captain Cheryl Funkhouser, Captain Dan Dunn, Mr. Kelly Reeves, and Mr. Dave Wrobel.

- III. Deer Hunting Issues

Chief Johnson addressed the Committee members and noted that during the last meeting of the Public Health & Safety Committee, there were recommendations to amend the current bow hunting ordinance: A proposed bow hunting ordinance was recommended to the Committee

Indemnity insurance was the first item discussed. The current ordinance stated that the property owner was responsible for the one million-dollar (\$1,000,000.00) insurance required. A proposed change would allow either the property owner, the hunter, or a combination of both to provide the insurance.

The Committee addressed the current minimum limit of one-half acre property and shots limited to 20 yards. The proposed ordinance would limit the property to a minimum of one acre and allow the maximum shot distance at 40 yards. After discussion, the Committee agreed to retain the limitation of property size to one-half acre and increase the shot distance to 30 yards.

Chief Johnson noted that the City had received two anonymous complaints regarding notification of hunting on contiguous properties. This issue had been addressed at a previous Public Health & Safety Committee meeting, however, since the complaints were anonymous, there was no one to contact regarding any actions taken. At this time, Mr. Kelly Reeves of the Suburban Bow Hunters reviewed their process for the notification of contiguous neighbors. He also noted that plans for the future will include electronic notification.

Councilmember DeCampi motioned and Councilmember McGuinness seconded to amend the ordinance to include:

Prior to any hunting activity on a property, the affected neighbors must be notified in writing. The hunter must be able to show the appropriate documentation of the notification of the approximate date and time period of

the hunt. In the event hunting is authorized by subdivision trustees within subdivision common ground, the trustees shall be responsible for notifying the appropriate property owners and retaining evidence thereof. For purposes of this sub-section, contiguous shall mean any property within a 200-yard radius from the planned hunting location, and any properties immediately abutting the hunters travel route from their vehicle to the planned location.

No hunting is authorized on tracts of land under one-half acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Sections (f) and (h) herein. All other provisions of the Deer Control Policy shall apply to combined lots.

Prior to any hunting activity, the Police Department shall be provided a certificate of insurance or indemnity bond providing evidence of a policy of liability insurance and/or indemnity bond in an amount not less than \$1,000,000 per occurrence insuring or bonding the property owner and/or the designated hunter. The indemnity may be provided by the property owner, or the hunter, or the property owner and the hunter may provide shared indemnity to reach the minimum limits mandated by this subparagraph. Said liability insurance and/or indemnity bond shall provide insurance coverage and/or indemnity for all claims for damages resulting from any act of negligence of the designated hunter or by any agent, assign, employee, independent contractors, or licensee of the designated hunter.

All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line. No arrow shall be shot from a distance greater than thirty (30) yards.

The motion to adopt the proposed amended ordinance, as attached, carried 4-0. The proposed ordinance shall be forwarded to City Council with a recommendation to adopt.

V. Sweet Gum Trees

Councilmember McGuinness noted that sweet gum trees are no longer allowed to be planted in the City right-of-way. She then introduced Mr. Dave Wrobel who addressed the Committee members regarding a problem he is experiencing because a neighbor has two sweet gum trees that canopy his property. Large numbers of sweet gum balls fall into his yard each fall. Mr. Wrobel has offered to share the cost of removing the trees from his neighbor's property but the offer was refused. The past few fall seasons, Mr. Wrobel collected the sweet gum balls in his yard and then deposited them back into the neighbor's property. He was served with a "Cease & Desist" letter regarding this action. He now is requesting assistance from the City to exempt him from any prosecution from trespassing/dumping for returning the sweet gum balls to his neighbor's property. He also asked that the City possibly enact legislation to disallow the planting of sweet gum trees throughout the City.

Councilmember Wahl motioned and Councilmember McGuinness seconded to direct staff to contact the City Attorney to review the possibility of amending the City Nuisance Ordinance to add wording that would assign responsibility of debris from nuisance vegetation to the owner of that vegetation. The motion carried unanimously.

VI. Highway Traffic Enforcement

Chief Johnson noted that an unwritten policy of the City does not allow police officers to run stationary radar on the Interstate. At this time, a State grant is available for officers to do this on a limited basis. He asked the Committee to consider this action as it would fund the officers on their off-duty hours and would assist with speed enforcement on the interstate.

Councilmember Moore voiced his disagreement.

After discussion Councilmember Wahl motioned to take advantage of State Grant Funding for radar enforcement on the interstate on a limited basis. Councilmember McGuinness seconded. After further discussion, the vote on the motion was 2-2. This issue will be forwarded to City Council with no recommendation.

VII. Fireworks

The Committee discussed resident complaints regarding fireworks. Councilmember DeCampi noted that this past July 4th, it seems as though residents are discharging a large number of fireworks that are elaborate and possibly commercial grade fireworks.

Chief Johnson informed the Committee members that City Ordinance in place prohibits the discharging of fireworks but does not control possession of those fireworks. Therefore, police cannot confiscate fireworks.

Councilmember DeCampi motioned and Councilmember Wahl seconded to amend the current Ordinance to include the prohibition of Class C fireworks (including their possession) and to allow the confiscation of these items when in possession of, and readily accessible to the person. This prohibition would not include the storage of such fireworks. The motion carried unanimously 4-0 and will be forwarded to the full Council with recommendation for approval.

VIII. Quarterly Update – Crime Reduction/Prevention Strategy

As required by City Council, a Crime Reduction/Prevention Strategy Plan was implemented. Chief Johnson proceeded to report the current status of response to those strategies. He noted that all twelve of the strategies are currently in progress. He reported that custodial arrests have been enacted very successfully. He also reported that the vehicles that career shoplifters have utilized have been towed resulting in an expense to the perpetrators to retrieve. The work on each of the strategies will continue with additional quarterly updates.

No date was set for the next meeting of the Public Health & Safety Committee

Having no further business. The meeting adjourned at 7:20 PM.

BILL NO. _____

ORDINANCE NO. _____

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AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING MUNICIPAL CODE CHAPTER 605 REGULATING COMMERCIAL SOLICITATION

WHEREAS, Chapter 605 of the City's Municipal Code regulates solicitation within the City; and

WHEREAS, the City of Chesterfield (the "City") has undertaken a review of its regulations regarding solicitation due to the May 11, 2021 opinion by Judge Stephen N. Limbaugh Jr. of the United States District Court for the Eastern District of Missouri in the case of *Robert Fernandez v. St. Louis County, Missouri*, which, in part, struck down certain sections of St. Louis County's Code regarding solicitors;

WHEREAS, the City Council desires to amend the Municipal Code to reflect the changes in the state of the case law;

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

Section I: Section 605.260 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.260 Definitions.

For purposes of this Article, the following terms shall have the meanings herein ascribed:

~~REGISTERED SOLICITOR~~

~~Any person who has obtained a valid certificate of registration, as hereinafter provided and who has such certificate in his/her possession and on his/her person while engaged in soliciting.~~

RESIDENCE

Every separate living unit occupied for residential purposes by one (1) or more persons and contained within any type of building or structure.

SOLICITING SOLICITOR

~~Any one (1) or more of the following activities: seeking to obtain orders for purchase of goods, wares, merchandise, foodstuffs or services of any kind of description whatsoever; seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or seeking to obtain contributions or donations of money or any other thing of value, for the~~

~~use or benefit of any benevolent, charitable, philanthropic, patriotic or eleemosynary association, organization or not for profit corporation. A Solicitor, as used herein, is any individual, for the purpose of communicating or presenting a message, regardless of the topic discussed or the idea or message expressed:~~

- ~~(1) Traveling by foot, wagon, automobile, motor truck, or any type of conveyance from place to place, uninvited or without invitation; or~~
- ~~(2) positioned on or near street corners, public ways or places of public assembly or congregation; or~~
- ~~(3) located in or near the roadway or right-of-way of a roadway.~~

COMMERCIAL SOLICITOR

A Commercial Solicitor, as used herein, is a person who attempts to make personal contact with a resident at his/her residence or business with or without prior specific invitation or appointment for the primary purpose of selling or attempting to sell or delivering a previously sold good or service for profit. This contact would result in an agreement or order for which payment would occur at the time of the visit or arrangements for payment at a later date. The good or service could be delivered at a later date. A "commercial solicitor" does not include a person who distributes handbills or flyers for a commercial purpose advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or business, such a person is a Solicitor.

Section II: Section 605.270 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.270 Certificate of Registration Required

It shall be unlawful for any Commercial Solicitor ~~person, firm or corporation not designated as a 501(c)(3) organization~~ to go in or upon any private residence in the City for the purpose of soliciting from the occupants without having first applied for and received a certificate of registration as hereinafter provided. ~~Members of an approved 26 U.S.C. § 501(c)(3) [hereinafter "501(c)(3)"] organization desiring to solicit may do so without obtaining certificates of registration and 501(c)(3) organizations are exempt from Sections 605.270 through 605.310 of this Article.~~

Section III: Section 605.280 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.280 Application.

A. The applicant shall truthfully state in full the information requested on

the application, which shall include at least the following:

1. Name and address of present place of residence and length of residence at such address; also business address if other than residence address and Social Security number.
2. Physical description of applicant.
3. Name and address of person, firm, corporation or association whom the applicant is employed by or represents and length of time of such employment or representation.
4. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.
5. Period of time for which the certificate is applied for.
6. Date, or approximate date, of latest previous application for a certificate of registration under this Article, if any.
7. Whether a certificate of registration issued to the applicant under this Article has ever been revoked.
8. Whether the applicant has ever been convicted of a violation or any of the provisions of this Article or any ordinance of any other municipality regulating soliciting.
9. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Missouri or any other State or the Federal law of the United States.
10. Such additional information as the Chief of Police may deem necessary to process the application. All statements made by the applicant upon the application or in connection therewith shall be under oath.
11. An indemnity agreement provided by the City of Chesterfield in which the applicant agrees to hold harmless the City of Chesterfield from any and all liability arising out of the solicitation in the City of Chesterfield;

All statement made by the applicant upon the application or in connection therewith shall be under oath.

B. Each applicant shall pay an application fee as set by the City Council.

C. The City Administrator shall cause to be kept an accurate record of every

application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this Article and of the denial of applications.

D. ~~No certificate of registration shall be issued to any person who~~ Every permit shall be granted unless the solicitor has been convicted of the commission of a felony under the laws of the State of Missouri or any other State or the Federal law of the United States within five (5) years of the date of the application; ~~nor to any person who~~ has been convicted of a violation or any of the provisions of this Article; ~~nor to any person or~~ whose certificate of registration issued hereunder had previously been revoked, as herein provided.

E. ~~No certificate of registration shall be issued to an applicant until~~ If applicable, an applicant should:

1. ~~He/she~~ demonstrates that he/she or his/her employer has a valid retail sales license issued by the State Director of Revenue as required by Section 144.083, RSMo; ~~or~~
2. ~~He/she demonstrates that the organization for which he/she wishes to solicit has as its primary purpose the influence of public policy.~~

Section IV: Section 605.300 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted stricken:

Section 605.300 Duration – Renewal – Maximum Number.

A certificate of registration shall be issued for a specific period of time not to exceed four (4) months ~~twenty eight (28) calendar days~~. No more than one certificate of registration will be issued in a given calendar year. ~~Renewal of certificates shall require an additional application fee. A maximum of four (4) three (3) certificates per year shall be issued to any person, firm or organization.~~

Section V: Section 605.310 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.310 Exhibition Of Certificate.

A certificate of registration issued pursuant to this Article shall be carried at all times by the ~~solicitor~~ Commercial Solicitor to whom issued when soliciting or canvassing in the City and shall be exhibited by such Commercial Ssolicitor

whenever he/she shall be requested to do so by any officer of the City or by any person being solicited.

Section VI: Section 605.320 of the City of Chesterfield Municipal Code shall be repealed and replaced with the following:

Section 605.320 Duty to Observe Notice.

- A. Any individual, business, or organization may place a sign which substantially states "NO TRESPASSING OR SOLICITING ALLOWED" on or directly adjacent to any entrance to the individual, business, or organization's residence, place of work, or other non-public or semi-public place.
- B. It shall be the duty of every Commercial Solicitor and Solicitor upon going onto a premises in the City to first examine any notice which substantially states "NO TRESPASSING OR SOLICITING ALLOWED" which may have been placed on such premises.
- C. A violation of this Section may be prosecuted as a trespass in the first degree or second degree under Section 210.1060 or Section 210.1070, respectively.

Section VII: Section 605.330 of the City of Chesterfield Municipal Code shall be deleted.

Section VIII: Section 605.340 of the City of Chesterfield Municipal Code shall be deleted.

Section IX: Section 605.350 of the City of Chesterfield Municipal Code shall be repealed and replaced as follows:

Section 605.350. Sale Of Goods Or Services Prohibited In Public Rights-Of-Way

- A. Definitions. For purposes of this section only, the following terms shall be defined, as follows:
 - 1. Roadway shall mean the portion of a street or highway improved, designed, or ordinarily used for vehicular travel and extending from one (1) curb or edge of pavement to the opposite curb or edge of pavement, including lanes commonly used for parking and including center medians and lane dividers.

2. Sidewalk shall mean that portion of a public right-of-way between the curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for use by pedestrians.

B. No person shall stand in or enter upon a roadway for the purpose of soliciting, except from the occupants of parked motor vehicles located in the roadway adjacent to a sidewalk if the solicitor is on a sidewalk.

Section X: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

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

Passed and approved this ____ day of _____, 2021.

Presiding Officer

Bob Nation, Mayor

ATTEST:

Vickie McGownd, City Clerk

FIRST READING HELD:

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- ~~(1) Traveling by foot, wagon, automobile, motor truck, or any type of conveyance from place to place, uninvited or without invitation; or~~
- ~~(2) positioned on or near street corners, public ways or places of public assembly or congregation; or~~
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3. Name and address of person, firm, corporation or association whom the applicant is employed by or represents and length of time of such employment or representation.
4. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.
5. Period of time for which the certificate is applied for.
6. Date, or approximate date, of latest previous application for a certificate of registration under this Article, if any.
7. Whether a certificate of registration issued to the applicant under this Article has ever been revoked.
8. Whether the applicant has ever been convicted of a violation or any of the provisions of this Article or any ordinance of any other municipality regulating soliciting.
9. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Missouri or any other State or the Federal law of the United States.
10. Such additional information as the Chief of Police may deem necessary to process the application. All statements made by the applicant upon the application or in connection therewith shall be under oath.
11. An indemnity agreement provided by the City of Chesterfield in which the applicant agrees to hold harmless the City of Chesterfield from any and all liability arising out of the solicitation in the City of Chesterfield;

All statement made by the applicant upon the application or in connection therewith shall be under oath.

B. Each applicant shall pay an application fee as set by the City Council.

C. The City Administrator shall cause to be kept an accurate record of every

application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this Article and of the denial of applications.

D. ~~No certificate of registration shall be issued to any person who~~ Every permit shall be granted unless the solicitor has been convicted of the commission of a felony under the laws of the State of Missouri or any other State or the Federal law of the United States within five (5) years of the date of the application; ~~nor to any person who~~ has been convicted of a violation or any of the provisions of this Article; ~~nor to any person or~~ whose certificate of registration issued hereunder had previously been revoked, as herein provided.

E. ~~No certificate of registration shall be issued to an applicant until~~ If applicable, an applicant should:

1. ~~He/she~~ demonstrates that he/she or his/her employer has a valid retail sales license issued by the State Director of Revenue as required by Section 144.083, RSMo; ~~or~~

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whenever he/she shall be requested to do so by any officer of the City or by any person being solicited.

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- B. It shall be the duty of every Commercial Solicitor and Solicitor upon going onto a premises in the City to first examine any notice which substantially states "NO TRESPASSING OR SOLICITING ALLOWED" which may have been placed on such premises.
- C. A violation of this Section may be prosecuted as a trespass in the first degree or second degree under Section 210.1060 or Section 210.1070, respectively.

Section VII: Section 605.330 of the City of Chesterfield Municipal Code shall be deleted.

Section VIII: Section 605.340 of the City of Chesterfield Municipal Code shall be deleted.

Section IX: Section 605.350 of the City of Chesterfield Municipal Code shall be repealed and replaced as follows:

Section 605.350. Sale Of Goods Or Services Prohibited In Public Rights-Of-Way

- A. Commercial Solicitors shall be prohibited from soliciting from the occupant of any vehicle while standing on or in proximity to a street or highway.
- B. Solicitors may solicit from the occupant of any vehicle while standing on or in proximity to a street or highway provided the following conditions are met:
 - 1) Such solicitation occurs only at an intersection which is controlled by an electric signal; and,

- 2) All Solicitors must be eighteen (18) years of age or older; and,
- 3) Solicitors must remain on or directly adjacent to the concrete median or sidewalk at all times during solicitation.

Section X: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

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

Passed and approved this ____ day of _____, 2021.

Presiding Officer

Bob Nation, Mayor

ATTEST:

Vickie McGownd, City Clerk

FIRST READING HELD:

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 2198 2005) AS AMENDED BY ORDINANCE 2728 OF THE MUNICIPAL CODE OF THE CITY OF CHESTERFIELD PERTAINING TO DANGEROUS ANIMALS AND OWNER REQUIREMENTS REGARDING THE CONFINEMENT THEREOF.

WHEREAS, The City of Chesterfield currently has in place an ordinance providing for the classification of an animal as a dangerous animal based on certain circumstances and actions of the animal; and,

WHEREAS, The classification of an animal as a Dangerous Animal imposes certain responsibilities of the owner, including the proper confinement of the Dangerous Animal; and,

WHEREAS, The City of Chesterfield desires to modify those requirements regarding confinement of a Dangerous Animal;

Now, therefore be it ordained by the City Council of the City of Chesterfield, Missouri as follows:

Section 205.300. Classification [CC 1990 § 5-52; Ord. No 2198 § 1 (1), 9-19-2005]

- A. The Chief of Police or his/her designated representative shall classify any animal with the following characteristics as a dangerous animal for purposes of this Article:
1. Any animal that has inflicted a severe or fatal injury on a human on public or private property. The term "severe injury" means any physical injury resulting directly from an animal's bite or attack, which results in broken bones or lacerations requiring stitches or hospitalization. The victim receiving severe injuries as defined above must provide the Police Chief with a signed physician's statement documenting the injury and the treatment qualifying such as a severe injury or sign an authorization for the release of statement.
 2. Any animal which has attacked or bitten a human being or domestic animal without provocation, on public or private property other than the property of the owner.
 3. Any animal which while on the owner's property, has attacked or bitten, without provocation, a human being other than the owner or a member

of the owner's family who normally resides at the place where the animal is kept or domestic animal.

4. Any animal that while off the owner's property, has killed a domestic animal, livestock or poultry without provocation.
5. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
6. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or public grounds or private property, other than that property of the owner in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by said animal.
7. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals.

Section 205.310. Notice. [CC 1990 § 5-53; Ord. No. 2198 § 1(2), 9-19-2005]

Within five (5) working days after classifying an animal as a dangerous animal, the Chief of Police or his/her designated representative shall notify the animal's owner of such classification in writing. The notice shall identify the requirements and conditions for maintaining a dangerous animal as set forth in this Section and Section 205.350. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted at the owner's last known address.

Section 205.320. Appeal and Hearing. [CC 1990 § 5-54; Ord. No. 2198 § 1(3), 9-19-2005]

- A. If the circumstances surrounding the classification as a dangerous animal under any of the definitions listed in Section 205.300 of the Article are in dispute or if the animal owner contests the classification, then the owner has the option of submitting, within five (5) working days of notice of said classification, a written request to the Chief of Police for a hearing to contest the dangerous animal classification.
 1. The City Administrator shall within ten (10) working days after receipt of a bona fide written request, designate a hearing officer to conduct the hearing and render a decision.
 2. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.

3. The hearing officer shall determine whether to declare the animal to be a dangerous animal based upon evidence and testimony presented at the time of the hearing, in addition to witnesses, animal control personnel, police or any other person possessing information pertinent to such determination. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.
4. The hearing officer shall issue a decision after the close of the hearing and notify the owner in writing of the decision. The owner or possessor of the animal found to be a dangerous animal shall be required to maintain the animal as herein provided in this Code.
5. Any person aggrieved by the determination of the hearing officer may appeal the decision to the Circuit Court of St. Louis County pursuant to the provisions of the Chapter 536, RSMo.; provided, however, that any appeal must be filed with the Circuit Court within five (5) days of the date of the hearing officer's decision.

Section 205.330. Exemptions To Dangerous Animal Classification. [CC 1990 § 5-55; Ord. No. 2198 § 1(4), 9-19-2005]

- A. The Chief of Police may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. Extenuating circumstance may include, but are not limited to, if the threat, injury or damage was sustained by a person who, at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing or assaulting the animal or has in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime. However, the owner, being responsible for said animal, shall be warned of the animal's tendencies and shall take appropriate action to prevent subsequent incidences. A determination that the animal is not dangerous does not exempt the owner from being cited for other animal control ordinance violations.
- B. Animals owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt.
- C. Determinations that an animal is not dangerous are not binding and upon further information or future incidents the Chief of Police may revise his/her previous decision and declare animal dangerous.

Section 205.340. Actions To Be Taken For Dangerous Animals Causing Severe Or Fatal Injuries. [CC 1990 § 5-56; Ord. No. 2198 § 1(5), 9-19-2005]

An animal responsible for an unprovoked severe or fatal attack shall be maintained as a dangerous animal pursuant to other provisions of this Chapter.

Section 205.350. Owners' Responsibilities. [CC 1990 § 5-57; Ord. No. 2198 § 2, 9-19-2005]

- A. Owners or keepers of an animal that has been declared a dangerous animal may maintain the dangerous animal only subject to the following limitations, requirements and conditions:
1. Registration: immediately upon the acquisition of a dangerous animal thereafter, every owner or keeper of a dangerous animal in the City shall register said animal with the Chief of Police of the City on the dangerous animal registry. Failure to so register shall constitute a violation of this Section.
 2. Rabies Quarantine Impoundment: Any dangerous animal which bites or scratches a human or any animal which is determined to be dangerous because of such biting or scratching of a human shall be impounded for a ten-day rabies quarantine in accordance with the other provisions of these ordinances.
 3. Any dangerous animal shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the animal can readily be identified as a dangerous animal.
 4. Loose, Unconfined Or Missing Dangerous Animal: The owner or keeper shall notify the Police Department immediately if a dangerous animal is loose, unconfined or missing, has attacked another animal or has attacked a human being.
 5. Reporting Requirements. The owner or keeper shall notify the Police Department within twenty-four (24) hours of the following events:
 - a. Death or Transfer Of Ownership. If a dangerous animal has been sold, given away or otherwise transferred in ownership or possession, the owner or keeper shall provide the Police Department with the name, address and telephone number of the new owner or keeper and, if the animal is kept within the City limits of Chesterfield, the new owner or keeper must comply with the requirements of this Chapter. If a dangerous animal has died, the owner shall notify the Police Department of that fact so the animal can be removed from the dangerous animal registry.
 - b. (Reserved)

- c. New Address: Should the owner or keeper move from one address within the corporate City limits to another address within the corporate City limits, the owner or keeper shall provide notice of the new address where the dangerous animal is being kept.

6. Confinement.

- a. All dangerous animals must be securely confined indoors or in a securely enclosed and locked pen, kennel, fenced enclosure or other structure, except when leashed and muzzled as provided herein. The pen, kennel or other structure must be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, kennel, fenced enclosure or other structure must have minimum dimensions of five (5) feet by ten (10) feet.
- b. All structures erected to house dangerous animals must comply with all zoning and building regulations of the City.
- c. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure

7. Signs: The owner or keeper shall display a sign on his/her premises that there is a dangerous animal on the property and which bears a symbol warning children of the presence of a dangerous animal. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.

8. Leash and Muzzle: A dangerous animal be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.

9. Compliance, Violations and Penalties.

- a. It shall be unlawful for the owner or keeper of a dangerous animal within the City of Chesterfield to fail to comply with the requirements and conditions set forth in this Section. Any animal found to be in violation of Sections 205.300 through 205.340 or this Section may be, in addition to other penalties provided by the Municipal Code, subject to immediate seizure and impoundment for a minimum of ten (10)

days or the time necessary for the owner or keeper to show compliance with this Section, whichever is shorter.

- b. In addition to any penalty as set out in this Code, the court shall order the registration of the subject dangerous animal revoked and the animal removed from the City. Should the defendant refuse to remove the animal from the City, the Municipal Court Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food, handling, veterinary care and testimony, necessitated by the enforcement of this Section.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Ordinance 2198 as amended by Ordinance 2728 is hereby repealed and replaced in its entirety.

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

Passed and approved this _____ day of _____, 2022.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie McGownd, CITY CLERK

FIRST READING HELD:

Deletions Highlighted

City of Chesterfield, MO
Tuesday, February 8, 2022

Chapter 205. Animals and Fowl

Article IV. Dangerous Animals

Section 205.300. Classification.

[CC 1990 § 5-52; Ord. No. 2198 § 1 (1), 9-19-2005]

A. The Chief of Police or his/her designated representative shall classify any animal with the following characteristics as a dangerous animal for purposes of this Article:

1. Any animal that has inflicted a severe or fatal injury on a human on public or private property. The term "severe injury" means any physical injury resulting directly from an animal's bite or attack, which results in broken bones or lacerations requiring stitches or hospitalization. The victim receiving severe injuries as defined above must provide the Police Chief with a signed physician's statement documenting the injury and the treatment qualifying such as a severe injury or sign an authorization for the release of such statement.
2. Any animal which has attacked or bitten a human being or domestic animal, without provocation, on public or private property other than the property of the owner.
3. Any animal which, while on the owner's property, has attacked or bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept or domestic animal.
4. Any animal that, while off the owner's property, has killed a domestic animal, livestock or poultry without provocation.
5. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
6. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds or private property, other than that property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by said animal.
7. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals.^[1]

[1] *Editor's Note: Original CC 1990 § 5-52(8), which listed certain dog breeds as presumed dangerous animals, and which immediately followed this Subsection, was repealed 12-3-2012 by Ord. No. 2728, effective 1-7-2013.*

Section 205.310. Notice.

[CC 1990 § 5-53; Ord. No. 2198 § 1(2), 9-19-2005]

Within five (5) working days after classifying an animal as a dangerous animal, the Chief of Police or his/her designated representative shall notify the animal's owner of such classification in writing. The notice shall identify the requirements and conditions for maintaining a dangerous animal as set forth in

this Section and Section **205.350**. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted at the owner's last known address.

Section 205.320. Appeal And Hearing.

[CC 1990 § 5-54; Ord. No. 2198 § 1(3), 9-19-2005]

- A. If the circumstances surrounding the classification as a dangerous animal under any of the definitions listed in Section **205.300** of the Article are in dispute or if the animal owner contests the classification, then the owner has the option of submitting, within five (5) working days of notice of said classification, a written request to the Chief of Police for a hearing to contest the dangerous animal classification.
1. The City Administrator shall, within ten (10) working days after receipt of a bona fide written request, designate a hearing officer to conduct the hearing and render a decision.
 2. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
 3. The hearing officer shall determine whether to declare the animal to be a dangerous animal based upon evidence and testimony presented at the time of the hearing, in addition to witnesses, animal control personnel, police or any other person possessing information pertinent to such determination. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.
 4. The hearing officer shall issue a decision after the close of the hearing and notify the owner in writing of the decision. The owner or possessor of the animal found to be a dangerous animal shall be required to maintain the animal as herein provided in this Code.
 5. Any person aggrieved by the determination of the hearing officer may appeal the decision to the Circuit Court of St. Louis County pursuant to the provisions of Chapter 536, RSMo.; provided, however, that any appeal must be filed with the Circuit Court within five (5) days of the date of the hearing officer's decision.

Section 205.330. Exemptions To Dangerous Animal Classification.

[CC 1990 § 5-55; Ord. No. 2198 § 1(4), 9-19-2005]

- A. The Chief of Police may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. Extenuating circumstance include, but are not limited to, if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime. However, the owner, being responsible for said animal, shall be warned of the animal's tendencies and shall take appropriate action to prevent subsequent incidences. A determination that the animal is not dangerous does not exempt the owner from being cited for other animal control ordinance violations.
- B. Animals owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt.
- C. Determinations that an animal is not dangerous are not binding and upon further information or future incidents the Chief of Police may revise his/her previous decision and declare an animal

dangerous.

Section 205.340. Actions To Be Taken For Dangerous Animals Causing Severe Or Fatal Injuries.

[CC 1990 § 5-56; Ord. No. 2198 § 1(5), 9-19-2005]

- A. An animal responsible for an unprovoked severe or fatal attack shall be humanely destroyed.
- B. An animal responsible for a provoked severe or fatal attack should be maintained as a dangerous animal pursuant to other provisions of this Chapter.

Section 205.350. Owners' Responsibilities.

[CC 1990 § 5-57; Ord. No. 2198 § 2, 9-19-2005]

- A. From and after July 13, 2005, owners or keepers of an animal that has been declared a dangerous animal may maintain the dangerous animal only subject to the following limitations, requirements and conditions:
 - 1. Registration. Not later than August 1, 2005 or immediately upon the acquisition of a dangerous animal thereafter, every owner or keeper of a dangerous animal in the City shall register said animal with the Chief of Police of the City on the dangerous animal registry. Failure to so register shall constitute a violation of this Section. Notice of this requirement shall be given by posting a copy of this Section in City Hall.
 - 2. Rabies Quarantine Impoundment. Any dangerous animal which bites or scratches a human or any animal which is determined to be dangerous because of such biting or scratching of a human shall be impounded for a ten-day rabies quarantine in accordance with the other provisions of these ordinances.
 - 3. Any dangerous animal shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the animal can readily be identified as a dangerous animal.
 - 4. Loose, Unconfined Or Missing Dangerous Animal. The owner or keeper shall notify the Police Department immediately if a dangerous animal is loose, unconfined or missing, has attacked another animal or has attacked a human being.
 - 5. Reporting Requirements. The owner or keeper shall notify the Police Department within twenty-four (24) hours of the following events:
 - a. Death Or Transfer Of Ownership. If a dangerous animal has been sold, given away or otherwise transferred in ownership or possession, the owner or keeper shall provide the Police Department with the name, address and telephone number of the new owner or keeper and, if the animal is kept within the City limits of Chesterfield, the new owner or keeper must comply with the requirements of this Chapter. If a dangerous animal has died, the owner shall notify the Police Department of that fact so the animal can be removed from the dangerous animal registry.
 - b. (Reserved)^[1]
 - [1] Editor's Note: Original CC 1990 § 12-57(5)(b), regarding requirements for the offspring born of dangerous animals, was repealed 12-3-2012 by Ord. No. 2728, effective 1-7-2013.
 - c. New Address. Should the owner or keeper move from one address within the corporate City limits to another address within the corporate City limits, the owner or keeper shall

provide notice of the new address where the dangerous animal is being kept.

6. Confinement.

- a. All dangerous animals must be securely confined indoors or in a securely enclosed and locked pen, kennel or other structure, except when leashed and muzzled as provided herein. The pen, kennel or other structure must be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, kennel or other structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and secure top attached to all sides. The pen, kennel or other structure must be locked with a key or combination lock when dangerous animals are confined within. The pen, kennel or other structure must have a secured bottom or floor attached to all sides; however, if it has no bottom secured to the sides, the sides must be embedded in the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the animal.
- b. The enclosure, when occupied by a dangerous animal, shall not be occupied by any other animal. If the dangerous animal is a female with offspring under three (3) months of age, the offspring may occupy the same enclosure as the mother.
- c. All structures erected to house dangerous animals must comply with all zoning and building regulations of the City. All such structures must be adequately lifted and ventilated and kept in a clean and sanitary condition.
- d. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

7. Signs. The owner or keeper shall display a sign on his/her premises that there is a dangerous animal on the property and which bears a symbol warning children of the presence of a dangerous animal. This sign shall be visible and capable of being read from the roadway from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.

8. Leash And Muzzle. A dangerous animal may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.

9. Insurance. The owner or keeper of a dangerous animal shall present to the Police Department proof that the owner or keeper has procured liability insurance in a single incident amount of at least two hundred thousand dollars (\$200,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal covering the twelve-month period during which licensing is sought. An effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner or keeper at all times. This policy shall contain a provision requiring the City of Chesterfield receive ten (10) days' written notice by the insurance company prior to any cancellation, termination or expiration of the policy.

10. Photographs. All owners or keepers of dangerous animals must, within ten (10) days of such classification, provide the Police Department with two (2) color photographs [one 1 showing the left profile and the other showing the right profile] of the animal, clearly showing the color, distinguishing markings and approximate size of the animal.

11. Compliance, Violations And Penalties.

- a. It shall be unlawful for the owner or keeper of a dangerous animal within the City of Chesterfield to fail to comply with requirements and conditions set forth in this Section.

Any animal found to be in violation of Sections **205.300** through **205.340** or this Section may be, in addition to other penalties provided by the Municipal Code, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Section, whichever is shorter.

- b. In addition to any penalty as set out in this Code, the court shall order the registration of the subject dangerous animal revoked and the animal removed from the City. Should the defendant refuse to remove the animal from the City, the Municipal Court Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food, handling, veterinary care and testimony, necessitated by the enforcement of this Section.

Section 205.360. through Section 205.400. (Reserved)

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO VEHICLE TAMPERING.

WHEREAS, it is deemed necessary to amend the Municipal Code to enact certain motor vehicle tampering provisions;

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

Section 1: Article VII (Offenses involving vehicle tampering) Chapter 210 of the City of Chesterfield Code of Ordinances, inclusive, is hereby amended by adding a new section to be known as Vehicle Prowling, which shall read as follows: Vehicle Prowling.

Vehicle Prowling

1. No person shall test or pull any doors of successive vehicles or open or attempt to open the trunk of successive vehicles, that the person does not own or lease without the owner's or lessee's permission and which serves no legitimate or lawful purpose and which would lead a reasonable person to believe said conduct was in furtherance of a crime. For purposes of this ordinance, "successive" shall mean more than one vehicle.
2. No person shall enter a vehicle that person does not own or lease without the owner's or lessee's permission and which serves no legitimate or lawful purpose. For purposes of this ordinance, "enter" shall mean being present in or accessing a vehicle in a way that would lead a reasonable person to believe said conduct was in furtherance of a crime.
3. This section shall not apply to any law enforcement officer, public safety officer or other public employee who preforms the acts described herein while in the performance of official duties.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2022.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie McGownd, CITY CLERK

FIRST READING HELD: